



AGENDA

BOARD GOVERNANCE COMMITTEE OF THE BOARD OF TRUSTEES

Committee Member

Trustee Zeph Capo, Chair

Trustee Robert Glaser

Trustee Eva Loreda

Alternate Member

Dr. John P. Hansen

April 14, 2016

1:00 PM

**HCC Administration Building
3100 Main, 2nd Floor Auditorium
Houston, Texas**

**NOTICE OF A MEETING OF THE
Board Governance Committee
OF THE BOARD OF TRUSTEES**

HOUSTON COMMUNITY COLLEGE

April 14, 2016

Notice is hereby given that a Meeting of the Board Governance Committee of the Board of Trustees of Houston Community College will be held on Thursday, April 14, 2016 at 1:00 PM, or after, and from day to day as required, at the HCC Administration Building, 3100 Main, 2nd Floor Auditorium, Houston, Texas 77002. The items listed in this Notice may be considered in any order at the discretion of the Committee Chair and items listed for closed session discussion may be discussed in open session and vice versa as permitted bylaw. Actions taken at this Meeting do not constitute final Board action and are only Committee recommendations to be considered by the Board at the next Regular Board meeting.

I. Call to Order

II. Topics For Discussion and/or Action:

- A. Report on Proposed Revisions to TASB Policies: Section D Personnel
- B. Proposed Revisions to Board Bylaws

III. Adjournment to closed or executive session pursuant to Texas Government Code Sections 551.071; 551.072 and 551.074, the Open Meetings Act, for the following purposes:

A. Legal Matters

Consultation with legal counsel concerning pending or contemplated litigation, a settlement offer, or matters on which the attorney's duty to the System under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Texas Open Meetings Laws.

B. Personnel Matters

Deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer, employee or board member to hear complaints or changes against an officer, employee or board member unless the officer, employee or board member who is the subject of the deliberation or hearing requests a public hearing.

C. Real Estate Matters

Deliberate the purchase, exchange, lease, or value of real property for Agenda items if deliberation in an open meeting would have a detrimental effect on the position of the System in negotiations with a third person.

IV. Additional Closed or Executive Session Authority:

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive meeting or session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this Notice or as soon after the commencement of

the meeting covered by the Notice as the Board may conveniently meet in such closed or executive meeting or session concerning:

Section 551.071 - For the purpose of a private consultation with the Board's attorney about pending or contemplated litigation, a settlement offer, or matters on which the attorney's duty to the System under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Texas Open Meetings Laws.

Section 551.072 - For the purpose of discussing the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.073 - For the purpose of considering a negotiated contract for a prospective gift or donation to the System if deliberation in an open meeting would have a detrimental effect on the position of the System in negotiations with a third person.

Section 551.074 - For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer, employee or board member to hear complaints or charges against a public officer, employee or board member, unless the officer, employee or board member who is the subject of the deliberation or hearing requests a public hearing.

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

Section 551.082 - For the purpose of considering discipline of a student or to hear a complaint by an employee against another employee if the complaint or charge directly results in a need for a hearing, unless an open hearing is requested in writing by a parent or guardian of the student or by the employee against whom the complaint is brought.

Section 551.084 - For the purpose of excluding a witness or witnesses in an investigation from a hearing during examination of another witness in the investigation. Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed or executive meeting or session, then such final action, final decision, or final vote shall be at either:

A. The open meeting covered by this Notice upon the reconvening of the public meeting, or

B. At a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.

V. Reconvene in Open Meeting

VI. Adjournment

CERTIFICATE OF POSTING OR GIVING NOTICE

On this **11th day of April 2016**, this Notice was posted at a place convenient to the public and readily accessible at all times to the general public at the following locations: (1) the HCC Administration Building of the Houston Community College, 3100 Main, First Floor, Houston, Texas 77002 and (2) the Houston Community College's website: www.hccs.edu.

Posted By:

Sharon R. Wright
Director, Board Services

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Sharon R. Wright
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REPORT ITEM

Meeting Date: April 14, 2016

Board Governance Committee

ITEM #	ITEM TITLE	PRESENTER
A.	Report on Proposed Revisions to TASB Policies: Section D Personnel	Dr. Cesar Maldonado E. Ashley Smith Jarvis Hollingsworth

DISCUSSION

The HCC Board of Trustees must regularly review and update its policies to ensure they conform and comply with applicable law, best practices, and the Board's vision, mission, values, and goals. Additionally, Board policies establish clear and written guidelines for the administration to follow when carrying out operations.

HCC Board and General Counsel are presenting proposed revisions to the TASB Policies Section D: Personnel for the Board's review, and find the proposed policies (which include current HCC policies) are appropriate and necessary to ensure that HCC's policies are current and compliant with the law and best practices. Upon Board review Section D TASB policies, the HCC Compliance Officer and Board Counsel will work with TASB to complete the localization and codification of policies for the district. The HCC Compliance Officer will collaborate with policy stakeholders to incorporate policy changes.

DESCRIPTION OR BACKGROUND

In support of HCC's objectives to define a system-wide compliance plan, the Chancellor and Compliance Officer reported to the Board in April 2015, plans to redevelop board policies and supporting procedures in order to implement a centralized compliance program.

The proposed TASB Local Policy Manual, when completed and finalized by Spring 2016, will not only align with the college's transformation goals to increase accountability at all levels of the organization, but also meet the college's commitment to a compliance program to further promote operational efficiency. Specifically, the policy framework will: 1) clearly define board intent or requirements in accordance with the law, 2) reduce potential legal risk by mandating consistent practices across the district, 3) be easily accessible and searchable online via TASB Policy Online, 4) allow for training and enforcement mechanisms; 5) and routinely be updated in response to changes in the law.

STRATEGIC ALIGNMENT

2. ORGANIZATIONAL STEWARDSHIP

B. Improve and streamline business transactions and process

3. PERFORMANCE EXCELLENCE

A. Focus on one HCC and consistency of quality experience across the campuses, departments and facilities, B. Foster an environment within the institution as a compelling place to work and learn

ATTACHMENTS:

Description	Upload Date	Type
TASB Description	4/7/2016	Cover Memo
TASB Policies Section D - Personnel	4/7/2016	Attachment

This item is applicable to the following: District

The following documents represent TASB local policies for Section D: Personnel. The documents do not include any related TASB Legal policies. Further, all TASB model policies are identified with a grey watermark; the black text represents TASB's model policy language. The colored text within the TASB model policies represents additions or revisions inserted by Board Counsel or Compliance/General Counsel to be consistent with current HCC policy and/or practices. If there is no watermark on the document, it is a current HCC policy that has been converted to the TASB format.

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LOCAL)

EQUAL EMPLOYMENT
OPPORTUNITIES

The College District Board of Trustees is committed to ensuring that its employment standards, procedures and practices are applied in a manner that provides equal opportunities without regard to race, color, religion, sex, gender identity and gender expression, national origin, age, disability, sexual orientation, or veteran status.

The Board values its employees and their contributions, promotes opportunities for their professional growth and development, and provides a positive working and learning environment that encourages diversity, innovation and creativity, and inclusion.

Comment [v1]: HCC C.2

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

COMMUNICABLE
DISEASES

The College District Board of Trustees supports and requires an environment that does not discriminate in employment against any employee solely on the grounds that the employee has a communicable disease. Members of the faculty, administration, or staff shall not be denied access to College District facilities or campus activities solely on the grounds that they have a communicable disease. The College District reserves the right to exclude or restrict a person with a communicable disease from its facilities, programs, and functions, or take appropriate employment action, if the College District makes a medically based determination that the person constitutes a direct threat to the health or safety of others, or if by reason of the communicable disease or infection, the person is unable to perform the duties of the job.

Comment [v1]: HCC C.13

EXAMINATIONS
DURING
EMPLOYMENT

The {Chancellor} or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or
2. Poses a direct threat to the health or safety of the employee or others. A communicable or other infectious disease may constitute a direct threat.

The College District may designate the physician to perform the examination. If the College District designates the physician, the College District shall pay the cost of the examination. The College District may place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

Based on the results of the examination, the {Chancellor} or designee shall determine whether the employee has an impairment. If so, the {Chancellor} or designee shall determine whether the impairment interferes with the employee's ability to perform essential job functions or poses a direct threat. If not, the employee shall be returned to his or her job position.

If the impairment does interfere with the employee's ability to perform essential job functions or poses a direct threat, the {Chancellor} or designee shall determine whether the employee has a disability and, if so, whether the disability requires reasonable accommodation, including the use of available leave. The granting of additional unpaid leave may be a reasonable accommodation in some circumstances. If the employee does not have a disability,

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

| the [Chancellor] or designee shall evaluate the employee's eligibility for leave. [See DEC(LOCAL)]

[See DAA for information on disabilities and reasonable accommodation]

OTHER
REQUIREMENTS

Employees with communicable diseases shall follow recommendations of public health officials regarding contact with students and other employees. Food service workers shall comply with health requirements established by city, county, and state health authorities. [See DBA]

TASB MODEL POLICY

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LOCAL)

DISCLOSURE
GENERAL STANDARD

An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation, including additional employment, or relationship that in any way creates a ~~potential~~-substantial conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the College District. Employees who believe they may have a conflict of interest shall also disclose that interest to Human Resources, who shall take any action necessary to ensure the College District's best interests are protected.

Comment [v1]: HCC C.4.2

SPECIFIC
DISCLOSURES
SUBSTANTIAL
INTEREST

~~The [Chancellor]Senior Staff~~ shall file an affidavit with the Board ~~Services ChairpersonPresident~~, disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Senior Staff employee [Chancellor] or any of his or her relatives in the first degree may have; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.-

Senior Staff is defined in BBFB (Local).

~~Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest as defined by Local Government Code 171.002 shall file an affidavit with the [Chancellor]; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.~~

INTEREST IN
PROPERTY

~~The [Chancellor]Senior Staff~~ shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.

CONFLICTS
DISCLOSURE
STATEMENT

Conflict Disclosure Statements shall be filed as promulgated by the Texas Ethics Commission, as specified by Local Government Code 176.003-004, and as prescribed by policy BBFA. The [Chancellor], as required by law, and the [insert title of any other administrator that must file conflicts disclosure statement], as required by the Board, shall file conflicts disclosure statements as promulgated by the Texas Ethics Commission and as specified by Local Government Code 176.003-.004. [See BBFA]

GIFTS

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CDE]

ENDORSEMENTS

An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the employee during nonschool hours, unless the prod-

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LOCAL)

uct, material, or service is recommended, endorsed, or required for a course the employee teaches and is reasonably related to the subject matter of the course and the course syllabus.

No employee shall require students to purchase a specific brand of supplies if other brands are equal and suitable for the intended instructional purpose.

SALES

An employee shall not use his or her position with the College District to attempt to sell products or services, unless the products or services are recommended, endorsed, or required for a course the employee teaches and are reasonably related to the subject matter of the course and the course syllabus.

TASB MODEL POLICY

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LOCAL)

NEPOTISM STANDARD

The College District shall not employ an individual who is related to a member of the College District Board of Trustees by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree, except as permitted by the state nepotism laws, Chapter 573, Texas Government Code.

An applicant, whether internal or external, shall not be hired by the College District in any full-time, part-time, or temporary position when the applicant would directly or indirectly be supervised by, or be supervisory to, a current college employee who is related to the applicant within the third degree of consanguinity or second degree of affinity as defined by the state nepotism statutes.

Comment [v1]: HCC C.4.1

ADOPTED:

1 of 1

DBE(LOCAL)

EMPLOYMENT PRACTICES

DC
(LOCAL)

HIRING PRACTICES | The College District Board of Trustees does not support preferential treatment in any employment practice and hiring policies and practices must be administered fairly and equitably.

Comment [v1]: HCC C.3

POSTING VACANCIES | The {Chancellor} or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current College District employees may apply for any vacancy for which they have appropriate qualifications.

APPLICATIONS | All applicants shall complete the application form supplied by the College District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.

EMPLOYMENT OF CONTRACTUAL PERSONNEL | The Board may establish separate procedures and criteria for hiring the Chancellor. Faculty and qualifying senior-level administrative staff shall be employed pursuant to written employment/contractual agreements. The {Chancellor} has sole authority to make recommendations to the Board regarding the selection of contractual personnel.

Comment [v2]: HCC C.3

TASB MODEL POLICY

The Board retains final authority for employment of contractual personnel. [See DCA]

EMPLOYMENT OF NONCONTRACTUAL PERSONNEL | The Board delegates to the {Chancellor} final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCC]

TRUSTEE EMPLOYMENT | HCC may not employ or contract with an individual who was a member of the Board of HCC before the first anniversary of the date the individual ceased to be a member of the Board.

Comment [v3]: HCC C.3.1

EMPLOYMENT OFFER | Only the Chancellor or designee has authority to communicate an offer of employment. Oral representations by college personnel other than the Chancellor or designee are not binding on the Board or the College District. The Chancellor shall designate in writing those individuals who are authorized to communicate employment offers.

Comment [v4]: HCC C.5.1

CONTRACT RENEWAL | Contracted employment for one (1) or more years does not create any entitlement to employment beyond the current term of the current contract. Renewal of a contract is not automatic. Continued

Comment [v5]: HCC C.5.1

EMPLOYMENT PRACTICES

DC
(LOCAL)

employment on a contractual basis requires approval by the Chancellor and execution of a new contract by the affected employee.

TASB MODEL POLICY

DATE ISSUED: 2/19/2014
UPDATE 29
DC(LOCAL)-AJC

ADOPTED:

2 of 2

| The ~~[Chancellor]~~ Chief Human Resources Officer ~~or designee~~ shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

TASB MODEL POLICY

COMPENSATION AND BENEFITS
EMPLOYEE COMPENSATION AND BENEFITS

DE
(LOCAL)

EMPLOYEE
COMPENSATION

The Board strives to provide competitive pay for faculty and staff. Compensation for all employees shall be administered consistently and fairly. College District pay practices are based on the compensation practices of Texas urban community colleges, comparable U. S. community colleges, and the local market.

Comment [v1]: HCC C.14

The Chancellor shall annually recommend to the Board of Trustees pay and budget plans for the entire system.

BENEFITS

The Board ensures that the College District complies with the eligibility rules for various benefits as prescribed by state and federal law. These programs may include health insurance, dental insurance, life insurance and retirement benefits.

Comment [v2]: HCC C.15

Benefits provided by the College District shall be reviewed periodically and amended, as necessary, by the Board upon recommendation of the Chancellor.

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LOCAL)

	<p>Personnel Exempt and non-exempt employees shall be paid according to a salary schedule or wage scale adopted by the Board after a recommendation by the [Chancellor] or designee.</p> <p>When determining an employee's placement on the College District's salary schedule or wage scale, the employee's position, responsibilities, experience, education, and years of service, <u>and internal equity</u> shall be considered.</p>
MID-YEAR PAY INCREASES	<p>A contract employee's pay shall not be increased after performance on the contract has begun unless there is <u>an addition to ora</u> change in the employee's job assignment or duties that warrants additional compensation. Any such changes in pay during the term of the contract shall require Board approval.</p>
CONTRACT EMPLOYEES	
NONCONTRACT EMPLOYEES	<p>The [Chancellor] may grant a pay increase to a noncontract employee after duties have begun only when there is <u>an addition to ora</u> change in the employee's job assignment or duties, or when an adjustment in the market value of the job warrants additional compensation. The [Chancellor] shall report any such pay increases to the Board at the next regular meeting.</p>
CLASSIFICATION OF POSITIONS	<p>The [Chancellor] or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).</p>
EXEMPT	<p><u>Exempt employees, who because of their positional duties and responsibilities and level of decision making authority, are excluded from overtime provisions of the FLSA.</u> The College District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the College District shall not make deductions that are prohibited under the FLSA.</p> <p>An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the <u>Payroll Director for prompt resolution. College District's attention, through the College District's complaint policy. [See DGBA]</u> If improper deductions are confirmed, the College District shall reimburse the employee and take steps to ensure future compliance with the FLSA.</p>
NONEXEMPT	<p>Nonexempt employees may be <u>compensated on an hourly basis or on a salary basis.</u> Employees who are paid on an hourly basis shall be compensated <u>compensated</u> for all hours worked. An employee who is paid on a salary basis shall be paid for a 40-hour</p>

~~workweek and~~ shall not earn additional pay unless the employee works more than 40 hours.

A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.

WORKWEEK DEFINED

For purposes of FLSA compliance, the workweek for College District employees shall be ~~[Monday~~ *insert workweek following this style rule: begin on Sunday at 12:00 a.m and end on Saturday Sunday at 11:59 p.m].*

OVERTIME PAY (OTP)

The College District is subject to the Federal Fair Labor Standards Act (FLSA). Supervisor approval is required, prior to working overtime hours. Overtime pay (OTP) will be paid to non-exempt employees, in accordance with FLSA, who work in excess of 40 hours per week.

If both the supervisor and employee agree then compensatory time may be earned in lieu of overtime pay (OTP), there must be a signed agreement, containing both the supervisor and the employee signatures, detailing the hours that are agreed to be earned as compensatory time in lieu of overtime pay.

Employees who work overtime without prior authorization from their supervisor will be subject to disciplinary action. The employee's supervisor will be disciplined if they allow subordinates to work unauthorized overtime, if they fail to maintain proper records, or if they otherwise fail to comply with system policies and procedures regarding timekeeping.

COMPENSATORY TIME
ACCRUAL

At the College District's option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.

Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of overtime, the employee shall be required to use compensatory time or, at the College District's option, shall receive overtime pay.

USE

An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory

time remaining at the end of a fiscal year, the employee shall receive overtime pay.

Compensatory time may be used at either the employee's or the College District's option. An employee may use compensatory time in accordance with the College District's leave policies and if such use does not unduly disrupt the operations of the College District. [See DEC(LOCAL)] The College District may require an employee to use compensatory time when in the best interest of the College District.

GIFTS, GRANTS, AND
DONATIONS FOR
SALARY
SUPPLEMENTS

The College District shall not accept gifts, grants, donations, or other consideration designated for use as salary supplements.

TASB MODEL POLICY

COMPENSATION AND BENEFITS
LEAVE

DEC
(LOCAL)

LEAVE AND
ABSENCES

The Board ensures that a comprehensive and systematic program of leave is provided, including religious holy days, for all benefits-eligible employees of the College District. The College District shall not discriminate or penalize in any way an employee who is absent from work for the observance of a religious holy day and gives proper notice of that absence. However, the employee will use a personal business day to report such absence.

Comment [v1]: HCC C.16

FAMILY AND MEDICAL
LEAVE

The Family and Medical Leave Act of 1993 (FMLA) provides up to twelve (12) weeks of unpaid leave in a twelve (12) month period to eligible employees for:

Comment [v2]: HCC C.17

1. Childbirth;
2. Adoption or foster care;
3. Caring for a seriously ill spouse, son, daughter or parent; or
4. Tending to the employee's own serious health condition.

This policy shall be administered in accordance with the FMLA of 1993, implementing regulations, and HCC procedures. Workers' compensation leave shall be used concurrently with FMLA leave. Comprehensive sick leave days, when applicable, will be used concurrently with FMLA leave. For additional information regarding FMLA, employees may request forms and guidance from the Human Resources Benefits department.

MILITARY LEAVE

The College District shall follow the guidelines established by the Uniformed Services and Reemployment Rights Act (USERRA) when applying military leave.

ADOPTED:

1 of 1

COMPENSATION AND BENEFITS
EXPENSE REIMBURSEMENT

DEE
(LOCAL)

~~TRAVEL~~
REIMBURSEMENT

~~Employees shall be entitled to reimbursement for their ordinary and necessary expenses incurred in performing their duties, to the extent authorized by law and permitted by the Board. All travel outside of the College shall be authorized by the employee's supervisor prior to occurrence. The Chancellor shall establish procedures and standards for travel and expense reimbursement.~~

Comment [v1]: HCC B.2.5

Prior approval for all travel, including prepaid expenses, shall be obtained from the employee's supervisor before any expenses are incurred.

~~An employee shall be reimbursed for authorized mileage incurred while performing duties related to the job only if such travel is at the request of the employee's immediate supervisor and is approved by the College President or designee.~~

~~Employees shall be reimbursed for other reasonable travel expenditures according to the current schedule adopted by the Board, and subject to IRS regulations.~~

TASB MODEL POLICY

In the absence of controlling employment contracts addressing travel and expenses, the Chancellor or designee will develop regulations procedures that shall be applied to the reimbursement of travel and expenses reimbursement incurred by for employees.

Requests for reimbursement shall be coordinated by Accounts Payable.

RECEIPTS REQUIRED

To receive reimbursement for transportation, lodging, meals, and other authorized travel expenses, an employee ~~shall~~ may be required to present receipts for the actual amounts spent.

All College District employees, with the exception of part-time employees, shall be required to participate in ~~a retirement program~~ Teacher Retirement System (TRS) or an optional retirement program (ORP). ORP selection is only available to a limited group or employees as defined by the Texas Higher Education Coordinating Board. Part-time employees who are not members of ~~the Teacher Retirement System~~ (TRS) or an optional retirement program shall be required to participate in a retirement program selected by the College District.

TASB MODEL POLICY

Faculty members are entitled to academic freedom in the conduct of research and teaching and are tasked with the associated responsibilities. To this end, the College District endorses the principles set forth in the Statement of Principles on Academic Freedom and Tenure published by the Association of American Colleges and Universities and the American Association of University Professors.

Note: The Statement of Principles on Academic Freedom and Tenure is available online at <http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>.

~~The Board shall address faculty academic freedom and the associated responsibilities in appropriate College District publications.~~

~~Each faculty member will have freedom in the classroom to discuss the subject he or she teaches. Additionally, each faculty member is expected not to introduce into his or her teachings controversial matters that have no relation to the classroom subject. Faculty members shall, when speaking, make clear that their opinions are not necessarily those of the College District. At the same time, faculty members shall strive to be accurate in their statements and to be willing to listen to and show respect for others who express different opinions.~~

Comment [v1]: HCC E..1.2

~~Institutions of higher learning exist for the common good. The common good depends upon a free search for truth and its free expression. Therefore, it is essential that College District faculty be free to pursue scholarly inquiry without undue restriction and to voice and publish their conclusions concerning the significance of evidence they consider relevant. The faculty member must be free from the corrosive fear that others, inside or outside the college community, may threaten his or her professional career because their vision differs from that of others. Faculty members are entitled to freedom in the classroom in discussing the subject being taught to the full extent permitted by law. Furthermore, faculty members are free from institutional censorship or discipline when they speak, write, or act as citizens of their nation, state, and community.~~

~~The concept of academic freedom must be accompanied by an equally demanding concept of responsibility, shared by the Board, administrators, and faculty members. Exercise of professional integrity by a faculty member includes recognition that the public will judge the member's profession and the College System by the faculty member's statements. Therefore, faculty members should strive to avoid creating the impression that they are speaking or acting for the College District when speaking or acting as private~~

citizens. Faculty members should be judicious in the use of controversial material in the classroom and should only introduce such material when it has a clear relationship to the subject matter of the course being taught.

Complaints regarding alleged violations of the right to academic freedom shall be filed in accordance with DGBA(LOCAL).

TASB MODEL POLICY

The grounds and facilities of the College District shall be made available to employees or employee organizations, when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the ~~insert title for position developing fee schedule for facilities use~~ College District System Facilities Department.

An "employee organization" is an organization composed only of College District faculty and staff or an employee professional organization.

REQUESTS

To request permission to meet on College District premises, interested employees or employee organizations shall file a written request ~~with the insert title for position approving employee use of facilities~~ in accordance with administrative procedures.

The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules. ~~Any employee or employee organization with outstanding obligations due to the College District beyond thirty (30) days may face disciplinary action.~~

APPROVAL

The ~~insert title for position approving employee use of facilities~~ College Operations Officer shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, or other content of the speech likely to be associated with the employees' or employee organization's use of the facility.

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

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that

available law enforcement officials could not control with reasonable efforts;

5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The *[insert title for position approving employee use of facilities]* College Operations Officer shall provide the applicant a written statement of the grounds for rejection if a request is denied.

ANNOUNCEMENTS
AND PUBLICITY

In accordance with administrative procedures, all employees and employee organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

IDENTIFICATION

Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative.

VIOLATIONS

Failure to comply with the policy and procedures regarding employee use of College District facilities shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's policies and procedures and the employee handbook.

APPEALS

Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL).

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

The Board is committed to creating an inviting, safe and healthy place to work and learn where our day-to-day interactions are based upon respect. Employees of the College District are expected to uphold the highest ethical and professional standards for personal conduct and work performance, contributing to a positive, respectful working and learning environment free from harassment, threats, intimidation, violence or any other misconduct. The related procedures that follow support this policy further outline these expectations.

Comment [v1]: HCC C.21

All College District employees shall perform their duties in accordance with state and federal law, College District policy, procedure, and ethical standards.

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District.

Any person (employee, student, vendor, visitor, community member, etc.) who intimidates, threatens, or exhibits violent or disruptive behavior while on campus or when acting on behalf of HCC away from campus will be immediately removed from the classroom/workplace.

Comment [v2]: HCC C.21

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

ETHICAL STANDARDS

~~The College District holds all employees to the ethical standards expressed in the Texas Community College Teachers Association Code of Professional Ethics.~~

~~**Note:** The Texas Community College Teachers Association Code of Professional Ethics is available at <http://www.tecta.org/links/ethics.pdf>.~~

VIOLATIONS

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCC and DM series]

ATTENDANCE AND PUNCTUALITY

The College District requires each employee to report to work as scheduled. Regular and punctual attendance is essential to the efficient and orderly operations of the College and to the students we serve.

Comment [v3]: HCC C.9

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

PERSONAL APPEAR-
ANCE AND UNIFORMS

The Board expects employees, vendors and independent contractors to use good judgment at all times regarding their personal appearance. Flagrant violations of commonly accepted standards of cleanliness or dress may be cause for disciplinary action.

Comment [v4]: HCC C.8

ELECTRONIC MEDIA

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

RECORD
RETENTION

An employee shall comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA]

PERSONAL USE

Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or College District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

SAFETY
REQUIREMENTS

All employees shall adhere to College District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

ALCOHOL AND DRUGS

A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

Employees shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at the College District or at College District-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

TASB MODEL POLICY

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

	An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.
EXCEPTIONS	An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee’s personal use shall not be considered to have violated this policy.
	The [Chancellor] is authorized by the Board to permit the serving and consumption of alcohol at appropriate College District functions.
NOTICE	Each employee shall be given a copy of the College District’s notice regarding a drug-free workplace. [See DI(EXHIBIT)]
ARRESTS, INDICTMENTS, CONVICTIONS, AND OTHER ADJUDICATIONS	An employee shall notify his or her immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude.
MORAL TURPITUDE	Moral turpitude includes but is not limited to: <ol style="list-style-type: none">1. Dishonesty, fraud, deceit, theft, or misrepresentation;2. Deliberate violence;3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or6. Acts constituting abuse under the Texas Family Code.

TASB MODEL POLICY

REASONABLE
SUSPICION
SEARCHES

The College District reserves the right to conduct searches when the College District has reasonable cause to believe that a search will uncover evidence of work-related misconduct. The College District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on College District premises or worksites or used in College District business.

TASB MODEL POLICY

EMPLOYEE STANDARDS OF CONDUCT
WORKPLACE VIOLENCE

DHBB
(LOCAL)

The Board strives to provide a safe workplace for all employees. All employees are expected to review and understand all provisions of this Workplace Violence Policy to ensure a safe workplace and to reduce the risk of violence.

State law and the College District prohibit the possession, carrying, or use of prohibited weapons including firearms, illegal knives, and clubs on College District-owned or controlled properties.

Violation of this policy is grounds for immediate termination.

Comment [v1]: HCC C.11

ADOPTED:

1 of 1

EMPLOYEE WELFARE

DI
(LOCAL)

DRUG-FREE
AWARENESS
PROGRAM

The Board strives to maintain a drug and alcohol-free workplace environment. The College District has adopted its Drug and Alcohol-Free Workplace Policy to further its objectives in establishing, promoting, and maintaining a safe, healthy, and productive work and learning environment for employees and students, to promote the reputation of the College District and its employees as responsible citizens of public trust, and to provide a consistent model of substance-free behavior for students.

Comment [v1]: HCC C.12

The College District shall maintain a drug-free environment and shall establish, as needed, a drug-free awareness program complying with federal requirements. [See DH] The program shall provide applicable information to employees in the following areas:

1. The dangers of drug use and abuse in the workplace.
2. The College District's policy of maintaining a drug-free environment. [See DH(LOCAL)]
3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.
4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions.

EMPLOYEE
RESPONSIBILITY

All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.

Note: This policy addresses discrimination, harassment, and retaliation targeting College District employees. In this policy, the term “employees” includes former employees and applicants for employment. For the College District’s response to discrimination, harassment, and retaliation targeting students, see FFD.

STATEMENT OF
NONDISCRIMINATION

~~The Board supports and the College District is committed to providing a learning and working environment that promotes personal integrity, civility and mutual respect in an environment free of discrimination and harassment on the basis of race, color, religion, sex, gender identity and gender expression, national origin, age, disability, sexual orientation, or veteran status. The College District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law.~~

Comment [v1]: HCC G.1

DISCRIMINATION

~~Retaliation against anyone involved in the complaint process is a violation of College District policy.~~

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, ~~sex~~, gender identity and gender expression, national origin, age, disability, ~~sexual orientation, veteran status~~ or any other basis prohibited by law that adversely affects the employee’s employment.

HARASSMENT

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s- ~~race, color, religion, sex, gender identity and gender expression, national origin, age, disability, sexual orientation, veteran status~~ ~~race, color, religion, gender, national origin, age, disability~~, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee’s performance, environment, or employment opportunities.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or as-

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

sault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

SEXUAL HARASSMENT

Sex discrimination includes all forms of sexual and gender-based misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. The College District is committed to the principle that the working environment of its employees and the classroom environment for students should be free from inappropriate conduct of a sexual or gender-based nature including sex discrimination, sexual assault, sexual harassment, and sexual violence by employees, students or third parties. Sexual and gender-based misconduct is unprofessional and will not be tolerated and is expressly prohibited. Individuals who engage in such conduct will be subject to disciplinary action.

Comment [v2]: HCC G.1

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

EXAMPLES

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

DISABILITY

The Board requires and promotes a fair and equal work environment free of decisions based on disability status. The College District does not discriminate against qualified individuals with a disability because of a disability in regard to application procedures; hiring, advancement, or discharge; employee compensation; job training; and other terms, conditions, and privileges of employment. The College District shall not exclude or deny employment or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association.

Comment [v3]: HCC C.6

EXAMPLES

~~An individual with a disability is defined by the Americans with Disabilities Act (ADA) as: (1) a person who has a physical or mental impairment that substantially limits one or more major life activities; (2) a person who has a history or record of such an impairment; or (3) a person who is perceived by others as having such an impairment.~~

~~Major life activities include but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.~~

~~Conduct prohibited and qualifying as disability discrimination includes but is not limited to: 1) less favorable treatment to a person with a disability by refusing to offer a that person a place because of their disability; 2) excluding a person from participating in a service, program, or activity because of their disability; 3) failing to make reasonable accommodations of adjustments to allow for a person's disability; 4) charging a fee to an individual with a disability for the use of an auxiliary aid; 5) not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the College District can demonstrate that the accommodation would impose an undue hardship on the College.~~

Comment [v4]: Language required per voluntary settlement agreement with OCR

Comment [v5]: HCC C.6

RETALIATION PROHIBITED

The College District prohibits retaliation against ~~an employ- ee anyone~~ who makes a claim alleging to have experienced discrimination or harassment, or ~~another employee who anyone~~, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. Retaliation against anyone involved in the complaint process is a violation of College District policy.

~~An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding harassment or discrimination is subject to appropriate discipline.~~

EXAMPLES

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

PROHIBITED CONDUCT In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

REPORTING PROCEDURES An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts in accordance with College District procedures. The employee may report the alleged acts to his or her immediate supervisor.

Alternatively, the employee may report the alleged acts to the Director of EEO/Compliance ~~one or to one~~ of the College District officials below.

~~For the purposes of this policy, College District officials are the ADA/Section 504 coordinator, the Title IX coordinator, and the [Chancellor].~~

DEFINITION OF COLLEGE DISTRICT OFFICIALS

ADA / SECTION 504 COORDINATOR

The College District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: ~~[C004]~~David Gross

Position: ~~[C002]~~Director of EEO/Compliance

Address: ~~[C003]~~3100 Main Street, Houston TX, 77702

Telephone: ~~713-718-8271~~~~[C004]~~

TITLE IX COORDINATOR

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: ~~[C005]~~Renee Mack

Position: ~~[C006]~~Manager of Institutional Equity, Compliance and Training

Address: ~~[C007]~~3100 Main Street, Houston TX 77002

Telephone: ~~[C008]~~713-718-8272

OTHER ANTI-DISCRIMINATION LAWS

The ~~[Chancellor]~~ or designee Director of EEO/Compliance shall serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

ALTERNATIVE
REPORTING
PROCEDURES

An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinator, may be directed to the [Chancellor] or designee.

A report against the [Chancellor] may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

TIMELY REPORTING

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the College District's ability to investigate and address the prohibited conduct.

NOTICE OF REPORT

Any College District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate College District official listed above and take any other steps required by this policy.

INVESTIGATION OF
THE REPORT

Reports of prohibited conduct under this policy shall be investigated by the Office of Institutional Equity ("OIE"), and any required interim actions shall be taken in accordance with the College District procedures and guidelines maintained by OIE.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding harassment or discrimination is subject to appropriate discipline up to and including termination.

~~The College District may request, but shall not insist upon, a written report. If a report is made orally, the College District official shall reduce the report to written form.~~

~~Upon receipt or notice of a report, the College District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.~~

~~If appropriate, the College District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.~~

~~The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor shall be involved in or informed of the investigation.~~

~~The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.~~

~~CONCLUDING THE INVESTIGATION~~

~~Absent extenuating circumstances, the investigation should be completed within ten College District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.~~

~~The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation.~~

~~COLLEGE DISTRICT ACTION~~

~~If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.~~

~~The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.~~

CONFIDENTIALITY

To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

APPEAL

A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.

The complainant may have a right to file a complaint with appropriate state or federal agencies.

RECORDS RETENTION

Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]

ACCESS TO POLICY

This policy shall be made available to College District employees on the College District's website. Copies of the policy shall be readily available at the College District administrative offices.

ASSIGNMENT, WORK LOAD, AND SCHEDULES

DJ
(LOCAL)

The Board requires and promotes fair and equal employment practices in decisions related to the determination of employment status, assignments and duties.

Comment [v1]: HCC C.5

All employees shall be subject to assignment and reassignment by the [Chancellor] at any time.

FACULTY
WORKLOADS AND
SCHEDULES

The Vice Chancellor for Instruction shall collaborate with the faculty association and the executive team to develop guidelines governing College District faculty workloads, schedules, and related issues. Final approval of such guidelines rests with the Chancellor.

Comment [v2]: HCC E.5.1

TASB MODEL POLICY

PROFESSIONAL DEVELOPMENT

DK
(LOCAL)

The Board recognizes the value of professional growth and personal development for all employees in the areas of expertise and work. The College shall provide opportunities for such development and training in line with institutional needs to enhance employee knowledge, skills, and job performance, provide pathways for employee career progression, and ensure that the goals of the institution are achieved.

Comment [v1]: HCC C.19

Each employee shall meet the professional development standards described by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) as well as any professional development required of the employee by state or federal law or administrative regulations.

Each employee shall seek approval prior to pursuing professional development in accordance with administrative regulations.

TASB MODEL POLICY

The College District shall regularly evaluate the effectiveness of each employee in accordance with the criteria and procedures developed with employee input and described in administrative regulations.

TASB MODEL POLICY

TERMINATION OF EMPLOYMENT

DM
(LOCAL)

AT-WILL EMPLOYEES

~~All College District employees who do not hold written employment contracts authorized by the College District Board of Trustees are employed at-will and have no entitlement to continued employment. At-will employees are hired by the Chancellor or designee. At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the College District. At-will employees who are dismissed may request review of that decision through DGBA(LOCAL) and shall receive pay through the end of the last day worked.~~

Comment [v1]: HCC C.5.1

EXIT INTERVIEWS AND
EXIT REPORTS

~~An exit interview shall be conducted, if possible, and an exit report shall be prepared for every employee who leaves employment with the College District.~~

TASB MODEL POLICY

SUSPENSION WITH
PAY

An employee may be terminated mid-contract for good cause or in accordance with a reduction in force (RIF) as determined by the Board-Chancellor following a hearing held for that purpose in accordance with law.

A ~~term~~-contract employee may be placed on administrative leave, with or without pay, suspended with pay or placed on administrative leave by the [Chancellor] or his or her designee during an investigation of alleged misconduct by the employee or at any time the [Chancellor] or his or her designee determines that the College District's best interest will be served by the ~~suspension or administrative~~ leave.

GRIEVANCE FILED
UNDER EDUCATION
CODE 51.960

The Board designates the Chief Human Resources Officer or the Director of Employee Relations as the persons to whom a faculty member may present a grievance under Education Code 51.960 on an issue related to his or her dismissal. It is recommended that the faculty member file a request to present the grievance within ~~ten-seven~~ business days after ~~final action on the dismissal proceeding~~ notice of contract termination.

Once a request to present a grievance has been filed, the conference shall be scheduled within seven business days.

Actual separation may not occur until after a hearing determination has been delivered.

The faculty member may appeal the decision of the Chief Human Resources Officer or the Director of Employee Relations under DGBA beginning at the appropriate level.

Other non-faculty/contract employees shall file a grievance in accordance with DGBA beginning at the appropriate level.

NONRENEWAL

An employee may be nonrenewed by the [Chancellor] at the end of the employee's contract term. The employee may be nonrenewed for any reason or no reason provided that the decision shall not be based on an employee's exercise of rights guaranteed by law or be based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age.

~~The employee may request an appearance before the Board providing that a request for such appearance is made in writing to the [Chancellor] within ten days of the employee's receipt of the letter of nonrenewal. The [Chancellor] shall notify the employee of the date of the appearance and the procedures to be followed. Notice shall be given at least ten days prior to the scheduled appearance.~~

GRIEVANCE FILED
UNDER EDUCATION
CODE 51.960

The Board designates the ~~[insert title for position hearing nonrenewal]~~[Chief Human Resources Officer][Director of Employee Relations] as the person to whom a faculty member may present a grievance under Education Code 51.960 on an issue related to his or her nonrenewal.

It is recommended that the faculty member file a request to present the grievance within ~~ten~~seven business days after notice of non-renewal, final action on the nonrenewal proceeding.

Once a request to present a grievance has been filed, the conference shall be scheduled within seven business days.

Actual separation may not occur until after a hearing determination has been delivered.

The faculty member may appeal the decision of the ~~[insert title for position hearing nonrenewal]~~[Chief Human Resources Officer][Director of Employee Relations] under DGBA beginning at the appropriate level.

TERMINATION OF EMPLOYMENT
REDUCTION IN FORCE

DMC
(LOCAL)

DEFINITIONS

Definitions used in this policy are as follows:

1. "Reduction in force (RIF)" means an involuntary separation of an employee or work group of employees due to economic pressure, lack of work, or other reasons of business necessity that require a reduction in staff. the dismissal of an instructor, professor, administrator, or other professional employee before the end of a contract term for reasons of financial exigency or program change. Nonrenewal of an employee's term contract is not a "reduction in force" as used in this policy.
2. "Financial exigency" means any decline in the Board's College District's financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or events that create a need for the College District to reduce financial expenditures for personnel.
3. "Program change" means any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization or consolidation of two or more divisions or departments.

GENERAL GROUNDS
FOR DISMISSAL

All contracts shall, unless excepted by the Board, contain a provision that a reduction in force may take place when the Board Chancellor determines the necessity of terminating the ~~that a financial exigency or program change requires that the~~ contract(s) of one or more instructors, administrators, or other professional employees be terminated. Such a determination constitutes the ~~necessary-good~~ cause for dismissal.

EMPLOYMENT AREAS

A reduction in force may be implemented in one, several, or all employment areas. Employment areas shall be defined as:

1. Administration.
2. Associate degree programs.
3. Certificate degree programs.
4. Remedial and other programs.
5. Academic support programs, such as library or computer programs.
6. Counseling and support programs.
7. Other noninstructional professional staff.

TERMINATION OF EMPLOYMENT
REDUCTION IN FORCE

DMC
(LOCAL)

CRITERIA FOR
DECISIONS

Using the following criteria, the [Chancellor] shall determine which particular employees shall be ~~RIFed~~subject to a RIF. ~~and shall submit the recommendation to the Board.~~ These criteria are listed in order of importance; the [Chancellor] shall apply them sequentially to the selected employment areas until the number of staff reductions necessary have been identified, i.e., if all necessary reductions can be accomplished by applying the certification criteria, it is not necessary to apply the performance or subsequent criteria.

1. Certification: Appropriate degree certificate and/or endorsement for current assignment required by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) or the Coordinating Board.
2. Performance: Employee's effectiveness as reflected by the most recent written evaluations and/or other appraisal documentation.
3. Seniority: Years of service in the College District.
4. Professional Background: Professional education and work experience related to the current assignment.

~~BOARD ACTION~~

~~After considering the [Chancellor]'s recommendation, the Board shall determine which employees shall be dismissed. Each employee shall be given a statement of the reasons and conditions requiring such dismissal and shall, upon request, be given a hearing in accordance with the policy for termination during his or her contract. [See DMAA and DMB]~~

APPEALS

Appeals of a dismissal due to a reduction in force shall be handled through the hearing afforded under DMAA or DMAB, as appropriate, rather than the grievance policy.

EXCEPTION

Appeals of a dismissal due to a reduction in force of a former foster child entitled to an employment preference [see DC] shall be handled through the hearing afforded under DC.

~~RIGHTS OF
EMPLOYEES SUBJECT
TO RIF~~

~~An employee dismissed pursuant to this policy, if subsequently re-employed by the College District, shall be credited with the amount of local sick leave that had accrued at the time of dismissal.~~

REEMPLOYMENT

~~Upon written request, an employee dismissed pursuant to this policy shall be notified in writing of any subsequent availability of the position for a period of one calendar year following the effective date of such dismissal. The notice shall be mailed to the address that was on file for the former employee at the time of dismissal, unless the College District has been notified in writing of a change of address. A former employee so notified must respond to the Board in writing within ten calendar days of receipt of such notifica-~~

~~tion if the person wishes to be considered for the position. Any individual employee dismissed as result of a RIF has the opportunity to apply for any vacant position for which they are qualified who responds~~ shall be considered for employment on the same basis as all other applicants.

TASB MODEL POLICY

ACTION ITEM

Meeting Date: April 14, 2016

Board Governance Committee

ITEM #	ITEM TITLE	PRESENTER
B.	Proposed Revisions to Board Bylaws	Trustee Zeph Capo Jarvis Hollingsworth

RECOMMENDATION

Consider proposed revisions to Board bylaws regarding committees structure and committees responsibilities.

COMPELLING REASON/RATIONALE

The proposed revisions will align the Board's committees structure with industry standards regarding Standing verses Ad Hoc committees. It will also align responsibilities within appropriate committees.

DESCRIPTION OR BACKGROUND

This proposed revisions emerged from previous Board Governance committee discussion.

STRATEGIC ALIGNMENT

2. ORGANIZATIONAL STEWARDSHIP

B. Improve and streamline business transactions and process

This item is applicable to the following: District