

***Board of Trustees  
Meeting***

***November 6, 2023***

**NOTICE OF MEETING  
BOARD OF TRUSTEES  
SAN JACINTO COMMUNITY COLLEGE DISTRICT**

The Board of Trustees of the San Jacinto Community College District will meet for a Board workshop at 4:45 p.m., Monday, November 6, 2023, in Room 201 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

The live-stream of this meeting can be accessed as follows:

[www.sanjac.edu/board-meeting-videos](http://www.sanjac.edu/board-meeting-videos)

The open portions of this meeting will be recorded and made available to the public on the College's website.

**BOARD WORKSHOP  
AGENDA**

**I. Call the Meeting to Order**

**II. Roll Call of Board Members**

**III. Adjournment to closed or executive session pursuant to Texas Government Code Section 551.071, 551.074, and 551.076 of the Texas Open Meetings Act, for the following purposes:**

**A. Legal Matters - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.**

**B. Personnel Matters - For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.**

**1. Chancellor Evaluation**

**C. Security Matters - To consider the deployment, or specific occasions for implementation, of security personnel or devices; or a security audit.**

**IV. Reconvene in Open Meeting**

**V. Review Annexation Resolution**

**VI. Update on Job Evaluation Study Rollout and Full-time Salary Schedules**

**VII. Discuss Board Self-Evaluation Process**

**VIII. Update on Next Steps Related to Senate Bill 17 Compliance**

**IX. Update on Supplier Diversity Purchasing Reports for Fiscal Years 2022 and 2023**

**X. Discuss Change to Schedule for Receipt of State Appropriations**

**XI. Notification of Program Closure, Personal Trainer Program**

**XII. Review of Calendar**

**XIII. General Discussion of Meeting Items**

**A. Additional Purchasing Support Documents**

**XIV. Adjournment**

Additional Closed 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 any and all subjects and for any and all purposes permitted by Sections 551.071, inclusive, of the Open Meetings Act, including, but not limited to:

Section 551.071 – For the purpose of a private consultation with the Board’s attorney on any or all subjects or matters authorized by law.

Section 551.072 – For the purpose of discussing the purchase, exchange, lease or value of real property.

Section 551.073 – For the purpose of considering a negotiated contract for a prospective gift or donation.

Section 551.074 – For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

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

Section 551.084 – For the purpose of excluding a witness or witnesses from a hearing during examination of another witness.

Section 551.087– To discuss or deliberate regarding commercial or financial information that the Board has received from a business prospect that the Board seeks or may seek to have locate, stay, or expand in or near the territory of the College and with which the Board is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to such business prospect.

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.

Certification as to Posting or Giving of Notice

On this day, November 3, 2023, this notice was posted to the College’s website, on a bulletin board located at a place convenient to the public at the administrative building of the San Jacinto Community College District, 4624 Fairmont Parkway, Pasadena, Texas, and is readily accessible to the public upon request.

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Brenda Hellyer, Ed.D.

**NOTICE OF MEETING  
BOARD OF TRUSTEES  
SAN JACINTO COMMUNITY COLLEGE DISTRICT**

The Board of Trustees of the San Jacinto Community College District will meet for a regularly scheduled Board meeting at 7:00 p.m. on Monday, November 6, 2023, in Room 104 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

The live-stream of this meeting can be accessed as follows:

[www.sanjac.edu/board-meeting-videos](http://www.sanjac.edu/board-meeting-videos)

An electronic copy of the agenda packet is available on the College's website as follows:

[www.sanjac.edu/about/board-trustees/#Board\\_of\\_trustees\\_meetings](http://www.sanjac.edu/about/board-trustees/#Board_of_trustees_meetings)

Members of the public who desire to address the Board must comply with the following registration procedures:

A link to a public comments form is available at: [www.sanjac.edu/request-speak-to-board](http://www.sanjac.edu/request-speak-to-board)

The form must be completed prior to 11:00 a.m. on November 6, 2023. After completion of the form, the requestor will be contacted with further instructions. Registered participants will be allotted five minutes to address the Board of Trustees during the "Public Comment" portion of the meeting.

Discussion shall be addressed to the Board Chair and the entire membership of the Board. Discussion shall be limited solely to the matter indicated on the request form. Members of the Board of Trustees and/or administration may not comment or deliberate during a public comment period at the meeting except to state that the Chancellor or designee may follow-up, when appropriate.

The open portions of this meeting will be recorded and made available to the public on the College's website.

Any questions regarding this meeting notice can be directed to Mandi Reiland, Manager of Executive Operations for the Chancellor and Board of Trustees at [mandi.reiland@sjcd.edu](mailto:mandi.reiland@sjcd.edu).

**BOARD MEETING  
AGENDA**

**I. Call the Meeting to Order**

**II. Roll Call of Board Members**

**III. Invocation and Pledge to the Flags**

**IV. Special Announcements, Recognitions, Introductions, and Presentations**

**A. Recognition of Dr. Jerry Ivins for Being Named as the Texas Education Theatre Association Educator of the Year**

Presenter: Van Wigginton

**B. Recognition of Kelly Saenz for Admission to Eastern Kentucky University Hall of Fame**

Presenter: Allatia Harris

**C. Recognition of Amy Arrowood for Being Named Marine Log's Top Women in Maritime 2023**

Presenter: Allatia Harris

**D. Update from Board Members on Association of Community College Trustees (ACCT) Leadership Congress**

Presenters: Michelle Cantú-Wilson, Dan Mims

**1. Recognition of San Jacinto College for Receiving the ACCT Western Region Equity Award**

**V. Student Success Presentations**

**A. Career and Workforce Pathways**

Presenters: Shelley Rinehart, Sallie Kay Janes

**VI. Communications to the Board of Trustees**

**VII. Public Comment**

**VIII. Informative Reports to the Board**

**A. San Jacinto College Financial Statements**

**1. San Jacinto College Monthly Financial Statements September 2023**

**2. San Jacinto College Monthly Investment Report September 2023**

**B. San Jacinto College Foundation Financial Statements**

**C. Capital Improvement Program**

**D. San Jacinto College Building Committee Minutes**

**ACTION ITEMS**

**IX. Consideration of Approval of Amendment to the 2023-2024 Budget for Restricted Revenue and Expenses Relating to Federal, State, and Local Grants/Contracts**

**X. Consideration of Approval of Policy IV.4003.C, Outside Employment – Second Reading**

**XI. Consideration of Approval of Employee Relations Related Policies - Second Reading**

**XII. Consideration of Authorization of the Full-time Salary Schedules for 2023-2024**

**XIII. Consideration of Approval of Chancellor's Employment Contract with San Jacinto College District**

**XIV. Consideration of Approval of Annexation of Territory Owned by the College Located in the Clear Creek ISD Taxing District**

**PURCHASING REQUESTS**

**XV. Consideration of Purchasing Requests**

**CONSENT AGENDA**

**XVI. Consent Agenda**

**A. Approval of the Minutes for the October 2, 2023, Workshop, Public Tax Hearing, and Regular Board Meeting**

**B. Approval of the Budget Transfers**

**C. Approval of Personnel Recommendations, Extra Service Agreements, and Educational Advancement Incentives**

**D. Approval of the Affiliation Agreements**

**E. Approval of the Next Regularly Scheduled Meeting**

**XVII. Items for Discussion/Possible Action**

**XVIII. Adjournment**

**Closed Session Authority**

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session concerning any and all subjects and for any and all purposes permitted by Sections 551.071, inclusive, of the Open Meetings Act, including, but not limited to:

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Brenda Hellyer, Ed.D.

San Jacinto College Monthly Financial Statements  
September 2023

San Jacinto Community College District  
Preliminary Statement of Net Position  
September 30,

<u>Assets</u>	<u>2023</u>	<u>2022</u>
<b>Current assets:</b>		
Cash and cash equivalents	\$ 55,568,927	\$ 69,501,695
Investments	30,165,524	20,705,231
Accounts receivable - taxes	5,256,975	5,838,707
Accounts receivable	19,724,049	24,631,571
Deferred charges	3,681,237	3,033,130
Inventories	434,916	422,438
Total current assets	<u>114,831,628</u>	<u>124,132,773</u>
<b>Noncurrent assets:</b>		
Restricted cash and cash equivalents	77,200,566	85,667,245
Capital assets, net	724,522,846	713,329,154
Total noncurrent assets	<u>801,723,412</u>	<u>798,996,399</u>
Total assets	<u>916,555,040</u>	<u>923,129,172</u>
<b>Deferred outflows of resources:</b>		
Deferred outflow related to pensions	21,400,078	15,050,400
Deferred outflow related to OPEB	16,004,459	19,407,723
Deferred outflow related to defeased debt	4,479,909	5,417,408
Total deferred outflows of resources	<u>41,884,446</u>	<u>39,875,531</u>
<b>Liabilities</b>		
<b>Current liabilities:</b>		
Accounts payable	10,751,970	13,036,327
Accrued liabilities	3,071,175	3,382,097
Accrued compensable absences and deferred compensation	2,522,317	2,429,062
Deferred revenues	311,122	488,478
Total current liabilities	<u>16,656,583</u>	<u>19,335,964</u>
<b>Noncurrent liabilities:</b>		
Net pension liability	49,944,685	20,637,425
Net OPEB liability	92,463,106	112,279,723
Bonds and notes payable	667,495,436	670,235,860
Total noncurrent liabilities	<u>809,903,227</u>	<u>803,153,009</u>
Total liabilities	<u>826,559,810</u>	<u>822,488,972</u>
<b>Deferred inflows of resources:</b>		
Deferred inflows related to pensions	5,790,103	27,619,258
Deferred inflows related to OPEB	34,752,051	18,658,275
Deferred Inflows - Lease Receivable	1,227,296	2,451,580
Total deferred inflows of resources	<u>41,769,451</u>	<u>48,729,113</u>
<b>Net assets</b>		
Beginning of year - audited	83,621,118	80,506,210
Current year addition	6,489,108	11,280,408
Total net position	<u>\$ 90,110,225</u>	<u>\$ 91,786,618</u>

The year-end financial statements for August 31, 2023 are not final. They are pending closing adjustments and final audit review which should be complete in mid-December and may impact beginning balances for fiscal year 2023-2024.



**San Jacinto Community College District**  
**Preliminary Statement of Revenues, Expenditures and Changes In Net Position**  
**For the One Month Ended September 30, 2023**

**11 Unrestricted Funds**

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
State Appropriations	\$ 57,895,750	\$ -	-	\$ 4,956,919	12.00%
Local Taxes - Maintenance & Operations	84,770,000	45,157	0.05%	79,938	0.10%
Credit Tuition	66,345,000	29,628,887	44.66%	26,420,414	44.42%
Credit Exemptions & Waivers	(8,400,000)	(4,212,523)	50.15%	(3,720,775)	44.54%
Continuing Education					
CPET	525,000	66,660	12.70%	45,139	8.62%
Maritime Transportation	2,000,000	203,910	10.20%	194,122	9.07%
Continuing Professional Development (CPD)	6,860,000	592,906	8.64%	708,362	12.28%
Continuing Education Exemptions & Waivers	(45,000)	(8,002)	17.78%	(5,754)	9.41%
Bad Debt	(1,000,000)	(83,354)	8.34%	(58,352)	8.30%
Sales & Services	1,800,000	152,820	8.49%	170,366	8.03%
Investment Income	6,000,000	351,457	5.86%	168,308	3.75%
<b>Total Revenues</b>	<b>216,750,750</b>	<b>26,737,918</b>	<b>12.34%</b>	<b>28,958,687</b>	<b>14.83%</b>
<b>Expenditures</b>					
Instruction	85,905,022	7,314,447	8.51%	6,983,126	8.80%
Public Service	23,474	351	1.50%	144	0.38%
Academic Support	22,144,865	2,096,813	9.47%	1,953,175	12.12%
Student Services	22,437,635	1,207,944	5.38%	979,003	6.06%
Institutional Support	53,361,164	4,938,568	9.25%	3,266,814	6.77%
Physical Plant	28,050,903	1,028,174	3.67%	691,052	2.94%
<b>Total Expenditures</b>	<b>211,923,064</b>	<b>16,586,297</b>	<b>7.83%</b>	<b>13,873,314</b>	<b>7.56%</b>
<b>Transfers Among Funds</b>					
Transfers In	-	-	-	-	-
Transfers Out	4,827,686	16,753	0.35%	14,712	0.43%
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ -</b>	<b>\$ 10,134,868</b>		<b>\$ 15,070,661</b>	

San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

Federal Restricted Funds

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
Grants	\$ 55,005,225	\$ 12,122,004	22.04%	\$ 11,538,015	15.32%
<b>Total Revenues</b>	<b>55,005,225</b>	<b>12,122,004</b>	<b>22.04%</b>	<b>11,538,015</b>	<b>15.32%</b>
<b>Expenditures</b>					
Instruction	1,010,213	55,750	5.52%	34,235	2.41%
Public Service	75,771	8,471	11.18%	20,785	10.66%
Academic Support	6,043,572	150,811	2.50%	183,300	2.62%
Student Services	118,001	10,804	9.16%	588,560	15.95%
Institutional Support	630,735	117,810	18.68%	172,906	1.13%
Physical Plant	1,085,303	-	-	-	-
Scholarships and Fellowships	46,041,629	11,778,358	25.58%	10,538,229	22.33%
<b>Total Expenditures</b>	<b>55,005,225</b>	<b>12,122,004</b>	<b>22.04%</b>	<b>11,538,015</b>	<b>15.32%</b>
<b>Transfers Among Funds</b>					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>	

San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

State Restricted Funds

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
State Paid Benefits	\$ 12,215,000	\$ 1,064,847	8.72%	\$ 996,769	8.24%
Grants	7,040,218	2,006,922	28.51%	743,391	26.15%
<b>Total Revenues</b>	<b>19,255,218</b>	<b>3,071,769</b>	<b>15.95%</b>	<b>1,740,159</b>	<b>11.65%</b>
<b>Expenditures</b>					
Instruction	7,027,047	658,450	9.37%	605,490	9.34%
Public Service	1,769	1,769	100.00%	2,588	12.03%
Academic Support	1,635,043	111,118	6.80%	124,802	6.92%
Student Services	1,552,065	139,434	8.98%	127,522	7.15%
Institutional Support	3,087,221	166,868	5.41%	167,823	6.19%
Physical Plant	8,465	-	-	-	-
Scholarships and Fellowships	5,943,607	1,994,129	33.55%	711,935	33.79%
<b>Total Expenditures</b>	<b>19,255,218</b>	<b>3,071,769</b>	<b>15.95%</b>	<b>1,740,159</b>	<b>11.65%</b>
<b>Transfers Among Funds</b>					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>	

San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

Local Restricted Funds

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
Grants	\$ 7,695,390	\$ 1,690,821	21.97%	\$ 2,144,064	50.90%
<b>Total Revenues</b>	<b>7,695,390</b>	<b>1,690,821</b>	<b>21.97%</b>	<b>2,144,064</b>	<b>50.90%</b>
<b>Expenditures</b>					
Instruction	-	-	-	-	-
Public Service	232,134	16,753	7.22%	14,712	9.25%
Academic Support	29,513	19,698	66.74%	210	0.29%
Student Services	6,156	-	-	-	-
Institutional Support	1,754,848	1,533	0.09%	17	0.03%
Physical Plant	250,000	-	-	-	-
Scholarships and Fellowships	5,982,000	1,661,036	27.77%	2,142,132	52.20%
<b>Total Expenditures</b>	<b>8,254,652</b>	<b>1,699,020</b>	<b>20.58%</b>	<b>2,157,071</b>	<b>48.94%</b>
<b>Transfers Among Funds</b>					
Transfers In	(559,262)	(16,753)	3.00%	(14,712)	7.69%
Transfers Out	-	-	-	-	-
<b>Net Increase (Decrease) in Net Position</b>	<b>-</b>	<b>\$ 8,554</b>		<b>\$ 1,705</b>	

San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

27 Texas Public Education Grant

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
Tuition - Credit & Non Credit	\$ 3,100,000	\$ 1,409,697	45.47%	\$ 1,268,415	42.57%
<b>Total Revenues</b>	<b>3,100,000</b>	<b>1,409,697</b>	<b>45.47%</b>	<b>1,268,415</b>	<b>42.57%</b>
<b>Expenditures</b>					
Scholarships and Fellowships	3,100,000	847,467	27.34%	653,744	20.87%
<b>Total Expenditures</b>	<b>3,100,000</b>	<b>847,467</b>	<b>27.34%</b>	<b>653,744</b>	<b>20.87%</b>
<b>Transfers Among Funds</b>					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ -</b>	<b>\$ 562,230</b>		<b>\$ 614,672</b>	

San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

28 Private Gifts and Donations

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
Grants	\$ -	\$ -	-	\$ -	-
<b>Total Revenues</b>	-	-	-	-	-
<b>Expenditures</b>					
Instruction	-	2,424	-	797	2.39%
Institutional Support	-	-	-	-	-
Scholarships and Fellowships	-	-	-	-	-
<b>Total Expenditures</b>	-	2,424	-	797	0.59%
<b>Transfers Among Funds</b>					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ -</b>	<b>\$ (2,424)</b>		<b>\$ (797)</b>	

San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

Auxiliary Enterprises

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
Auxiliary Services	\$ 3,073,000	\$ 479,662	15.61%	\$ 464,317	17.96%
<b>Total Revenues</b>	<b>3,073,000</b>	<b>479,662</b>	<b>15.61%</b>	<b>464,317</b>	<b>16.09%</b>
<b>Expenditures</b>					
Labor	630,437	38,423	6.09%	37,851	5.43%
Benefits	75,563	8,105	10.73%	8,124	6.13%
Supplies	691,056	50,247	7.27%	46,858	9.17%
Travel	185,198	3,832	2.07%	4,992	1.95%
Contracted Services	237,189	14,464	6.10%	53,027	25.55%
Utilities	200	-	-	-	-
Scholarships and Fellowships	1,253,357	283,330	22.61%	282,565	24.56%
<b>Total Expenditures</b>	<b>3,073,000</b>	<b>398,401</b>	<b>12.96%</b>	<b>433,417</b>	<b>14.67%</b>
<b>Transfers Among Funds</b>					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ -</b>	<b>\$ 81,261</b>		<b>\$ 30,900</b>	

San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

Fund 95 Retirement of Indebtedness

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
Local Taxes - Debt Service	\$ 40,100,400	\$ 21,446	0.05%	\$ 38,016	0.10%
Investment Income	-	4,075	-	978	0.27%
<b>Total Revenues</b>	<b>40,100,400</b>	<b>25,522</b>	<b>0.06%</b>	<b>38,994</b>	<b>0.10%</b>
<b>Expenditures</b>					
Institutional Support - Principal	18,379,936	-	-	-	-
Institutional Support - Interest	24,988,889	1,982,972	7.94%	2,066,288	8.62%
<b>Total Expenditures</b>	<b>43,368,825</b>	<b>1,982,972</b>	<b>4.57%</b>	<b>2,066,288</b>	<b>5.28%</b>
<b>Transfers Among Funds</b>					
Transfers In	(3,268,425)	-	-	-	-
Transfers Out	-	-	-	-	-
Adjustment for Debt Principal Payment <sup>1</sup>	(18,379,936)	-	-	-	-
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ 18,379,936</b>	<b>\$ (1,957,450)</b>		<b>\$ (2,027,294)</b>	

1

Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.



San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

Fund 97 Investment in Plant

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Expenditures</b>					
Depreciation	\$ 29,800,000	\$ 2,707,675	9.09%	\$ 2,651,545	9.63%
<b>Total Expenditures</b>	<b>29,800,000</b>	<b>2,707,675</b>	<b>9.09%</b>	<b>2,651,545</b>	<b>9.63%</b>
<b>Transfers Among Funds</b>					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
Adjustment for Capital Purchases <sup>1</sup>	(1,994,209)	(36,918)	1.85%	(61,503)	1.31%
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ (27,805,791)</b>	<b>\$ (2,670,757)</b>		<b>\$ (2,590,042)</b>	

1

Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.

**San Jacinto Community College District**  
**Preliminary Statement of Revenues, Expenditures and Changes In Net Position**  
**For the One Month Ended September 30, 2023**

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
State Appropriations	\$ 70,110,750	\$ 1,064,847	1.52%	\$ 5,953,688	11.15%
Local Taxes - Maintenance & Operations	84,770,000	45,157	0.05%	79,938	0.10%
Local Taxes - Debt Service	40,100,400	21,446	-	38,016	0.10%
Credit Tuition	69,445,000	31,038,584	44.70%	27,688,830	44.33%
Credit Exemptions & Waivers	(8,400,000)	(4,212,523)	50.15%	(3,720,775)	44.54%
Continuing Education					
CPET	525,000	66,660	12.70%	45,139	8.62%
Maritime Transportation	2,000,000	203,910	10.20%	194,122	9.07%
Continuing Professional Development	6,860,000	592,906	8.64%	708,362	12.28%
Continuing Education Exemptions & Waivers	(45,000)	(8,002)	17.78%	(5,754)	9.41%
Bad Debt	(1,000,000)	(83,354)	8.34%	(58,352)	8.30%
Sales & Services	1,800,000	152,820	8.49%	170,366	8.03%
Investment Income	6,000,000	355,532	5.93%	169,286	3.49%
Investment Income - Restricted Funds	-	332,827	-	180,604	5.09%
Auxiliary Services	3,073,000	479,662	15.61%	464,317	17.96%
Grants	62,215,442	14,174,496	22.78%	12,324,466	16.06%
Local Grants	7,525,390	1,645,251	21.86%	2,101,003	36.67%
<b>Total Revenues</b>	<b>344,979,982</b>	<b>45,870,219</b>	<b>13.30%</b>	<b>46,333,255</b>	<b>13.73%</b>
<b>Expenditures</b>					
Instruction	93,942,283	8,031,071	8.55%	7,623,648	8.73%
Public Service	333,148	27,344	8.21%	38,230	9.24%
Academic Support	29,852,992	2,378,440	7.97%	2,261,486	9.05%
Student Services	24,113,858	1,358,181	5.63%	1,695,085	7.83%
Institutional Support	102,202,794	7,207,752	7.05%	5,673,848	5.37%
Physical Plant	29,394,672	1,028,174	3.50%	691,052	2.87%
Scholarships and Fellowships	61,067,236	16,280,991	26.66%	14,046,039	24.85%
Auxiliary Enterprises	3,073,000	398,401	12.96%	433,417	14.67%
Depreciation	29,800,000	2,707,675	9.09%	2,651,545	9.63%
<b>Total Expenditures</b>	<b>373,779,983</b>	<b>39,418,029</b>	<b>10.55%</b>	<b>35,114,350</b>	<b>10.00%</b>
<b>Transfers Among Funds</b>					
Transfers In	(4,827,686)	(16,753)	0.35%	(14,712)	0.43%
Transfers Out	4,827,686	16,753	0.35%	14,712	0.43%
Adjustment for Debt Principal Payment <sup>1</sup>	(18,379,936)	-	-	-	-
Adjustment for Capital Purchases <sup>1</sup>	(1,994,209)	(36,918)	1.85%	(61,503)	1.31%
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ (8,425,856)</b>	<b>\$ 6,489,108</b>		<b>\$ 11,280,408</b>	

1

Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.

# Capital Improvement Program

San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

Fund 91 Capital Projects

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
Investment Income	\$ -	\$ 309,388	-	\$ 180,604	5.26%
<b>Total Revenues</b>	<b>-</b>	<b>309,388</b>	<b>-</b>	<b>180,604</b>	<b>5.26%</b>
<b>Expenditures</b>					
SECO-Energy Conservation Projects	329,641	-	-	-	-
Bond Program	62,192,999	4,628	0.01%	-	-
<b>Total Expenditures</b>	<b>62,522,640</b>	<b>4,628</b>	<b>0.01%</b>	<b>-</b>	<b>-</b>
<b>Transfers Among Funds</b>					
Transfers In	-	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ (62,522,640)</b>	<b>\$ 304,760</b>		<b>\$ 180,604</b>	

1

Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.

San Jacinto Community College District  
Preliminary Statement of Revenues, Expenditures and Changes In Net Position  
For the One Month Ended September 30, 2023

Fund 93 Renewal and Replacement

	Adjusted Budget	Actual 8.3%	% Actual to Adjusted Budget	PY YTD Actual	% of 8/31/23 Actual
<b>Revenues</b>					
Interest Earnings	\$ -	\$ 23,439	-	\$ -	-
<b>Total Revenues</b>	<b>-</b>	<b>23,439</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Expenditures</b>					
District Energy Rebates	250,229	-	-	-	-
<b>Total Expenditures</b>	<b>250,229</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Transfers Among Funds</b>					
Transfers In	(1,000,000)	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Net Increase (Decrease) in Net Position</b>	<b>\$ 749,771</b>	<b>\$ 23,439</b>		<b>\$ -</b>	

1

Per government accounting practices, capital purchases and principal payments included in the expenditure line items above are subsequently deducted from total year-to-date expenditures and reclassified as an increase or reduction to the appropriate asset or liability line item on the Statement of Net Position.

San Jacinto College Monthly Investment Report  
September 2023

**SAN JACINTO COMMUNITY COLLEGE DISTRICT**  
**Preliminary Cash, Cash Equivalents, and Investments**  
**Portfolio Summary Report**  
**Period Ending September 30, 2023**

		<u>Fair Market Value</u>	<u>Book Value</u>
Beginning Value	September 1, 2023	\$ 171,241,791	\$ 171,398,938
Additions/Subtractions (Net)		(8,577,698)	(8,577,698)
Change in Fair Market Value*		(41,750)	-
Ending Value	September 30, 2023	<u>\$ 162,622,343</u>	<u>\$ 162,821,240</u>

Earnings for the Month of September	\$	730.109
Weighted Average Maturity at Ending Period Date (Days)		1.00
Weighted Average Earnings Rate		5.2484%
Benchmark - One Year Treasury Yield		5.4800%

\*On investments held to term, it is the policy of San Jacinto College to hold investments to maturity thus mitigating the impact of market losses.

The investment portfolio is in compliance with the Public Funds Investment Act and the College's Investment Policy.

Prepared by:



\_\_\_\_\_  
 Carol Tillman  
 Assistant Comptroller

Reviewed by:



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 Andrea DuBois  
 Comptroller



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 Carin Hutchins  
 Associate Vice Chancellor of Finance

Approved by:



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 Teri Zamora  
 Vice Chancellor of Fiscal Affairs





**SAN JACINTO COMMUNITY COLLEGE DISTRICT**  
**Preliminary Cash, Cash Equivalents, and Investments**  
 Weighted Average to Maturity  
 as of December 31, 2023

Description	Held At	Accounted Interest Rate	Purchase Date	Maturity	PAR	Fair Market Value	Book Value	% of Total Portfolio	Days to Maturity	Weighted Avg. Mat.
<b>Short-Term Investments - Unrestricted Funds</b>										
<b>Demand Deposits</b>										
United Credit in Trust		N/A	N/A	10/01/22	N/A	\$	28,761	0.02%	1	0.00
- PNC Online Business Checking		N/A	N/A	10/01/22	N/A		(1,398,742)	(0.87)%	1	(0.01)
- PNC Online Business Checking		N/A	N/A	10/01/22	N/A		4,979,282	3.05%	1	0.00
- PNC Online Business Checking		N/A	N/A	10/01/22	N/A		(25,673)	(0.02)%	1	0.00
- PNC Online Business Checking		N/A	N/A	10/01/22	N/A		(2,530)	(0.00)%	1	0.00
- PNC Online Business Checking		N/A	N/A	10/01/22	N/A		19,412	0.01%	1	0.00
<b>Bond Investments</b>										
US Corporate Overight Plus Fund - Operating Funds		5.5772%	N/A	10/01/20	N/A	51,061,315	31,061,315	11.79%	1	0.39
TotPool - Operating		5.5772%	N/A	10/01/20	N/A	141,752	141,752	0.09%	1	0.00
TotPool - PRIME - Operating		5.5772%	N/A	10/01/20	N/A	4,162,465	4,162,465	2.87%	1	0.03
<b>Investments</b>										
US Agency Note - CUSIP 3130AQT002		4.9007%	11/28/22	11/28/23	5,000,000	4,960,799	5,000,000	3.07%	58	0.63
US Agency Note - CUSIP 3130AQT002		4.750%	01/18/23	01/18/24	5,000,000	4,866,390	4,866,390	3.07%	114	0.63
US Agency Note - CUSIP 3130AQT006		4.875%	01/27/23	06/13/24	5,000,000	4,971,100	5,000,000	3.09%	349	0.63
US Agency Note - CUSIP 3130AQT008		4.870%	01/10/23	06/13/25	10,000,000	9,900,100	10,000,000	8.14%	832	0.65
US Agency Note - CUSIP 3130AQT014		5.125%	01/10/23	06/13/25	5,000,000	4,992,000	5,000,000	3.05%	622	0.63
<b>Short-Term Investments - Restricted (Bond) Funds</b>										
<b>Flow Accounts</b>										
US P Corporate Overight Plus Fund - 003 Debt Service		5.5772%	N/A	10/01/20	N/A	693,087	693,087	0.55%	1	0.01
US P Corporate Overight Plus Fund - 2004 Debt Service		5.5772%	N/A	10/01/20	N/A	27,403	27,403	0.02%	1	0.00
US P Corporate Overight Plus Fund - 2007 Bond Earnings		5.5772%	N/A	10/01/20	N/A	4,053	4,053	0.00%	1	0.00
US P Corporate Overight Plus Fund - 2008 Bond Earnings		5.5772%	N/A	10/01/20	N/A	147,184	147,056	0.09%	1	0.00
US P Corporate Overight Plus Fund - 2009 Bond Earnings		5.5772%	N/A	10/01/20	N/A	201,108	211,196	0.12%	1	0.00
US P Corporate Overight Plus Fund - 2011 Bond Earnings		5.5772%	N/A	10/01/20	N/A	20,509	20,960	0.01%	1	0.00
US P Corporate Overight Plus Fund - 2012 Bond Earnings		5.5772%	N/A	10/01/20	N/A	42,111,707	42,511,737	25.04%	1	0.26
US P Corporate Overight Plus Fund - 2022 Bond Earnings		5.5772%	N/A	10/01/20	N/A	5,138,745	5,138,745	3.15%	1	0.03
US P Corporate Overight Plus Fund - Capital Projects Reserve		5.5772%	N/A	10/01/20	N/A	24,342,307	24,342,307	14.63%	1	0.15
TotPool PRIME - 2021 Bond Payments		5.5772%	N/A	10/01/20	N/A	162,821,240	162,821,240	100.00%		0.00

Validated Average to Maturity at Ending Period Over Capital

ACFR, Hold a	19.44%	19.44%
Fixed Cash on Hand	129,170,468	79.42%
Investment Cash	3,570,562	2.21%
Bond Deposits - demand deposits	29,852,850	18.36%
U.S. Government Securities & T/Bs	162,821,240	100.00%
Total cash, cash equivalents, and investments		

The year-end balances as of August 31, 2023, do not include the year ending period ending balances and should be completed by end-December.

**San Jacinto College Foundation**  
Statement of Financial Position  
As of September 30, 2023

	Current Year			Previous Year			Difference		
	Foundation	Student Success Fund	Total	Foundation	Student Success Fund	Total	Foundation	Student Success Fund	Total
<b>ASSETS</b>									
Current Assets									
Checking/Savings									
General Fund	\$2,755,699	-	\$2,755,699	\$2,282,548	-	\$2,282,548	473,151	-	473,151
Other Funds	-	-	-	-	-	-	-	-	-
Total Checking/Savings	2,755,699	-	2,755,699	2,282,548	-	2,282,548	473,151	-	473,151
Accounts Receivables	2,567,730	-	2,567,730	3,125,015	-	3,125,015	(557,285)	-	(557,285)
Other Current Assets									
Short Term Investments									
Goldman Sachs - SS2 (Endowed)		18,446,505	18,446,505		16,511,148	16,511,148	-	1,935,358	1,935,358
Goldman Sachs - SSF (Non-Endowed)		6,638,141	6,638,141		7,743,818	7,743,818	-	(1,105,677)	(1,105,677)
Goldman Sachs - FDN - HOE	477,720	-	477,720	-	-	-	477,720	-	477,720
Goldman Sachs - FDN-SSE (Endowed)	1,784,194	-	1,784,194	1,456,380	-	1,456,380	327,814	-	327,814
Goldman Sachs - FDN	12,837,072	-	12,837,072	11,796,404	-	11,796,404	1,040,668	-	1,040,668
Total SJC Short Term Investments	15,098,986	25,084,646	40,183,633	13,252,784	24,254,965	37,507,749	1,846,203	829,681	2,675,883
Total Current Assets	20,422,415	25,084,646	45,507,061	18,660,346	24,254,965	42,915,312	1,762,069	829,681	2,591,750
<b>TOTAL ASSETS</b>	<b>20,422,415</b>	<b>25,084,646</b>	<b>45,507,061</b>	<b>18,660,346</b>	<b>24,254,965</b>	<b>42,915,312</b>	<b>1,762,069</b>	<b>829,681</b>	<b>2,591,750</b>
<b>LIABILITIES &amp; NET ASSETS</b>									
Liabilities									
Current Liabilities									
Accounts Payable									
Grants Payable	140,489	-	140,489	81,796	-	81,796	58,694	-	58,694
Programs Payable	2,030	-	2,030	2,030	-	2,030	-	-	-
Endowments Payable	239,733	-	239,733	139,396	-	139,396	100,337	-	100,337
Scholarship Payables	270,918	1,622,703	1,893,621	532,099	742,595	1,274,693	(261,181)	880,109	618,928
Student Success Payables	141,064	-	141,064	109,159	-	109,159	31,905	-	31,905
Total Accounts Payable	794,234	1,622,703	2,416,937	864,480	742,595	1,607,074	(70,246)	880,109	809,863
Total Current Liabilities	794,234	1,622,703	2,416,937	864,480	742,595	1,607,074	(70,246)	880,109	809,863
Total Liabilities	794,234	1,622,703	2,416,937	864,480	742,595	1,607,074	(70,246)	880,109	809,863
NET ASSETS									
Net Assets Without Donor Restrictions	2,821,934	24,004,479	26,826,413	2,692,890	24,575,762	27,268,651	129,045	(571,283)	(442,238)
Net Assets With Donor Restrictions	17,132,205	-	17,132,205	15,877,800	-	15,877,800	1,254,405	-	1,254,405
Net Assets	19,954,139	24,004,479	43,958,618	18,570,690	24,575,762	43,146,451	1,383,450	(571,283)	812,167
Net Income	(325,958)	(542,536)	(868,493)	(774,823)	(\$1,063,391)	(1,838,214)	448,865	520,855	969,720
Total Net Assets	19,628,182	23,461,943	43,090,125	17,795,867	23,512,371	41,308,238	1,832,315	(50,428)	1,781,887
<b>TOTAL LIABILITIES &amp; NET ASSETS</b>	<b>\$20,422,415</b>	<b>\$25,084,646</b>	<b>\$45,507,061</b>	<b>\$18,660,346</b>	<b>24,254,965</b>	<b>\$42,915,312</b>	<b>1,762,069</b>	<b>829,681</b>	<b>2,591,750</b>

# San Jacinto College Foundation

## Statement of Activities

For the Period Ending September 30, 2023

	Current Year			Previous Year			Difference			Foundation Annual Budget	Actual % of Annual Budget
	Foundation	Student Success Fund	Total	Foundation	Student Success Fund	Total	Foundation	Student Success Fund	Total		
<b>Ordinary Income/Expense Income</b>											
<b>Contributions</b>											
Grant Contributions	10,000	-	10,000	-	-	-	10,000	-	10,000	810,000	1%
Endowments	21,344	-	21,344	7,917	-	7,917	13,427	-	13,427	1,200,000	2%
Program Sponsorship	80,395	-	80,395	12,775	-	12,775	67,621	-	67,621	850,000	9%
Scholarships	130,438	-	130,438	108,498	-	108,498	21,939	-	21,939	650,000	20%
<b>Total Contributions</b>	<u>242,177</u>	<u>-</u>	<u>242,177</u>	<u>129,190</u>	<u>-</u>	<u>129,190</u>	<u>112,987</u>	<u>-</u>	<u>112,987</u>	<u>3,510,000</u>	<u>7%</u>
<b>Other Income</b>											
Special Events	5,425	-	5,425	-	-	-	5,425	-	5,425	450,000	1%
Investment Income	117,654	176,924	294,578	99,892	213,707	313,599	17,762	(36,783)	(19,021)	1,200,000	25%
Realized Gain / (Loss)	7,959	(11,941)	(3,982)	(4,628)	(20,398)	(25,026)	12,586	8,457	21,044	-	-
Unrealized Gain / (Loss)	(249,439)	(707,518)	(956,957)	(565,720)	(1,140,370)	(1,706,090)	1,456,651	432,852	749,133	-	-
<b>Total Other Income</b>	<u>(118,401)</u>	<u>(542,536)</u>	<u>(660,937)</u>	<u>(470,456)</u>	<u>(947,062)</u>	<u>(1,417,518)</u>	<u>1,492,425</u>	<u>404,526</u>	<u>756,581</u>	<u>1,650,000</u>	<u>-40%</u>
<b>Total Income</b>	123,776	(542,536)	(418,760)	(341,266)	(947,062)	(1,288,328)	1,605,412	404,526	869,568	5,160,000	-8%
<b>Expense</b>											
<b>Programs</b>											
Scholarships Awarded - SSF		-	-		116,329	116,329	-	(116,329)	(116,329)	3,500,000	0%
Scholarships Awarded - FND	327,463	-	327,463	335,688	-	335,688	(8,225)	-	(8,225)	900,000	36%
Programs Sponsored	55,517	-	55,517	88,471	-	88,471	(32,954)	-	(32,954)	400,000	14%
Student Success Initiatives	55,970	-	55,970	-	-	-	55,970	-	55,970	150,000	37%
<b>Total Programs</b>	<u>438,950</u>	<u>-</u>	<u>438,950</u>	<u>424,159</u>	<u>116,329</u>	<u>540,488</u>	<u>14,791</u>	<u>-</u>	<u>14,791</u>	<u>4,950,000</u>	<u>9%</u>
<b>Supporting Services</b>											
Bad Debt Expense	-	-	-	-	-	-	-	-	-	2,000	0%
<b>Supporting Services</b>											
Foundation Expenses	8,434	-	8,434	8,748	-	8,748	(314)	-	(314)	102,500	8%
Fundraising										150,000	0%
Sponsorship Expense	2,350	-	2,350	650	-	650	1,700	-	1,700	15,000	16%
<b>Total Supporting Services</b>	<u>10,784</u>	<u>-</u>	<u>10,784</u>	<u>9,398</u>	<u>-</u>	<u>9,398</u>	<u>1,386</u>	<u>-</u>	<u>1,386</u>	<u>267,500</u>	<u>4%</u>
<b>Total Expense</b>	449,734	-	449,734	433,557	116,329	549,886	16,177	-	16,177	5,219,500	9%
<b>Net Ordinary Income</b>	(325,958)	(542,536)	(868,493)	(774,823)	(1,063,391)	(1,838,214)	448,865	520,855	969,720	(59,500)	
Other Income / Expenses											
<b>Increase/Decrease in Net Position</b>	<u>(\$325,958)</u>	<u>(\$542,536)</u>	<u>(\$868,493)</u>	<u>(\$774,823)</u>	<u>(\$1,063,391)</u>	<u>(\$1,838,214)</u>	<u>\$448,865</u>	<u>\$520,855</u>	<u>\$969,720</u>	<u>(\$59,500)</u>	

## 2015 Bond Program

Preliminary Report as of September 30, 2023

Project	Base Budget	Budget Adjustments	Current Budget	Program Management Fees	Total Budget	Encumbered Funds	Total Expenditures	Remaining Balance	Percent of Budget Encumbered/ Expensed
<b>Central</b>									
731603 - CC Class Room Building	47,155,000	(804,781)	46,350,219	1,788,440	48,138,659	218,558	46,981,308	938,793	98.05%
<b>Sub-total</b>	47,155,000	(804,781)	46,350,219	1,788,440	48,138,659	218,558	46,981,308	938,793	98.05%
<b>North</b>									
732607 - NC Brightwell Renovation	6,628,000	(314,641)	6,313,359	258,531	6,571,890	19,764	6,552,126	-	100.00%
<b>Sub-total</b>	6,628,000	(314,641)	6,313,359	258,531	6,571,890	19,764	6,552,126	-	100.00%
<b>South</b>									
733608 - SC Domestic Water System Rehabilitation	1,160,000	(99,371)	1,060,629	64,096	1,124,725	38,055	1,086,671	-	100.00%
733610 - SC Jones Renovation	13,803,000	2,363,175	16,166,175	605,876	16,772,051	137,862	16,634,188	-	100.00%
<b>Sub-total</b>	14,963,000	2,263,804	17,226,804	669,972	17,896,776	175,917	17,720,859	-	100.00%
<b>Maritime</b>									
736603 - MC Maritime Expansion	28,000,000	(26,631,300)	1,368,700	31,300	1,400,000	22,828	936,050	441,122	68.49%
<b>Sub-total</b>	28,000,000	(26,631,300)	1,368,700	31,300	1,400,000	22,828	936,050	441,122	68.49%
<b>Generation Park</b>									
<b>Sub-total</b>	-	-	-	-	-	-	-	-	-
<b>Admin</b>									
76605A - CW Deferred Maintenance Phase I	-	31,184,038	31,184,038	427,385	31,611,423	10,236,066	16,334,203	5,041,154	84.05%
736610 - CW Deferred Maintenance Phase II	-	1,650,000	1,650,000	-	1,650,000	81,250	-	1,568,750	4.92%
736606 - Generation Park Opportunities	-	20,000,000	20,000,000	-	20,000,000	57,100	-	19,942,900	0.29%
720100 - Program Management - AECOM	-	11,431,567	11,431,567	(11,404,113)	27,454	27,454	-	-	100.00%
736601 - Contingency	1,166,180	21,639,998	22,806,178	-	22,806,178	-	-	22,806,178	-
<b>Sub-total</b>	1,166,180	85,905,603	87,071,783	(10,976,728)	76,095,055	10,401,870	16,334,203	49,358,982	35.14%
<b>Previously Completed and Closed Projects</b>									
<b>Sub-total</b>	327,087,820	(60,418,685)	266,669,135	8,228,485	274,897,620	-	274,897,620	-	100.00%
<b>TOTALS</b>	<b>425,000,000</b>	<b>-</b>	<b>425,000,000</b>	<b>-</b>	<b>425,000,000</b>	<b>10,838,937</b>	<b>363,422,166</b>	<b>50,738,897</b>	<b>88.06%</b>

## Available Interest Earnings

Report as of September 30, 2023

Fund	901612-901616	901610	901611	901617
Fund Description	2004-2011 Bond Issue Earnings	2016 & 2019 Bond Issue Earnings	2021 Bond Issue Earnings	2022 Bond Issue Earnings
Total Interest Earnings LTD	4,471,135	8,383,879	1,886,794	2,310,787
Amount previously allocated to projects	(4,326,337)	(7,920,809)	-	-
<b>Remaining Interest Earnings Available</b>	<b>144,798</b>	<b>463,070</b>	<b>1,886,794</b>	<b>2,310,787</b>

## Energy Conservation Project

Preliminary Report as of September 30, 2023

Project	Base Budget	Budget Adjustments	Total Budget	Encumbered Funds	Total Expenditures	Remaining Balance	Percent of Budget Encumbered/ Expensed
<b>College Wide</b>							
E22001 - UCRM 1 - LED Lighting	811,078	(231,152)	579,926	-	579,926	-	100.00%
E22002 - UCRM 2.1a - A-1 HVAC	10,354	(5,782)	4,572	-	4,572	-	100.00%
E22003 - UCRM 2.1b - CC Chillers	1,526,400	156,744	1,683,144	-	1,643,708	39,436	97.66%
E22004 - UCRM 2.1c - NC Chiller	593,600	82,278	675,878	51,000	604,000	20,878	96.91%
E22005 - UCRM 2.1d - Maritime HVAC	33,000	(33,000)	-	-	-	-	-
E22006 - UCRM 2.6a - 35 Acre VFDs	9,946	20,905	30,851	-	30,851	-	100.00%
E22007 - UCRM 2.6b - S-7 & S-9 VFDs	26,452	56,684	83,136	-	83,136	-	100.00%
E22008 - UCRM 3 - Retro-Commissioning	280,000	74,010	354,010	-	334,010	20,000	94.35%
E22009 - UCRM 4.2c - Vending Misers	46,224	(46,224)	-	-	-	-	-
E22010 - UCRM 5.1 - Water Conserving Faucets	112,669	(63,192)	49,477	-	49,477	-	100.00%
E22011 - UCRM 8 - Solar PV	1,175,849	(260,598)	915,251	306,088	609,163	-	100.00%
Utility Assessment Report - 720600	96,546	-	96,546	-	96,546	-	100.00%
E22000 - Contingency Lone Star Loan	-	249,327	249,327	-	-	249,327	-
<b>TOTALS</b>	<b>4,722,118</b>	<b>-</b>	<b>4,722,118</b>	<b>357,088</b>	<b>4,035,389</b>	<b>329,641</b>	<b>93.02%</b>

## North and South Campus Roof Replacement

Preliminary Report as of September 30, 2023

Project	Base Budget	Budget Adjustments	Current Budget	Total Budget	Encumbered Funds	Total Expenditures	Remaining Balance	Percent of Budget Encumbered/ Expensed
<b>College Wide</b>								
732614 - NC - N7, N8 & N9 Roof Replacement (2008 Bond)	-	133,554	133,554	133,554	-	133,554	-	100.00%
733615 - SC - S7 & S9 Roof Replacement (901610)	-	108,739	108,739	108,739	6,881	-	101,859	6.33%
<b>Sub-total</b>	-	242,294	242,294	242,294	6,881	133,554	101,859	57.96%
732614 - NC - N7, N8 & N9 Roof Replacement (901612-901616)	2,587,830	(472,744)	2,115,086	2,115,086	21,574	1,975,240	118,272	94.41%
733615 - SC - S7 & S9 Roof Replacement (901612-901616)	1,737,060	474,191	2,211,251	2,211,251	9,489	2,201,762	-	100.00%
<b>Sub-total</b>	4,324,890	1,447	4,326,337	4,326,337	31,063	4,177,002	118,272	97.27%
<b>TOTALS</b>	<b>4,324,890</b>	<b>243,741</b>	<b>4,568,631</b>	<b>4,568,631</b>	<b>37,944</b>	<b>4,310,556</b>	<b>220,131</b>	<b>95.18%</b>

## Repair and Renovation

Report as of September 30, 2023

Project	Base Budget	Budget Adjustments	Current Budget	Total Budget	Encumbered Funds	Total Expenditures	Remaining Balance	Percent of Budget Encumbered/ Expensed
<b>Central</b>								
F24001 CC - Central Misc.	-	15,000	15,000	15,000	-	-	15,000	-
F24007 CC - C45.1322 CPET Worktables	-	5,421	5,421	5,421	5,421	-	-	100.00%
F24014 CC - C45 RO Cover	-	-	-	-	-	-	-	-
F24016 CC - Exterior Wayfinding	-	-	-	-	-	-	-	-
F24020 CC - C1.129 IT Service Desk	-	-	-	-	-	-	-	-
F24030 CC - C3 Conference Center Reno	-	-	-	-	-	-	-	-
F24031 CC - C3.Level 3 - Demo Lockers	-	12,673	12,673	12,673	-	-	12,673	-
F24032 CC - C3.142h Renovation	-	-	-	-	-	-	-	-
F24033 CC - C19.365 Science lab Renovation	-	11,595	11,595	11,595	-	-	11,595	-
F24034 CC - C45.1001 Event Stage Reno	-	24,382	24,382	24,382	-	-	24,382	-
<b>Sub-total</b>	-	69,071	69,071	69,071	5,421	-	63,650	7.85%
<b>North</b>								
F24002 NC - North Misc.	-	10,000	10,000	10,000	-	-	10,000	-
F24009 NC - N17 Wallpaper Removal & Paint	-	-	-	-	-	-	111,319	-
F24010 NC - N12.100 Sensory Room Ph II	-	-	-	-	-	-	-	-
F24012 NC - N24. 103 & 105 Esthetics Lab	-	95,000	95,000	95,000	-	-	95,000	-
F24015 NC - N14.112b Legal Resource Center	-	-	-	-	-	-	-	-
F24018 NC - N7.2112j & 2118a Private Door	-	-	-	-	-	-	-	-
F24023 NC - N8.112 IT Service Desk	-	-	-	-	-	-	-	-
F24025 NC - N24.121Replacement Facial Beds	-	-	-	-	-	-	-	-
<b>Sub-total</b>	-	105,000	105,000	105,000	-	-	216,319	-
<b>South</b>								
F24003 SC - South Misc.	-	10,000	10,000	10,000	594	-	9,406	5.94%
F24008 SC - S1.377 BioManufacturing Lab	-	164,742	164,742	164,742	80,333	-	84,409	48.76%
F24011 SC - S24.103 Esthetics Lab	-	95,000	95,000	95,000	-	-	95,000	-
F24017 SC - S6.110 Cashier Overhead Light	-	-	-	-	-	-	-	-
F24021 SC - S6.121G & S6.121H Room Reno	-	-	-	-	-	-	-	-
F24022 SC - S12.118 IT Service Desk	-	-	-	-	-	-	-	-
F24028 SC - S1.170 Undergraduate Research	-	-	-	-	-	-	-	-
<b>Sub-total</b>	-	269,742	269,742	269,742	80,927	-	188,815	-
<b>Maritime</b>								
F24013 MT - Maritime Gate	-	35,940	35,940	35,940	35,940	-	-	100.00%
F24024 MT - Parking Lot Expansion	-	-	-	-	-	-	-	-
F24035 MT - Maritime Handrail Phase II	-	5,000	5,000	5,000	-	-	5,000	-
F24038 MT - Maritime Access Control Modifi	-	8,728	8,728	8,728	-	-	8,728	-
<b>Sub-total</b>	-	49,668	49,668	49,668	35,940	-	13,728	72.36%
<b>Generation Park</b>								
F24005 GP - GEN P Misc.	-	5,000	5,000	5,000	-	-	5,000	-
F24037 GP - G2.221 A&P Lab	-	-	-	-	-	-	-	-
<b>Sub-total</b>	-	5,000	5,000	5,000	-	-	5,000	-
<b>District</b>								
F24004 DIST - Campus Misc.	-	5,000	5,000	5,000	-	-	5,000	-
F24019 DIST - A1.101b Office Conversion	-	-	-	-	-	-	-	-
F24026 DIST - CW Roof Safety	-	75,000	75,000	75,000	-	-	75,000	-
F24036 DIST - CW Stopper Stations	-	22,955	22,955	22,955	-	-	22,955	-
F24041 DIST - CW Chair Reupholster	-	-	-	-	-	-	-	-
F24006 EDGE - E-1 Lab Furniture	-	-	-	-	-	-	-	-
F24029 EDGE - E1.232 Conference Room	-	9,749	9,749	9,749	-	-	9,749	-
<b>Sub-total</b>	-	112,704	112,704	112,704	-	-	112,704	-
<b>Contingency (720700) - Major Repairs</b>	600,000	(296,443)	303,557	303,557	-	-	192,238	-
<b>Sub-total</b>	600,000	(296,443)	303,557	303,557	-	-	192,238	-
<b>TOTALS</b>	600,000	314,742	914,742	914,742	122,288	-	792,454	13.37%



**BOARD BUILDING COMMITTEE  
SAN JACINTO COMMUNITY COLLEGE DISTRICT  
October 17, 2023**

Members Present: Keith Sinor, John Moon, Jr., Dr. Michelle Cantú-Wilson

Members Absent: Marie Flickinger (ex-officio)

Other Trustees Present: None

Others Present: Heidi Cartzendafner, Shawna Pina, Teri Zamora, Brenda Hellyer, Carin Hutchins, Damon Harris, Genie Scholes, Bryan Jones, Charles Smith

- I. Keith Sinor called the meeting to order at 4:02 p.m.
- II. Roll call of the Committee members was taken by Keith Sinor:
  - Marie Flickinger (Ex-officio member), absent.
  - John Moon, Jr., absent; however, joined while meeting was in progress.
  - Dr. Michelle Cantú-Wilson, Present
- III. Approval of Minutes from the May 23, 2023, Building Committee Meeting was completed. Motion was made by Dr. Michelle Cantú-Wilson to accept the minutes and was seconded by Keith Sinor.
- IV. Recommended Projects and Delivery Methods which will provide the best value to the College (Discussion led by Bryan Jones)
  - Bond Funds
    - Consideration of Delegation of Authority to Contract for Generation Park Expansion Building.
      - In this item, the administration recommends that the Board of Trustees authorize the Chancellor or her designee to approve a contract for the construction of an expansion building at the Generation Park Campus.
      - In October 2023, the Board approved a resolution citing terms and conditions for revenue bonds to fund the construction of an expansion building at the Generation Park Campus. The building will initially house the new Center for Biotechnology, and at a point in the future, will become home to the campus' central plant and general service operations as the campus builds out its master plan. This phase will depend on capacity needs at the Center and the overall campus growth.
      - In February 2021, the Board authorized the delegation of authority to approve the method of procurement best suited for each construction or renovation project. On October 3, 2023, the Chancellor's designee approved the construction manager at risk (CMR) methodology for this project. Detailed project plans and specifications are being developed by Page Southerland Page in accordance with 22 Texas Administrative code §1.212(b).
      - CMR 24-10 was issued on October 11, 2023, to procure construction services for this project in accordance with the Texas Government code §2269.151. Each response received will be evaluated by a team comprised of

- representatives from capital projects and facilities services. Evaluation and ranking of the submittals and presentations will be based on criteria published in the solicitation.
- Approval of this action will authorize the Chancellor or her designee to award a contract to the highest score respondent to CMR 24-10. This will allow the construction manager to provide constructability advice and design assistance to the architect. The effect of such advice is generally to reduce overall project cost and speed construction. Fast track construction is required by the terms of the bond agreement.
  - The cost of this project should not exceed \$4 million. The project will be funded from the referenced revenue bonds.
  - This project will be managed by capital projects staff. Construction is expected to be complete by March of 2025.
  - Brenda explained about the different delegations.
  - Teri Zamora mentioned that we typically do not do delegations of projects this large, but timing is critical for this project.
- Consideration of Delegation of Authority to Contract for South Campus Biomanufacturing HVAC Modifications.
- The administration recommends that the Board of Trustees authorize the Chancellor or her designee to approve a contract for modifications of the biomanufacturing heating, ventilation, and air conditioning (HVAC) system in the South Campus science building.
  - In September 2023, the Board approved funding for the modification of spaces in the South Campus science building in support of the biomanufacturing program. At the same meeting, delegation of authority was granted for awarding job order contracting (JOC) in support of that effort. As plans have developed, revisions to the building's HVAC system to accommodate increased capacity in the biomanufacturing spaces are needed. The scale of these revisions makes the competitive sealed proposal (CSP) method more cost effective than the JOC method.
  - In February 2021, the Board authorized the delegation of authority to approve the method of procurement best suited for each construction or renovation project. On October 3, 2023, the Chancellor's designee approved the CSP methodology for this project. Detailed project plans and specifications for this scope were developed by Pfluger Architects, Inc. in accordance with 22 Texas Administrative Code §1.212(b).
  - CSP 24-09 was issued on October 5, 2023, to procure construction services for this project in accordance with the Texas Government Code §2269.151. Each response received will be evaluated by a team comprised of representatives from capital projects and facilities services. Evaluation and ranking of the submittals will be based on criteria published in the solicitation.
  - Approval of this action will authorize the Chancellor or her designee to award a contract to the highest score respondent to CSP 24-09. This will allow preparations for January 2024 instruction to proceed most rapidly.
  - The cost of this project should not exceed \$300,000. The project will be funded from the 2015 Bond Program, as a component of the overall project funding which was previously approved.
  - This project will be managed by capital projects staff. Construction is expected to be complete by January of 2024. Instruction is expected to begin

in January of 2024.

- Dr. Michelle Cantú-Wilson asked what the types of procurement methods mean. Chuck Smith explained the method. Dr. Brenda Hellyer replied that Chuck presented previously (prior to Michelle serving on this Committee) on the various procurement methods and that presentation would be sent to her as it explains each method.
- Keith Sinor asked if this project can realistically be finished by January of 2024. Chuck answered that he has committed to being instruction ready in January for the S1 project.
- Brenda asked if Chuck felt comfortable that the HVAC will be ready for the S1 project in January. Chuck answered that he is very comfortable that he can deliver instruction in January. We are adding equipment to the labs that did not require HVAC before. We have given our contract audience several options for completing the project including being willing to start working at night, willing to make it all happen over the winter break, or displaying willingness to work with us between now and spring break. Our focus is to get everything installed without interrupting instruction. We will have the work done before the new equipment requiring the added HVAC capacity is added to the labs.
- Consideration of Petition for Annexation of Real Property.
  - This item explains that the College is the owner of a parcel of real property at the South campus which is commonly referred to as the 35-acre tract of the San Jacinto College South Campus.
    - Bryan Jones asked Chuck to address the annexation. Chuck replied that he has a map later in his presentation. He went on to say that it is similar to what the City of Houston did for the College with Ellington Spaceport. The College is petitioning itself to annex a piece of its own property into the College’s taxing district.
    - Chuck said this parcel is basically everything on the southeast side of the South campus, which is where the S1 Science Building and the S2 Engineering Technology Building are located.
    - Brenda summarized that when the College bought the land in 2002 from the developer, the transaction was not recorded properly. We are not sure where the error occurred, but we need to record it properly.
    - Chuck said that when we were cleaning up our maps, we found that we owned this piece of land that is not currently marked in Harris County Appraisal District’s (HCAD) records as being in the College’s taxing district.
    - The proposed action item and resolution will allow the College to rectify this issue.

- Operating Funds
  - None.

#### V. Project Updates

- Bond Funds (Reported by Charles Smith)
  - Safety Metrics
    - Zero safety incidents were reported in the past few months.

- Schedule Updates
  - The College is nearing completion on the larger 2015 Bond projects and has phased out the program management services. The College will continue to manage the remaining projects in house and will use the remaining Bond funds for capital renewal projects and deferred maintenance.
- Progress Updates
  1. Central Campus – Technical Education Building (C-31)
    - Roof replacement has been completed. Buildings C-31 and C-32 both have significant deferred capital renewal needs, and we went ahead and replaced the roof on C-31 to preserve the underlying asset. The cost of that roof, divided by the typical depreciation per square foot on a new building (\$9.44/SF; \$472 Total Project Cost (TPC)/50 years) gives us a five-year moratorium on consideration for demolition.
    - Chuck explained that there has been a fair amount of roof work occurring lately. This is the beginning of a larger amount of roofing replacement needs, stemming from a large amount of new construction which occurred in 2003 and 2004. Now through 2025, approximately 473,000 square feet of roof, nearly a quarter of the College’s entire roofing inventory, will have reached the end of its design life. That roofing has a current replacement value of approximately \$35 million. We plan to triage the roofs into those that can be deferred a little longer, those that can have their life extended, and those that need to be replaced. We completed the last round of inspections in the current cycle this morning, so it is anticipated that by the next time this Committee meets, we will have at least the beginning of a plan.
  2. Central Campus – Marcom Building (C-2), Walkway
    - Capital renewal of the Marcom Building is progressing well, with the scope of the transformation starting to become evident. There are new windows on the west facade, which was formerly all brick.
    - The mechanical, electrical, and plumbing systems inside are nearing completion. The walls have gone up, and we are preparing to begin adding finishes.
    - The Central Campus walkway to traverse the space formerly occupied by the Central Campus gym, which was reported as “in design” at the last meeting has been completed and the Facilities department has begun a reforestation effort in some of the space.
  3. North Campus – Central Plant CIT (N-32)
    - This project was completed in June. Energy Management and HVAC staff are now working together to ensure they know how best to optimize the newly enlarged system by selecting the combination of chillers in conjunction with the thermal storage tank that best meets the combined load of the North Campus on both sides of Uvalde Road.
  4. North Campus– Burleson, Spencer & Brightwell Buildings (N-7, N-8, N-9), N-21
    - This project was completed in June. The major change in scope to that project was that we had originally proposed demolishing the clock tower as a means of preventing leaks long-term. Once we began demolition, we came to the realization that we could turn the tower into a purely decorative feature with far less expense. We installed a separate roof

- inside the tower and replaced all windows with metal panels which resulted in a \$138,000 savings to the job. The same contractor that did this work was also the successful proposer on CSP 24-04, the roof life extension for building N-10. That project is mobilizing this week, with the intent of completing work before the end of the year.
- Clean-up of building N-21 and the removal of the old service barn which were in planning when this Committee last met, have since been completed.
5. South Campus – Academic North and South Wing (S-7 and S-9)
- Re-roofing of buildings S-7 and S-9, as well as the installation of solar panels on those roofs is complete.
6. Additional projects in development and design are as follows:
- Central Campus Anderson–Ball Classroom Building (C-16) - Continued efforts to obtain solar installation approved by CenterPoint are progressing favorably at this point.
  - Central Campus Automotive and Career Center (C-26) - Other projects at Central Campus include the addition of Electric Vehicle charging capacity to building C-26 to support the technician training program, and the replacement of the Slocomb Theater air conditioning system. At a meeting with Stellantis this week, we prepared for connecting their instructional labs to chargers by January and will inform issuing a CSP for the balance of work required after that.
  - North Campus Electrical (N-12) – Solicitation for electrical upgrades is scheduled for June 1, 2024.
  - South Campus Parking Lot (SP-9) – Pending only the award of the permit from the City of Houston, we are hoping to have that within another 30 days.
  - South Campus – As discussed earlier, the Biomanufacturing Program is progressing well.
  - Maritime Pool – The Maritime Pool Heating and Cooling Project is nearly ready to send to solicitation. That project will extend the instructional use of the pool to year-round. Barring any supply chain issues, work should be completed by summer of 2024.
  - Utility Master Plan – The plan is in the design phase. It will update the 2009 version significantly.
- Financial Updates
- All reports were presented without questions or comments.
    - 2015 Bond – The classroom building is maintaining a reserve to handle any solar related expenses coming online, the budget at Maritime was increased to cover the pool project, and the deferred maintenance projects continue to be funded from contingency.
    - Bond Interest Earnings – unallocated interest earnings now total \$4.8 million. Ideally, these funds will be able to be allocated towards some of the roofing needs.
    - Energy Conservation Project – This is our first State Energy Conservation Office (SECO) loan. This was delayed due to the City of Houston permitting process, but all work is now complete. The College should receive the final invoices and inspections during the

coming month in order to close the project out.

- North and South Campus roof replacements - Complete and awaiting close-out paperwork to release final retainage.

- Operating Funds (Reported by Bryan Jones)
  - Safety Metrics
    - One near miss minor incident was reported. This was a no-injury traffic accident at Central Campus.
  - Schedule Updates
    - An overview of the Fiscal Year 2024 minor projects was presented without question. Currently, there are approximately 40 projects are being worked.
    - This report was presented with no further comments or questions.
  - Progress Updates
    - An overview of the College's Fiscal Year 2024 maintenance requests was presented.
    - Michelle asked a question regarding the retention rates for housekeeping. Bryan answered stating that the turnover rates have been very low. He will get a report together and present it to the Committee.
  - Financial Updates
    - Repair and Renovation – This report was presented with no comments.

VI. Status of Delegation of Authority

- Presented with no comments or questions; there are no items pending.

VII. Adjournment – The meeting adjourned at 4:55 p.m.

**Action Item “IX”**  
**Regular Board Meeting November 6, 2023**  
**Consideration of Approval of Amendment to the 2023-2024 Budget**  
**for Restricted Revenue and Expenses Relating to Federal, State, and Local Grants/Contracts**

**ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees approve an amendment to the 2023-2024 budget for restricted revenue and expenses related to grants/contracts.

**BACKGROUND**

Federal, state, and local grants/contracts may require amendments for receipt of newly awarded grants/contracts or changes to existing grants/contracts. These amendments should be processed in a timely manner to provide access to funding to meet the objectives set forth within the grant/contract requirements. This budget amendment request includes additions to restricted revenues and restricted expenses as a result of new awards and changes to existing grants/contracts received during the month of October 2023.

**IMPACT OF THIS ACTION**

Approval of the budget amendment will allow the College’s staff to implement the programs in accordance with the requirements of funded amounts.

**BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)**

Restricted revenues and restricted expenses will each be increased by \$80,000 so the net impact on the College budget is zero.

**MONITORING AND REPORTING TIMELINE**

The Office of Grants Management provides continuous monitoring of grant operations, which are included in the annual financial report to the Board of Trustees. The Finance department monitors restricted contracts.

**ATTACHMENTS**

Attachment 1- Budget Amendments- 11-06-23  
Attachment 2- Grant/Contract Detail- 11-06-23

**RESOURCE PERSONNEL**

Teri Zamora	281-998-6306	<a href="mailto:teri.zamora@sjcd.edu">teri.zamora@sjcd.edu</a>
Carin Hutchins	281-998-6109	<a href="mailto:carin.hutchins@sjcd.edu">carin.hutchins@sjcd.edu</a>
Tomoko Olson	281-998-6146	<a href="mailto:tomoko.olson@sjcd.edu">tomoko.olson@sjcd.edu</a>

SAN JACINTO COLLEGE DISTRICT  
Federal, State, and Local Grant/Contract Amendments  
November 6, 2023

	Fund	Org.	Account	Prog.	Amount Debit (Credit)	
<u>Texas Higher Education Coordinating Board - Course Sharing Pilot Contract No. 29100 (New Contract)</u>						
State Contract Revenue	245141	46275	552300	420300	(50,000)	
Computer Supplies - Software/Lic/Maint Agrmt	245141	46275	711330	420300	<u>50,000</u>	\$ -
 <u>Texas Higher Education Coordinating Board - Micro-Credential Learning Network Contract No. 29451 (New Contract)</u>						
State Contract Revenue	245142	43169	552300	420300	(30,000)	
Instructional - Adjunct	245142	43169	621100	420300	5,000	
Instructional Supplies - Consumable	245142	43169	711110	420300	2,000	
Operating Supplies - Consumable	245142	43169	711410	420300	<u>23,000</u>	-
Net Increase (Decrease)						<u><u>\$ -</u></u>

Note: Credits to revenues are increases and credits to expenses are decreases.  
Conversely, debits to revenue are decreases and debits to expenses are increases.

Grant/Contract Funding Summary by Agency:  
Texas Higher Education Coordinating Board

\$	80,000
<u>\$</u>	<u>80,000</u>



Texas Higher Education Coordinating Board - Course Sharing Pilot Contract No. 29000 (New Contract)

The Texas Higher Education Coordinating Board is launching a statewide Course Sharing pilot to increase access to online courses for students enrolled in Texas institutions of higher education, as recommended in the Texas Commission on Community College Finance Report to the 88th Legislature. The purpose of this contract is for the College to provide insight into the development of course sharing processes and protocols and be instrumental in identifying potential barriers to implementation and solutions to address those barriers.

The shift to remote learning during the COVID-19 pandemic revealed that higher education students appreciate online course options and technology enhanced teaching. With increasing numbers of non-traditional students entering higher education, and competing priorities of family and employment, the flexibility that digital learning via a statewide course sharing model allows becomes even more important. The need for expanded access to online courses and credentials continues to increase. An online course sharing initiative across Texas supports degree progression and completion, addresses institutional capacity concerns, and enhances innovative credential deployment.

Texas Higher Education Coordinating Board - Micro-Credential Learning Network Contract No. 29451 (New Contract)

The purpose of this contract is for the College to participate in a micro-credential learning network that leverages institutional expertise to develop strategic implementation plans for certificate suites within various credential paths to establish credentials of value across the State.

The College will be implementing a SkillsPro Micro-Credential, which is a co-curricular model that leads to a non-credit credential. The micro-credential will be made up of seven badges; teamwork, cultural awareness, creative problem solving, time management, professional communication, digital fluency, and emotional intelligence. This SkillsPro Micro-Credential program will benefit the learners by enhancing their employability and professional growth by developing essential soft skills. Participants will gain a competitive edge in today's job market by acquiring a comprehensive skill set that includes professional communication, collaboration, problem-solving, adaptability, emotional intelligence, and more. This will lead to increased opportunities for career advancement, potential wage increases, and the ability to contribute meaningfully to their respective industries. These acquired skills will not only benefit the learners in securing employment, but also positively impact their family life and open doors to future educational opportunities, empowering them to excel in their chosen careers and achieve long-term success.

**Action Item “X”**  
**Regular Board Meeting November 6, 2023**

**Consideration of Approval of Policy IV.4003.C, Outside Employment – Second Reading**

## **ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees approve revisions to the College’s Policy IV.4003.C, Outside Employment.

## **BACKGROUND**

This policy and associated procedure provide guidance regarding employment outside of the College. The intent of this process is to prevent potential conflicts of interest and foster communication between leaders and employees.

A proposed revision to the Outside Employment policy and procedure was previously sent out for College-wide comment on February 13, 2023. The proposed edits generated interest and the College community responded with substantial feedback. Over 40 responses were received, and the feedback was reviewed by the Strategic Leadership Team (SLT).

Based on the feedback, the decision was made to form a task force with representation from the Faculty Senate, Staff Organization, and Administrative Organization. All the feedback that was received was reviewed by members of the task force (identifying information removed) including suggested revisions to the proposed policy and procedure. The task force convened in April and submitted a proposed policy and procedure for review by the SLT at the end of June.

The policy and procedure recommendations from the Outside Employment Task Force were reviewed carefully by the SLT. Some of the recommendations were modified slightly to incorporate language that is consistent with San Jacinto College policies and procedures. The task force members were notified of the modifications on September 15, 2023.

## **IMPACT OF THIS ACTION**

The updated policy and procedure were sent to the College community on September 26, 2023 through October 10, 2023. Eight comments were received which resulted in changes to the procedure (see highlights on attachment 6). Procedures are provided for informational purposes and are not voted on by the Board of Trustees.

## **BUDGET INFORMATION**

No budgetary impact.

## **MONITORING AND REPORTING TIMELINE**

The Board will be notified of any changes that require its action.

## **ATTACHMENTS**

Attachment 1 - Summary of Changes

Attachment 2 - Current Policy IV.4003.C, Outside Employment

**Action Item "X"**  
**Regular Board Meeting November 6, 2023**

**Consideration of Approval of Policy IV.4003.C, Outside Employment – Second Reading**

Attachment 3 - Proposed (Track Changes) Policy IV.4003.C, Outside Employment

Attachment 4 - Proposed (Clean) Policy IV.4003.C, Outside Employment

Informational items only:

Attachment 5 - Current Procedure IV.4003.C.a, Outside Employment

Attachment 6 - Proposed (Track Changes) Procedure IV.4003.C.a, Outside Employment

Attachment 7 - Proposed (Clean) Procedure IV.4003.C.a, Outside Employment

**RESOURCE PERSONNEL**

Sandra Ramirez	281-991-2648	Sandra.ramirez@sjcd.edu
Vickie Del Bello	281-998-6357	Vickie.delbello@sjcd.edu

# Attachment 1

## Summary of Changes

## Policies and Procedures Summary of Changes

New Policy Number: N/A

Proposed Policy Name: N/A

Current Policy Number/Name: Policy IV.4003.C, Outside Employment

New Procedure Number: N/A

Proposed Procedure Name(s): N/A

Current Procedure Number(s)/Name(s): Procedure IV.4003.C.a, Outside Employment

Action Recommended for Policy: Revision

Action Recommended for Procedures: Revision

Web Links:

[Policy IV.4003.C, Outside Employment](#)

[Procedure IV.4003.C.a, Outside Employment](#)

Primary Owner: Vice Chancellor, Human Resources, Organizational and Talent Effectiveness

Secondary Owner: Vice President, Human Resources

### Summary of Changes:

#### *Policy Changes*

- Added additional information for clarification of outside employment.
- Included a reference to Policy III.3003.A, Ethical conduct and Conflicts of Interest and referred employees to the policy and procedure regarding that topic.
- Updated the definition of outside employment.

#### *Procedure Changes*

- Updated language.
- Added intent of this procedure, which is to prevent potential conflicts of interest and foster communication between leaders and employees.
- Added a section on a disclosure form and a disclosure routing flow chart for reference.
- Added the option for an employee to appeal the immediate leader's decision to next level leader.
- Added that the respective SLT member will be copied if next level leader disapproves request to the flow diagram and to the "Disclosure Form Routing Flow Chart" section.
- Added guidelines for leaders for evaluating outside employment. Added further clarification to the factor if the outside employer is a public employer and the employer's obligation of accountability as stewards of the public's money.
- Clarified guidelines for employees who are approved for outside employment.

## Attachment 1

- Removed that the Provost could grant an exception for faculty members to accept a student as a client during a semester when the student is enrolled in their class.

# Attachment 2 Current Policy

## **Policy IV.4003.C, Outside Employment**

### **Purpose**

This policy provides guidance regarding employment outside of the College.

### **Policy**

Outside employment by College employees shall not be allowed to interfere or conflict with the employee's assigned duties and responsibilities to the College. This includes the solicitation of business for profit, consulting, or other activities.

Employees will only use resources of San Jacinto College to support the educational objectives of the College. An employee will not use facilities, administrative assistance, office supplies and equipment, or other College resources for personal gain. The use of College resources for personal gain is a violation of College policy and state law.

An employee who may have or has a conflict of interest related to outside employment shall disclose the interest to his/her respective leadership chain, including his/her Strategic Leadership Team (SLT) member. The SLT member will notify Human Resources and the Internal Audit Department, who shall review to ensure that the College's best interests are protected.

### **Definitions**

**Outside employment:** Any activity for pay performed in addition to the official responsibilities of a College employee.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

### **Associated Procedures**

Procedure IV.4003.C.a, Outside Employment

Date of Board Approval	October 1, 2018
Effective Date	October 2, 2018
Primary Owner	Vice Chancellor, Human Resources
Secondary Owner	Vice President, Human Resources



Attachment 3  
Proposed Policy  
Tracked Changes

## Policy IV.4003.C, Outside Employment

### Purpose

This policy provides guidance ~~regarding~~on participating in secondary employment outside of the College. The intent of this policy is to prevent potential conflicts of interest and foster communication between leaders and employees.

### Policy

~~College employees may hold employment outside of the College. Outside employment by College employees shall~~must not be allowed to result in a conflict of interest or interfere or conflict with the employee's assignedability to perform required duties and responsibilities to the College. ~~This includes~~at the solicitation of business for profit, consulting, or College.

Additional details regarding potential conflicts of interest and other activitiestypes of conflicts that must be reported are listed in Policy III.3003.A, Ethical Conduct and Conflicts of Interest and Procedure III.3003.A.a, Ethical Conduct and Conflicts of Interest.

~~Employees will only use resources of San Jacinto College to support the educational objectives of the College. An employee will not use facilities, administrative assistance, office supplies and equipment, or other College resources for personal gain. The use of College resources for personal gain is a violation of College policy and state law.~~

~~An employee who may have or has a conflict of interest related to outside employment shall disclose the interest to his/her respective leadership chain, including his/her Strategic Leadership Team (SLT) member. The SLT member will notify Human Resources and the Internal Audit Department, who shall review to ensure that the College's best interests are protected.~~

### Definitions

**Outside employment:** ~~Any~~ employment, business relationship, or other activity ~~for pay performed in addition to outside of the~~ official responsibilities of a College in which the employee provides service or consultation for taxable compensation.

**Employee:** A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

### Associated Procedures

Procedure IV.4003.C.a, Outside Employment

Procedure III.3003.A.a, Ethical Conduct and Conflicts of Interest

Attachment 3 - Proposed Policy – tracked changes

Date of Board Approval	<del>October 1, 2018</del> <a href="#">Anticipated November 6, 2023</a>
Effective Date	<del>October 2, 2018</del> <a href="#">Anticipated January 8, 2024</a>
Primary Owner	Vice Chancellor, Human Resources, <a href="#">Organizational and Talent Effectiveness</a>
Secondary Owner	Vice President, Human Resources

Attachment 4  
Proposed Policy  
Clean

## Policy IV.4003.C, Outside Employment

### Purpose

This policy provides guidance on participating in secondary employment outside of the College. The intent of this policy is to prevent potential conflicts of interest and foster communication between leaders and employees.

### Policy

College employees may hold employment outside of the College. Outside employment must not result in a conflict of interest or interfere with the employee’s ability to perform required duties at the College.

Additional details regarding potential conflicts of interest and other types of conflicts that must be reported are listed in Policy III.3003.A, Ethical Conduct and Conflicts of Interest and Procedure III.3003.A.a, Ethical Conduct and Conflicts of Interest.

### Definitions

**Outside employment:** Any employment, business relationship, or other activity outside of the College in which the employee provides service or consultation for taxable compensation.

**Employee:** A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

### Associated Procedures

Procedure IV.4003.C.a, Outside Employment

Procedure III.3003.A.a, Ethical Conduct and Conflicts of Interest

Date of Board Approval	Anticipated November 6, 2023
Effective Date	Anticipated January 8, 2024
Primary Owner	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
Secondary Owner	Vice President, Human Resources

Attachment 5  
Current Procedure  
(Informational Item)

## **Procedure IV.4003.C.a, Outside Employment**

### **Associated Policy**

Policy IV.4003.C, Outside Employment

### **Procedures**

Full-time employment by San Jacinto College involves the commitment of the individual's time, energy and primary loyalty to the College. Consulting, professional activities, or other outside employment must not impair the individual's ability to fulfill their duties at the College.

Outside employment of any full-time or part-time employee must not involve conflict with the individual's obligation to San Jacinto College or with the objectives of the College. Employees must avoid conflict of interest in all instances of outside employment and consulting.

A full-time or part-time teaching faculty member of San Jacinto College shall not accept a student as a client during a semester in which the student is enrolled in their class. The campus Provost may grant an exception in writing for a compelling reason. This written exception must remain on file in the Human Resources Office.

Employees shall not advertise their services while instructing students or while performing other duties as an employee.

Employees will use resources of San Jacinto College to support the educational objectives of the College. An employee will not use facilities, administrative assistance, office supplies and equipment, or other College resources for personal gain, such use of College resources for personal gain is a violation of College policy and state law.

San Jacinto College recognizes that certain scholarly activities, such as the writing of articles and books, can be beneficial to the individual and to the College. San Jacinto College encourages such professional activities; however, these activities are in addition to the employee's full-time duties expected by the College and are not to be accomplished by utilizing College-paid administrative support.

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

An employee shall not have a personal financial interest, a business interest or any other obligation that in any way creates a substantial conflict with the proper discharge of assigned duties and responsibilities or that creates a conflict with the best interest of the College.

An employee who may have or has a conflict of interest related to outside employment shall disclose the interest to the respective Strategic Leadership Team (SLT) member, Human Resources, and the Internal Audit Department, who shall review to ensure that the college's best interests are protected.

Note: See **Policy III.3003.A, Ethical Conduct and Conflicts of Interest** and associated procedure for additional information on other types of conflicts which must be reported.

**Definitions**

**Outside employment:** Any activity for pay performed in addition to the official responsibilities of a College employee.

**Employee:** A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

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Date of SLT Approval	September 6, 2018
Effective Date	October 2, 2018
Associated Policy	Policy IV.4003.C, Outside Employment
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources
Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources

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Attachment 6  
Proposed Procedure  
Tracked Changes  
(Informational Item)

## **Procedure IV.4003.C.a, Outside Employment**

### **Associated Policy**

Policy IV.4003.C, Outside Employment

### **Procedures**

San Jacinto College recognizes that employees may hold outside employment. Often, such employment can benefit both the employee and the College through enhanced knowledge, exposure, and experience. However, outside employment will must not conflict with an employee's ability to perform required duties at the College. The intent of this procedure is to prevent potential conflicts of interest and foster communication between leaders and employees. Leaders will engage in open communication to provide an opportunity for understanding the employee's personal circumstances, which may include the desire or need for secondary employment, and recognizing that employees have diverse interests, financial responsibilities, and personal goals that extend beyond their responsibility to the College.

### **Outside Employment Disclosure Form**

Full-time employees who desire to engage in outside employment will disclose the interest or employment to their leader and complete the outside employment disclosure form in advance of engaging in the outside employment. If the employee's outside employment predates the employee's hiring by the College or adoption of this policy and procedure, the employee will complete the outside employment disclosure form within five (5) working days from the College's adoption of this procedure.

The disclosure form for outside employment is located on [to be filled in]. The final decision of this form will be stored in an internal repository.

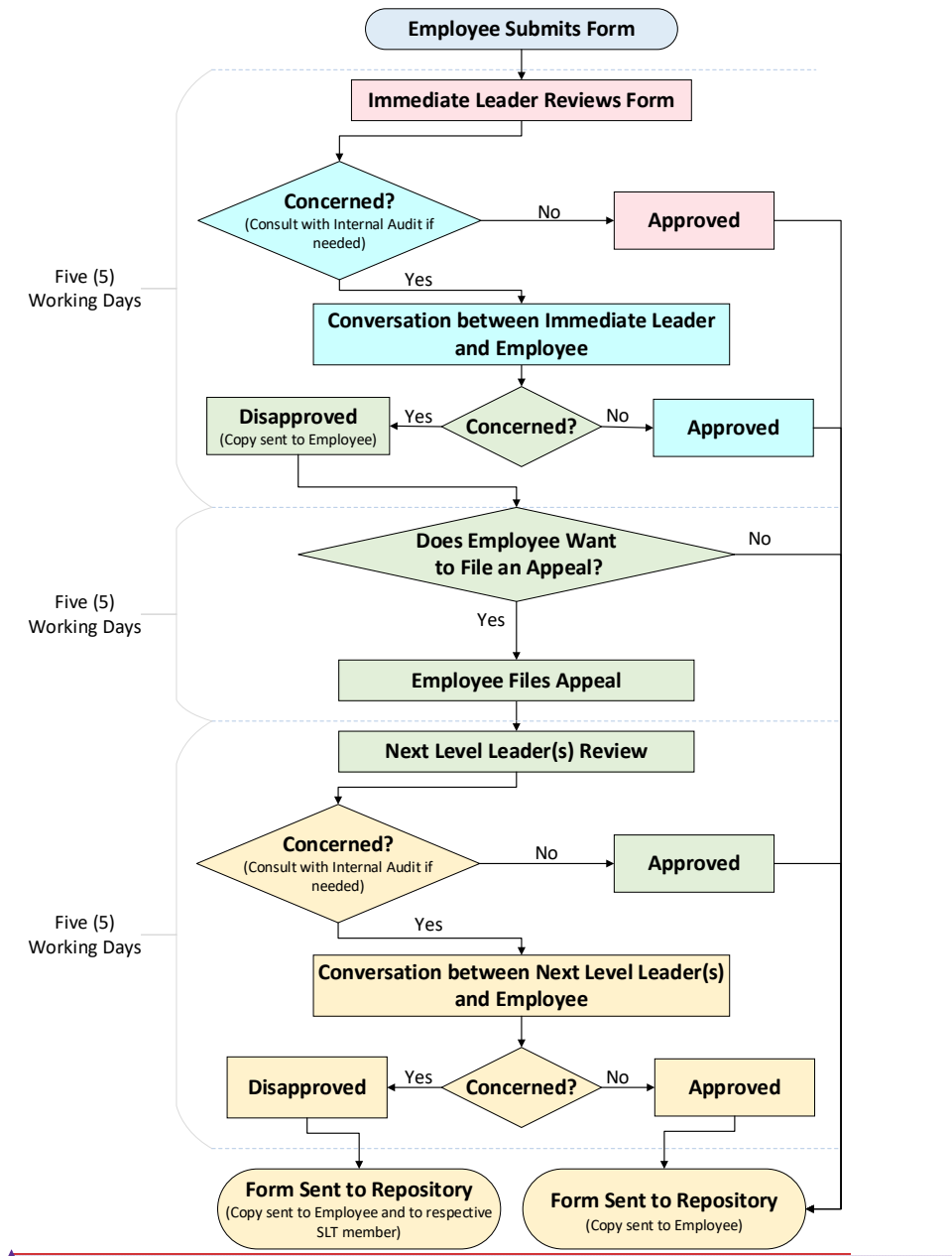
Officers in the San Jacinto College Police Department will continue to adhere to the process provided in the San Jacinto College Police Department Manual, Policy 1020, Outside Employment.

Once the disclosure form is received, the immediate leader will review the content. The immediate leader will communicate the approval or discuss any concerns with the employee within five (5) working days of receiving the disclosure form.

### **Disclosure Form Routing Flow Chart**

Employees submitting a disclosure form may stop the routing of the form at any time within the process by notifying the immediate leader. Employees may also appeal the leader's decision. The respective Strategic Leadership Team (SLT) member will receive a copy of the disclosure form if disapproved at the appeal step.

Attachment 6 - Proposed Procedure – tracked changes (Informational Item)



Field Code Changed

### Submitting Changes in Outside Employment

Employees should complete an outside employment disclosure form once every 12 months. Employees should also complete an updated disclosure form if they add additional jobs or make significant changes to the outside employment arrangements that were previously submitted and approved.

If an employee fails to disclose outside employment, this could result in disciplinary action up to and including termination.

### Employee Appeals

If an employee's request for outside employment is denied by the employee's immediate leader, the employee can appeal the decision within five (5) working days. The appeal process will conclude within five (5) working days of receiving the request to appeal and will include a conversation between the submitting employee, the first level leader, and the subsequent level leader(s) as necessary to ensure transparency and consistency in implementation.

### Guidelines for Leaders Evaluating Outside Employment

Employee performance and potential conflicts of interest will be considered by the leader when evaluating a request for outside employment. This knowledge should not be used to affect decisions related to scheduling, overtime, or overload courses.

Factors include but are not limited to whether or not the following circumstances are in effect:

- the outside employment will affect the employee's attendance, timeliness, or performance while on duty at the College.
- the outside employment impairs the College's flexibility in scheduling the employee for work.
- the outside employer conducts business with the College.
- the nature of the outside employment is fundamentally incompatible with the employee's job duties or the work of the College.
- the employee's status as a College employee is a reason the employee was hired to perform the outside work.
- the outside employer is a public employer (all public entities that are funded by taxpayers have a duty of accountability as stewards of the public's money and must ensure obligations for use of these funds are met, even if the outside employment is not in higher education).

### Guidelines for Employees Approved to Hold Outside Employment

An employee Full time employment by San Jacinto College involves the commitment of the individual's time, energy and primary loyalty to the College. Consulting, professional activities, or other outside employment must not impair the individual's ability to fulfill their duties at the College.

Attachment 6 - Proposed Procedure – tracked changes (Informational Item)

~~Outside employment of any full time or part time employee must not involve conflict with the individual's obligation to San Jacinto College or with the objectives of the College. Employees must avoid conflict of interest in all instances of outside employment and consulting.~~

~~with outside employment may not use College paid sick leave to perform outside work. In connection with outside employment, the employee may not use the College's email, address, or phone number. The College's name cannot be used in a manner that suggests endorsement by the College of the employee's outside employment, business, or activity. The employee may not use or share confidential information gained from the employee's job at the College.~~

A full-time or part-time teaching faculty member of ~~San Jacinto~~the College ~~shall~~will not accept a student as a client during a semester in which the student is enrolled in their class. ~~The campus Provost may grant an exception in writing for a compelling reason. This written exception must remain on file in the Human Resources Office.~~

Employees ~~shall~~will not advertise ~~or promote~~ their ~~outside business or employment/consulting services while instructing~~to students ~~in their classes or programs~~ or while performing other duties as an employee, ~~including but not limited to, conference hours, club sponsorship, and College-related extracurricular activities.~~

Employees will use resources of San Jacinto College to support the educational objectives of the College. An employee will not use facilities, administrative assistance, office supplies and equipment, or other College resources for personal gain, ~~such related to outside employment. Such~~ use of College resources for personal gain is a violation of College policy and state law.

~~San Jacinto College recognizes that certain scholarly activities, such as the writing of articles and books, can be beneficial to the individual and to the College. San Jacinto College encourages such professional activities; however, these activities are in addition to the employee's full-time duties expected by the College and are not to be accomplished by utilizing College-paid administrative support.~~

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

~~An employee shall not have a personal financial interest, a business interest or any other obligation that in any way creates a substantial conflict with the proper discharge of assigned duties and responsibilities or that creates a conflict with the best interest of the College.~~

Attachment 6 - Proposed Procedure – tracked changes (Informational Item)

~~An employee who may have or has a conflict of interest related to outside employment shall disclose the interest to the respective Strategic Leadership Team (SLT) member, Human Resources, and the Internal Audit Department, who shall review to ensure that the college's best interests are protected.~~

~~Note: See **Policy III.3003.A, Ethical Conduct and Conflicts of Interest** and associated procedure for additional information on other types of conflicts which must be reported.~~

**Definitions**

**Outside employment:** ~~-Any employment, business relationship, or other activity for pay performed in addition to outside of the official responsibilities of a College in which the employee provides service or consultation for taxable compensation.~~

**Employee:** A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

Note: See **Policy III.3003.A, Ethical Conduct and Conflicts of Interest** and associated procedure for additional information on other types of conflicts ~~which~~[that](#) must be reported.

Date of SLT Approval	<del>September 6, 2018</del> September 18, 2023
Effective Date	<del>October 2, 2018</del> Anticipated January 8, 2024
Associated Policy	Policy IV.4003.C, Outside Employment
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, <a href="#">Organizational and Talent Effectiveness</a>
Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources

Attachment 7  
Proposed Procedure  
Clean  
(Informational Item)

## **Procedure IV.4003.C.a, Outside Employment**

### **Associated Policy**

Policy IV.4003.C, Outside Employment

### **Procedures**

San Jacinto College recognizes that employees may hold outside employment. Often, such employment can benefit both the employee and the College through enhanced knowledge, exposure, and experience. However, outside employment must not conflict with an employee's ability to perform required duties at the College. The intent of this procedure is to prevent potential conflicts of interest and foster communication between leaders and employees. Leaders will engage in open communication to provide an opportunity for understanding the employee's personal circumstances which may include the desire or need for secondary employment, and recognizing that employees have diverse interests, financial responsibilities, and personal goals that extend beyond their responsibility to the College.

### **Outside Employment Disclosure Form**

Full-time employees who desire to engage in outside employment will disclose the interest or employment to their leader and complete the outside employment disclosure form in advance of engaging in the outside employment. If the employee's outside employment predates the employee's hiring by the College or adoption of this policy and procedure, the employee will complete the outside employment disclosure form within five (5) working days from the College's adoption of this procedure.

The disclosure form for outside employment is located on [to be filled in]. The final decision of this form will be stored in an internal repository.

Officers in the San Jacinto College Police Department will continue to adhere to the process provided in the San Jacinto College Police Department Manual, Policy 1020, Outside Employment.

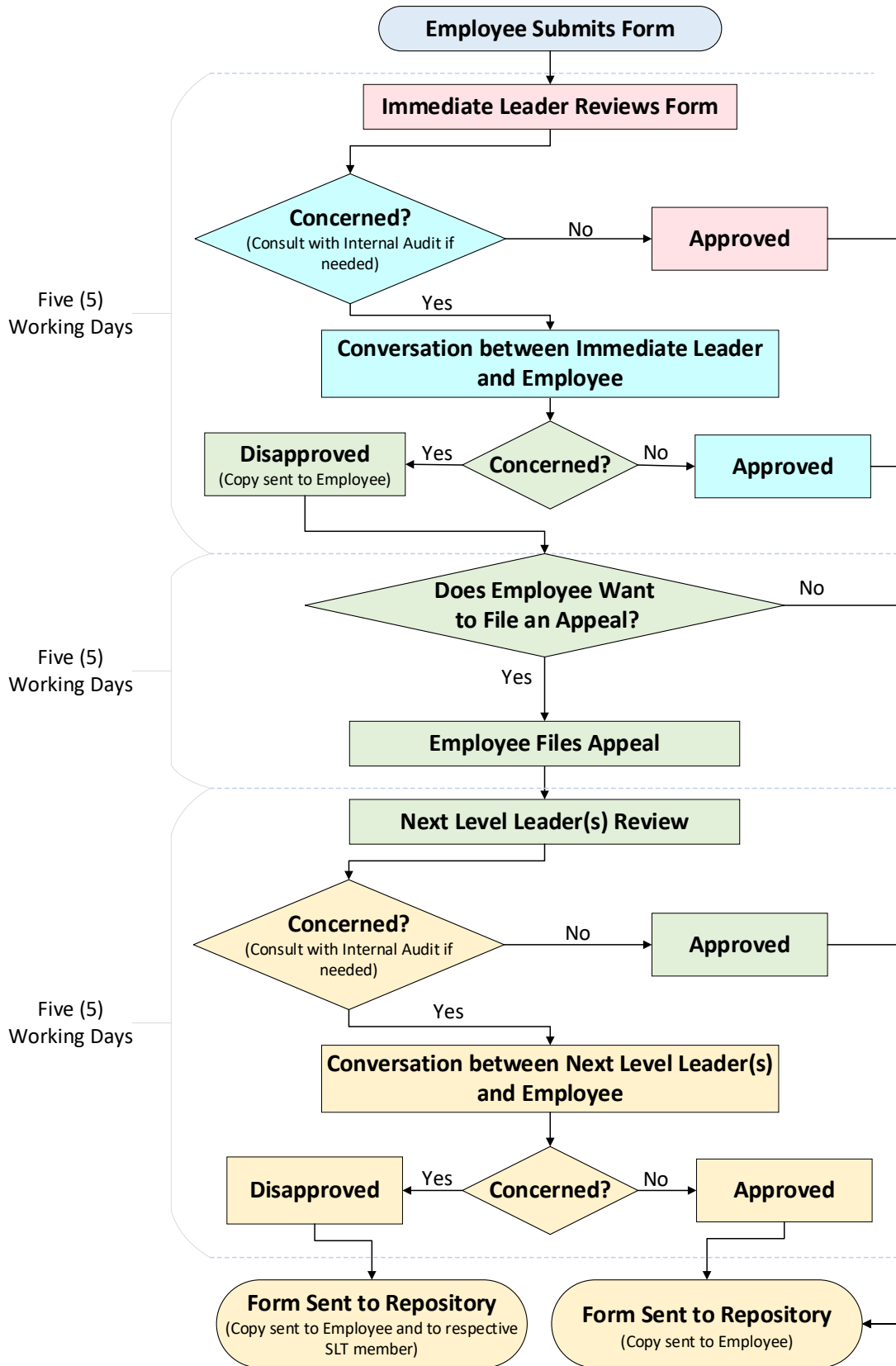
Once the disclosure form is received, the immediate leader will review the content. The immediate leader will communicate the approval or discuss any concerns with the employee within five (5) working days of receiving the disclosure form.

### **Disclosure Form Routing Flow Chart**

Employees submitting a disclosure form may stop the routing of the form at any time within the process by notifying the immediate leader. Employees may also appeal the leader's decision. The respective Strategic Leadership Team (SLT) member will receive a copy of the disclosure form if disapproved at the appeal step.



Attachment 7 - Proposed Procedure – clean (informational item)



### **Submitting Changes in Outside Employment**

Employees should complete an outside employment disclosure form once every 12 months. Employees should also complete an updated disclosure form if they add additional jobs or make significant changes to the outside employment arrangements that were previously submitted and approved.

If an employee fails to disclose outside employment, this could result in disciplinary action up to and including termination.

### **Employee Appeals**

If an employee's request for outside employment is denied by the employee's immediate leader, the employee can appeal the decision within five (5) working days. The appeal process will conclude within five (5) working days of receiving the request to appeal and will include a conversation between the submitting employee, the first level leader, and the subsequent level leader(s) as necessary to ensure transparency and consistency in implementation.

### **Guidelines for Leaders Evaluating Outside Employment**

Employee performance and potential conflicts of interest will be considered by the leader when evaluating a request for outside employment. This knowledge should not be used to affect decisions related to scheduling, overtime, or overload courses.

Factors include but are not limited to whether or not the following circumstances are in effect:

- the outside employment will affect the employee's attendance, timeliness, or performance while on duty at the College.
- the outside employment impairs the College's flexibility in scheduling the employee for work.
- the outside employer conducts business with the College.
- the nature of the outside employment is fundamentally incompatible with the employee's job duties or the work of the College.
- the employee's status as a College employee is a reason the employee was hired to perform the outside work.
- the outside employer is a public employer (all public entities that are funded by taxpayers have a duty of accountability as stewards of the public's money and must ensure obligations for use of these funds are met, even if the outside employment is not in higher education.

### **Guidelines for Employees Approved to Hold Outside Employment**

An employee with outside employment may not use College paid sick leave to perform outside work. In connection with outside employment, the employee may not use the College's email, address, or phone number. The College's name cannot be used in a manner that suggests endorsement by the College of the employee's outside employment, business, or activity. The employee may not use or share confidential information gained from the employee's job at the College.

A full-time or part-time teaching faculty member of the College will not accept a student as a client during a semester in which the student is enrolled in their class.

Employees will not advertise or promote their outside business or employment/consulting services to students in their classes or programs or while performing other duties as an employee, including but not limited to, conference hours, club sponsorship, and College-related extracurricular activities.

Employees will use resources of San Jacinto College to support the educational objectives of the College. An employee will not use facilities, administrative assistance, office supplies and equipment, or other College resources for personal gain related to outside employment. Such use of College resources for personal gain is a violation of College policy and state law.

### Definitions

**Outside employment:** Any employment, business relationship, or other activity outside of the College in which the employee provides service or consultation for taxable compensation.

**Employee:** A full-time or part-time employee of the College as defined by Human Resources policy and procedure.

Note: See **Policy III.3003.A, Ethical Conduct and Conflicts of Interest** and associated procedure for additional information on other types of conflicts that must be reported.

Date of SLT Approval	September 18, 2023
Effective Date	Anticipated January 8, 2024
Associated Policy	Policy IV.4003.C, Outside Employment
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources

**Action Item “XI”**  
**Regular Board Meeting November 6, 2023**

**Consideration of Approval of Employee Relations Related Policies – Second Reading**

**ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees approve revisions to the College’s employee relations Policy IV.4002.B, Termination or Demotion for Contractual Employees, Policy IV.4002.C, Termination and Demotion for Non-Contractual Employees, and a new Policy IV.4002.E, Employee Performance Counseling and Corrective Action.

**BACKGROUND**

The policy on Termination or Demotion for Contractual Employees and the policy on Termination and Demotion for Non-Contractual Employees are long standing policies. The new policy on Employee Performance Counseling and Corrective Action is being proposed as the associated policy for the long-standing procedure on Employee Performance Counseling and Corrective Action. The College has taken a position that all procedures should be associated with a Board approved policy which was not the case for this procedure.

Human Resources had been working on revising this employee relations set to convert it to the new template and to update language based on current practices. In addition, requirements under [Section 51.3525 of the Texas Education Code](#) (Senate Bill 17) relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, specifically Section 51.3525(b)(2) state the College’s governing Board shall ensure that the institution adopts policies and procedures for disciplining and terminating an employee or contractor who violates the prohibitions in Section 51.3525(b)(1). The proposed policies have been updated to comply with these requirements. These updates related to Senate Bill 17 are the few substantive changes reflected in these policies and procedures. The proposed policies and procedures have been reviewed by legal counsel.

**IMPACT OF THIS ACTION**

The updated policy and procedures were sent to the College community on October 2 through October 16, 2023. No comments were received pertaining to the content of the proposed policies and procedures. After an additional review of the proposed policies and procedures, grammar and punctuation edits were made (see highlights on the attachments that have tracked changes). Procedures are provided for informational purposes and are not voted on by the Board of Trustees.

**BUDGET INFORMATION**

No budgetary impact.

**MONITORING AND REPORTING TIMELINE**

The Board will be notified of any changes that require its action.

**Action Item “XI”**  
**Regular Board Meeting November 6, 2023**

**Consideration of Approval of Employee Relations Related Policies – Second Reading**

**ATTACHMENTS**

Termination or Demotion of Contractual Employees

Attachment 1 - Summary of Changes

Attachment 2 - Policy IV-G-1 Policy on Termination or Demotion for Contractual Employees (current)

Attachment 3 - Policy IV-G-1 Policy on Termination or Demotion for Contractual Employees (current with tracked changes)

Attachment 4 - Policy IV.4002.B, Termination or Demotion of Contractual Employees (proposed policy)

Informational items only:

Attachment 5 - Procedure 4-23: Termination or Demotion of Contractual Employees (current procedure)

Attachment 6 - Procedure 4-23: Termination or Demotion of Contractual Employees (current procedure with tracked changes)

Attachment 7 – Procedure IV.4002.B.a, Termination or Demotion of Contractual Employees (proposed procedure)

Termination or Demotion of Non-Contractual Employees

Attachment 8 – Summary of Changes

Attachment 9 - Policy IV-G-2: Policy on Termination or Demotion for Non-Contractual Employees (current policy)

Attachment 10 - Policy IV-G-2: Policy on Termination or Demotion for Non-Contractual Employees (current policy with tracked changes)

Attachment 11 – Policy IV.4002.C, Termination or Demotion of Non-Contractual Employees (proposed policy)

Informational items only:

Attachment 12 - Procedure 4-15: Termination or Demotion of Non-Contractual Employees (current procedures)

Attachment 13 - Procedure 4-15: Termination or Demotion of Non-Contractual Employees (current procedures with tracked changes)

Attachment 14 - Procedure IV.4002.C.a, Termination or Demotion of Non-Contractual Employees (proposed procedure)

Employee Performance Counseling and Corrective Action

Attachment 15 – Summary of Changes

Attachment 16 - Policy IV.4002.E, Employee Performance Counseling and Corrective Action (proposed policy)

Informational items only:

Attachment 17 - Procedure 4-24: Employee Performance Counseling and Corrective Action (current procedure)

**Action Item “XI”**  
**Regular Board Meeting November 6, 2023**

**Consideration of Approval of Employee Relations Related Policies – Second Reading**

Attachment 18 - Procedure 4-24: Employee Performance Counseling and Corrective Action  
(current procedure with tracked changes)

Attachment 19 - Procedure IV.4002.E.a, Employee Performance Counseling and Corrective  
Action (proposed procedure)

**RESOURCE PERSONNEL**

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# **Termination or Demotion for Contractual Employees**

**Attachment 1 - Summary of Changes  
Termination or Demotion of  
Contractual Employees**



## Policies and Procedures Summary of Changes

New Policy Number: **IV.4002.B**

Proposed Policy Name: **Termination or Demotion for Contractual Employees**

Current Policy Number/Name: **Policy IV-G-1 Policy on Termination or Demotion for Contractual Employees**

New Procedure Number: **IV.4002.B.a**

Proposed Procedure Name(s): **Termination or Demotion for Contractual Employees**

Current Procedure Number(s)/Name(s): **Procedure 4-23 Termination or Demotion for Contractual Employees**

Action Recommended for Policy: **Revised**

Action Recommended for Procedures: **Revised**

Web Links:

[www.sanjac.edu/about/policies-procedures/IV-G-1-Policy-on-Termination-or-Demotion-for-Contractual-Employees.pdf](http://www.sanjac.edu/about/policies-procedures/IV-G-1-Policy-on-Termination-or-Demotion-for-Contractual-Employees.pdf)

[www.sanjac.edu/about/policies-procedures/4-23-Termination-or-Demotion-of-Contractual-Employees.pdf](http://www.sanjac.edu/about/policies-procedures/4-23-Termination-or-Demotion-of-Contractual-Employees.pdf)

Primary Owner: **Vice Chancellor, Human Resources, Organizational and Talent Effectiveness**

Secondary Owner: **Vice President, Human Resources**

### Summary of Changes:

#### *Policy Changes:*

- Updated language. For example, changed “his/her” to “their” and “shall” to “will.”
- Moved the evidence for just cause and/or good cause to the procedure.
- Removed “College community” and “internal/external” under Administrative Leave.
- Added definitions for employment contract and contractual employee and relocated all definitions the end of the policy to meet formatting requirements.

#### *Procedure Changes:*

- Updated language. For example, changed “his/her” to “their” and “shall” to “will.”
- Moved the statement that this procedure does not apply to non-renewal of contractual employees or reduction in force from evaluation of termination proposal to the introduction.
- Updated Policy on Non-Renewal of Contractual Personnel to Policy IV, 4002.D. Renewal and Non-Renewal of Contractual Employees.
- Added “violation of Title IX regulations (sexual harassment, sexual assault, dating violence, domestic violence, and stalking)” in section 2(f) under evidence considered as just and/or good cause for termination and demotions.

## Attachment 1

- Added the following under Appeal Rights: An employee whose employment contract is proposed for termination or demotion during the term of the contract will be afforded due process. However, if the termination recommendation is a result of a Title IX violation, and the full-time contractual employee was provided a hearing under [Procedure III.3006.D.a](#), the employee will not be afforded an additional hearing. The employee may request a review by the Chancellor and will proceed to section 10 of this procedure, Action of the Chancellor.
- Removed “performance improvement plan or behavioral improvement plan” from how unsatisfactory performance or behaviors may be communicated as this is no longer a practice.
- Updated formatting. For example, changed bullet points within the procedure to lower case lettering.
- Updated “Employee Relations” to “Human Resources, Employee Relations.”
- Removed “College community” and “internal/external” under Evaluation of Termination Proposal.
- Changed “during the hearing of citizens” to “during the public comment portion of a scheduled Board meeting” under Action of the Chancellor.
- Added number 19 “Violating state or federal law” under the procedure, including:
  - a) Section 51.252 of the Texas Education Code (relating to the failure to make a mandatory report of sexual harassment, sexual assault, dating violence, and stalking).
  - b) Section 51.3525 of the Texas Education Code (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation). When evaluating an alleged violation of Section 51.3525, the College Administration will consider whether the employee’s conduct constitutes academic course instruction or falls within another exception established in Section 51.3525 of the Texas Education Code, per legal direction.
- Added definitions to the bottom of the procedure to include employment contract and contractual employee.

**Attachment 2**  
**Policy IV-G-1**  
**Policy on Termination or**  
**Demotion for Contractual**  
**Employees (current)**

## Policy IV-G-1: Policy on Termination or Demotion for Contractual Employees

### Policy on Termination or Demotion for Contractual Employees

#### 1. INTRODUCTION

This policy establishes uniform standards for termination or demotion of an employee during the term of the employee's contract.

#### 2. DEFINITIONS

- A. A “**termination**” is a decision by the College to cease employing an individual before the expiration date in the individual's contract. Non-renewal of a contract is not a termination.
- B. A “**demotion**” is a reduction in position, responsibilities and pay.
- C. Terminations and demotions shall be based on evidence demonstrating the existence of just cause and/or good cause. Just cause and/or good cause includes, but is not limited to:
  - 1. Failing to perform duties or to take action that another College employee reasonably would have done under the same or similar circumstances;
  - 2. Engaging in conduct that would tend to injure or impair the College's interests, reputation or operations;
  - 3. Engaging in conduct that is contrary to the mission and values of the College or that is inconsistent with the employer/employee relationship.

#### 3. GENERAL POLICY

- A. Discrimination Is Prohibited
  - 1. Termination or demotion decisions shall be made without regard to the employee's race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status.
  - 2. A decision to terminate employment or demote an employee shall not be based on an employee's exercise of rights guaranteed by the Constitution or based upon an employee's exercise of rights conferred by statute, including, but not limited to, federal or state statutes pertaining to medical leave, military leave, and protection of whistleblowers.

- B. Administrative Leave

While a termination or demotion proposal is pending, or during the course of an on-going internal/external investigation, the Chancellor, or his/her designee, may suspend or reassign the

Attachment 2 – Current Policy

affected employee with pay if it is determined that suspension or reassignment is in the best interest of the College or the College Community.

C. Only the Chancellor or his/her designee is authorized to approve a termination or demotion.

D. Appeal of Termination or Demotion

1. An employee whose employment contract is recommended for termination during the term of the contract, or who is recommended for demotion during the term of the contract, shall be afforded constitutional due process in accordance with published guidelines approved by the Chancellor.
2. This policy does not apply to the non-renewal of Faculty, Staff or Administrator contracts at the end of the contract term. Non-renewal is addressed in Board [Policy IV-G-4: Policy on Non-Renewal of Contractual Employees](#).
3. This policy does not apply to the appeal of a termination or demotion due to a Reduction in Force. Terminations and demotions occurring in conjunction with a Reduction in Force are subject to [Policy IV-G-5: Policy on Reduction in Force](#).

<b>Policy #:</b>	<b>IV-G-1</b>
<b>Policy Name:</b>	<b>Policy on Termination or Demotion for Contractual Employees</b>
<b>Pages:</b>	<b>3</b>
<b>Adopted Date:</b>	<b>March 2, 1981</b>
<b>Revision/Reviewed Date:</b>	<b>March 7, 1983, September 7, 1993, February 5, 2008, April 28, 2014</b>
<b>Effective Date:</b>	<b>March 2, 1981, March 7, 1983, September 7, 1993, February 5, 2008, April 29, 2014</b>
<b>Associated Procedure:</b>	<b><a href="#">4-23</a></b>

**Attachment 3**  
**Policy IV-G-1**  
**Policy on Termination or**  
**Demotion for Contractual**  
**Employees**  
**(current with tracked changes)**

## ~~Policy IV-G-1: Policy on Termination or Demotion for Contractual Employees~~

### ~~Policy on~~ Policy <TBD>IV.4002.B, Termination or Demotion of Contractual Employees

#### ~~1. INTRODUCTION~~

##### Purpose

~~This policy establishes uniform standards for termination or demotion of an employee during the term of the employee's contract. This policy does not apply to the non-renewal of Faculty, Staff or Administrator contracts at the end of the contract term. Non-renewal is addressed in Policy IV.4002.D, Renewal and Non-Renewal of Contractual Employees.~~

#### ~~2. This policy does not apply to the appeal of a termination or demotion due to a Reduction in Force (RIF).~~ **DEFINITIONS**

~~A. A "termination" is a decision by the College to cease employing an individual before the expiration date in the individual's contract. Non-renewal of a contract is not a termination.~~

~~B. A "demotion" is a reduction in position, responsibilities and pay.~~

~~C. Terminations and demotions shall be based on evidence demonstrating the existence of just cause and/or good cause. Just cause and/or good cause includes, but is not limited to:~~

- ~~1. Failing to perform duties or to take action that another College employee reasonably would have done under the same or similar circumstances;~~
- ~~2. Engaging in conduct that would tend to injure or impair the College's interests, reputation or operations;~~
- ~~3. Engaging in conduct that is contrary to the mission and values of the College or that is inconsistent with the employer/employee relationship.~~

#### ~~3. GENERAL POLICY~~

~~A. Discrimination Is Prohibited~~

~~Terminations and demotions occurring in conjunction with a Reduction in Force (RIF) are subject to Policy IV-G-5: Policy on Reduction in Force.~~

##### Policy

Termination or demotion decisions ~~shall~~will be made without regard to the employee’s race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy-related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status.

Additionally, the College will not discriminate or retaliate against employees who exercise rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

A decision to terminate employment or demote an employee ~~shall~~will not be based on an employee’s exercise of rights guaranteed by the Constitution or based upon an employee’s exercise of rights conferred by statute, including, but not limited to, federal or state statutes pertaining to medical leave, military leave, and protection of whistleblowers.

~~Only the Chancellor, or designee, is authorized to approve a termination or demotion.~~

### **1. Administrative Leave**

While a termination or demotion proposal is pending, or during the course of an on-going ~~internal/external~~ investigation, the Chancellor, or ~~his/her~~ designee, may suspend or reassign the affected employee with pay if it is determined that suspension or reassignment is in the best interest of the College ~~or the College Community~~.

~~C. Only the Chancellor or his/her designee is authorized to approve a termination or demotion.~~

### **2. Appeal of Termination or Demotion**

An employee whose employment contract is recommended for termination during the term of the contract, or who is recommended for demotion during the term of the contract, ~~shall~~will be afforded constitutional due process in accordance with published guidelines approved by the Chancellor.

### **Definitions**

**An eEmployment contract:** ~~is a~~ formal, signed agreement between the employee and the employer. It explains the rights, responsibilities, and obligations of both the employee and the employer.

**A eContractual employee:** ~~is a~~An employee ~~who~~that enters into an agreement with the College through an employment contract to complete a specific job for a period of up to ~~twelve~~12 months for a predetermined salary.



~~A~~**Termination**: ~~is a~~A decision by the College to cease employing an individual before the expiration date in the individual’s contract. Non-renewal of a contract is not a termination.

~~A~~**Demotion**: ~~is a~~reduction in position, responsibilities, and pay.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

**Associated Procedure**

Procedure IV.4002.B.a, Termination or Demotion of Contractual Employees

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Date of Board Approval      Anticipated November 6, 2023~~TBD~~

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Effective Date      Anticipated November 7, 2023~~TBD~~

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Primary Owner      Vice Chancellor, Human Resources, Organizational and Talent Effectiveness

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Secondary Owner      Vice President, Human Resources

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~~1. This policy does not apply to the non-renewal of Faculty, Staff or Administrator contracts at the end of the contract term. Non-renewal is addressed in Board Policy IV-G-4: Policy on Non-Renewal of Contractual Employees.~~

~~2. This policy does not apply to the appeal of a termination or demotion due to a Reduction in Force. Terminations and demotions occurring in conjunction with a Reduction in Force are subject to Policy IV-G-5: Policy on Reduction in Force.~~

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Attachment 3 – Current Policy with Tracked Changes

<b>Policy #:</b>	<del>IV-G-1</del>
<b>Policy Name:</b>	<del>Policy on Termination or Demotion for Contractual Employees</del>
<b>Pages:</b>	<del>3</del>
<b>Adopted Date:</b>	<del>March 2, 1981</del>
<b>Revision/Reviewed Date:</b>	<del>March 7, 1983, September 7, 1993, February 5, 2008, April 28, 2014</del>
<b>Effective Date:</b>	<del>March 2, 1981, March 7, 1983, September 7, 1993, February 5, 2008, April 29, 2014</del>
<b>Associated Procedure:</b>	<del>4-23</del>

**Attachment 4**  
**Policy IV.4002.B, Termination**  
**or Demotion of Contractual**  
**Employees**  
**(proposed policy)**

## **Policy IV.4002.B, Termination or Demotion of Contractual Employees**

### **Purpose**

This policy establishes uniform standards for termination or demotion of an employee during the term of the employee’s contract. This policy does not apply to the non-renewal of Faculty, Staff or Administrator contracts at the end of the contract term. Non-renewal is addressed in [Policy IV.4002.D, Renewal and Non-Renewal of Contractual Employees](#).

This policy does not apply to the appeal of a termination or demotion due to a Reduction in Force (RIF). Terminations and demotions occurring in conjunction with a RIF are subject to [Policy IV-G-5: Policy on Reduction in Force](#).

### **Policy**

Termination or demotion decisions will be made without regard to the employee’s race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy-related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status.

Additionally, the College will not discriminate or retaliate against employees who exercise rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

A decision to terminate employment or demote an employee will not be based on an employee’s exercise of rights guaranteed by the Constitution or based upon an employee’s exercise of rights conferred by statute, including, but not limited to, federal or state statutes pertaining to medical leave, military leave, and protection of whistleblowers.

Only the Chancellor, or designee, is authorized to approve a termination or demotion.

#### **1. Administrative Leave**

While a termination or demotion proposal is pending, or during the course of an on-going investigation, the Chancellor, or designee, may suspend or reassign the affected employee with pay if it is determined that suspension or reassignment is in the best interest of the College.

#### **2. Appeal of Termination or Demotion**

An employee whose employment contract is recommended for termination during the term of the contract, or who is recommended for demotion during the term of the

contract, will be afforded constitutional due process in accordance with published guidelines approved by the Chancellor.

**Definitions**

**Employment contract:** A formal, signed agreement between the employee and the employer. It explains the rights, responsibilities, and obligations of both the employee and the employer.

**Contractual employee:** An employee that enters into an agreement with the College through an employment contract to complete a specific job for a period of up to twelve months for a predetermined salary.

**Termination:** A decision by the College to cease employing an individual before the expiration date in the individual’s contract. Non-renewal of a contract is not a termination.

**Demotion:** A reduction in position, responsibilities, and pay.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

**Associated Procedure**

Procedure IV.4002.B.a, Termination or Demotion of Contractual Employees

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Date of Board Approval	Anticipated November 6, 2023
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Effective Date	Anticipated November 7, 2023
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Primary Owner of Policy Associated the with Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
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Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources
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**Attachment 5**  
**Procedure 4-23: Termination or**  
**Demotion of Contractual**  
**Employees**  
**(current procedure)**  
**Informational Item**

# Procedure 4-23: Termination or Demotion of Contractual Employees

## 1. INTRODUCTION

This procedure specifies the procedures for termination or demotion of a contractual employee during the term of an existing contract in accordance with Policy IV-G-1 Policy on Termination or Demotion for Contractual Employees.

## 2. PROCEDURE

A. Just and/or good cause includes but is not limited to the following:

1. Physical or mental incapacity that prohibits the employee from performing his or her contracted job function.
2. Conviction or commission of a felony, a crime involving moral turpitude, a misdemeanor that is related to the employee's job, or that adversely impacts the interests of the College. Moral turpitude offenses include both felony and misdemeanor crimes, including, but not limited to:
  - Crimes related to fraud, theft, and burglary
  - Homicide
  - Kidnapping
  - Aggravated assault
  - Robbery
  - Sexual assault
  - Prostitution
  - Indecency with a minor
  - Public lewdness
  - Possession of obscenity or child pornography
3. Unlawful use, possession, or distribution of controlled substances or dangerous drugs.
4. Being under the influence of alcohol, controlled substances, or dangerous drugs during work hours or while engaged in business on behalf of the College.
5. Assault on an employee, officer or student as described in the Texas Penal Code.
6. Unsatisfactory job performance or the repeated failure to support or demonstrate College values. Unsatisfactory performance or behaviors may be communicated through a written evaluation, written notice, performance improvement plan or behavioral improvement plan.

## Attachment 5 – Current Procedure – Informational Item

7. Falsification of pertinent information regarding the employee's credentials, transcript or application for employment, regardless of when the falsification is discovered.
8. Falsification and/or unauthorized alteration or destruction of government records.
9. Breach of trust, including but not limited to:
  - Making false statements or failing to disclose information to a leader that a reasonable employee would have disclosed under similar circumstances;
  - Failure to participate in good faith regarding an on-going investigation;
  - Fraud, theft, embezzlement; or
  - Falsification of state or federal documents.
10. Failure to comply with directives and requirements of the employee's leader, failure to follow established policies and procedures of the College district, repeated and continued neglect of duties and responsibilities, or insubordination.
11. Violating the policies and procedures defining acceptable use of College e-mail, telephones, cell phones, smart phones, computer tablets, fax machines, laptops, computers, internet, social media, or any other on-line or electronic technology.
12. Failure to maintain any license, registry, or certificate required by one's position.
13. Excessive absences (excluding absences protected by law), failure to follow any procedures pertaining to absences, unacceptable patterns of repeated absences, or failure to provide required documentation to substantiate an absence(s).
14. Cumulative events where numerous instances of misconduct or violations have occurred which indicate an unacceptable pattern of on-going behaviors.
15. For other good cause.
16. No termination or demotion decision shall be based on an employee's race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status. Additionally, the College shall not discriminate or retaliate against employees who exercise rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

### B. Evaluation of Termination Proposal:

1. The relevant leaders in conjunction with Human Resources shall review the evidence and documentation pertaining to the employee's work history and any allegations of misconduct and



evaluate whether good cause exists to terminate the contract. If the proposal is based on an allegation of wrongdoing, the relevant leaders also shall consider the nature and severity of the misconduct and the outcome of any investigation pertaining to the allegation. Human Resources shall review the proposed recommendation and documentation to ensure compliance with College's policies and guidelines.

2. Written notice of intent to terminate shall be provided to the employee.
3. When it is in the College's or College Community's best interest, the Chancellor, or his/her designee, may place contractual employees on paid administrative leave or reassign the employee during an internal/external investigation due to allegations of wrongdoing, or when a proposal to terminate or demote is pending before the Board of Trustees.
4. This guideline does not apply to non-renewal of contractual employees. Non-renewal will be subject to Policy IV-G-4: Policy on Non-Renewal of Contractual Personnel.
5. This guideline does not apply to Reduction in Force (RIF) decisions. RIF decisions are subject to Policy IV-G-5.

### 3. HEARING PROCEDURE

If it is proposed that a contractual employee be terminated or demoted during the term of a contract, certain procedural steps are to be followed. These procedural steps are not applicable to the non-renewal of a term contract or the decision of the administration or Board not to offer the professional employee further employment with the college.

#### A. Discussions with the Employee

The respective SLT member or his or her designee shall discuss any possible termination or demotion with the employee prior to the Chancellor's giving the contractual employee formal written notice of any proposed action to terminate or demote. If the employee is unavailable to meet or refuses to participate, the Administration may proceed with the preparation of the formal written notice.

#### B. Approval by the Chancellor

1. Any proposed termination or demotion must be approved by the Chancellor. If the Chancellor approves the proposed action, the Chancellor or his/her designee shall notify the contractual employee of the proposed action, the grounds for the action and of the right to a hearing before the Hearing Committee.
2. The notice of a proposed termination or demotion may be hand delivered, sent via e-mail or other postal service provider.
3. An employee's failure to update his or her postal address, refusal to accept delivery of a letter, or refusal or failure to open e-mail will not constitute good cause for failure to comply with the deadlines stated in the notice of the proposed termination or demotion.

#### C. Appeal Rights

An employee whose employment contract is proposed for termination or demotion during the term of the contract shall be afforded due process.

D. Request for a Hearing

If the contractual employee wishes to contest the proposed action, he or she may request a hearing before the Hearing Committee. Requests for a hearing must be made in writing to the Chancellor within five (5) working days of receipt of the notice of proposed termination or demotion. If no request for a hearing is made within five (5) working days of receipt of the notice, the Chancellor may recommend to the Board of Trustees that the contractual employee be terminated or demoted, and the Board of Trustees shall take the action it deems proper.

E. Appointment of the Hearing Committee

1. The purpose of the Hearing Committee is to afford a fair hearing on the merits of each proposal for termination or demotion and to make a recommendation for disposition to the Chancellor.
2. The Hearing Committee shall be comprised of three (3) impartial contractual employees. One member is to be designated by the respective Strategic Leadership Team (SLT) member, one member by the contractual employee, and one member by the Chancellor.
3. The Chancellor in consultation with the SLT shall designate one of the contractual employees of the Hearing Committee members (one faculty member, one administrator or one contractual professional employee) to serve as the chair of the hearing committee.

F. Impartiality of Hearing Committee Members

1. If any contractual employee appointed to serve on the hearing committee believes that he or she cannot hear the evidence and make a fair and impartial recommendation, the member shall so advise the committee.
2. If the committee member or the remaining members of the committee determine that any prior contact with the employee would prevent the member from impartially considering the evidence and making a recommendation, the member shall be disqualified from serving on the committee.
3. Upon such disqualifications, the Chancellor shall appoint a member of the same classification to serve.

G. Conduct of Hearing

The hearing committee shall conduct a hearing to afford a fair and impartial hearing on the merits of the administrative recommendation and make a written recommendation to the Chancellor. The burden of proof is on the administration to establish that good cause is the basis of the proposed termination or demotion.

1. Rights of Parties

- a. All parties, at any level of the hearing procedure, may be represented or accompanied by a representative including legal counsel. If either party is to be represented by legal counsel at the hearing, that party shall notify the other party at least seven (7) working

## Attachment 5 – Current Procedure – Informational Item

days prior to the hearing so that the other party may arrange to be represented by counsel at the hearing if desired.

- b. The administration, having the burden of proof, will have the opportunity and duty to open and close the presentation, argument or discussion, if any, to be made to the hearing committee.
  - c. Each party shall have the right to testify.
  - d. The hearing shall be closed to the public.
2. Expenses of the hearing shall be borne by the College District; however, the employee is responsible for his or her own attorneys' fees and for incidental costs, such as photocopy costs.
  3. The hearing shall be held at a place and time named by the Chairperson of the Committee, in consultation with the Provost / Vice Chancellor and Human Resources.
  4. Documents submitted as evidence shall be noted and identified by the chairperson of the hearing committee and included in the final report to the Chancellor.
  5. The strict rules of evidence are not in force at the hearing; however, general concepts of relevancy and materiality shall prevail at the hearing. The chairperson may limit cumulative or repetitious testimony or evidence.
  6. At least three (3) working days before the hearing, each party shall notify the other and the panel of the identity of witnesses, other than impeaching or rebuttal witnesses whose identity cannot reasonably be determined beforehand, to be called and of documents to be submitted in evidence. The parties shall have the right to cross-examine all witnesses who testify at the hearing. The hearing committee reserves the right to call other witnesses if the committee, in its discretion, deems such action to be advisable.
  7. The chairperson of the hearing committee shall rule on any objections made during the hearing. The chairperson is free to consult with other committee members as needed.
  8. The hearing committee shall ensure that all parties are afforded a fair procedure and substantial justice.
  9. The hearing committee may allow breaks or recesses at its discretion.
  10. Hearing committee members may question the witnesses or counsel; however, witnesses and counsel may not question committee members.
  11. The hearing committee may place a reasonable time limit on opening and closing arguments, taking into consideration the complexity of the case. The committee may, in its sole discretion, direct the parties to provide their closing argument in a written format.

12. The hearing committee may impose other reasonable rules or restrictions on the presentation of evidence or witnesses to facilitate the hearing process. For example, the committee in its discretion may allow a witness to appear out of turn if that witness will be unavailable at a future time.
13. Except for routine announcements, such as those relating to the time of the hearing and similar matters, public statements about the case by the parties or committee members shall be avoided, as much as possible. Public statements, if any, concerning the decision or recommendation of the hearing committee shall be withheld until final disposition.
14. In cases pertaining to a recommendation for termination or demotion, the proceedings shall be recorded and transcribed by a court reporter, and a copy of the verbatim transcript will be supplied to the employee who is the subject of the hearing.

#### H. Recommendation of the Hearing Committee

1. The panel by a majority of its total membership shall:
  - a. Make findings of fact.
  - b. Determine whether the facts constitute good cause for demotion or termination.
  - c. Such findings and conclusions shall be based solely on the evidence presented at the hearing.
2. Transcripts of the proceeding will be sent to the committee within fifteen (15) working days.
3. Within ten (10) working days after receipt of the written transcript of the proceedings, the committee shall submit a written recommendation for disposition to the Chancellor. The recommendation shall be based on the policies and applicable rules, regulations and administrative directives of the college. The transcript of the hearing together with all documents received into evidence shall be transmitted to the Chancellor.

#### I. Action of the Chancellor

The Chancellor shall review the committee's recommendation. Within fifteen (15) working days of the receipt of the recommendation, the Chancellor shall accept, reject or modify the committee's recommendation and advise the parties in writing of his or her decision. The decision of the Chancellor is final; however, nothing in this guideline precludes the employee from appearing before the Board of Trustees during the hearing of citizens.

Attachment 5 – Current Procedure – Informational Item

<b>Procedure #:</b>	<b>4-23</b>
<b>Procedure Name:</b>	<b>Procedure on Termination or Demotion for Contractual Employees</b>
<b>Pages:</b>	<b>6</b>
<b>Adopted Date:</b>	<b>April 28, 2014</b>
<b>Revision/Reviewed Date:</b>	
<b>Effective Date:</b>	<b>April 29, 2014</b>
<b>Associated Policy:</b>	<b>IV-G-1</b>

**Attachment 6**  
**Procedure 4-23: Termination or**  
**Demotion of Contractual**  
**Employees (current procedure**  
**with tracked changes)**  
**Informational Item**

## Procedure ~~4-23~~: IV.4002.B.a, Termination or Demotion of Contractual Employees

### ~~1. Associated Policy~~ **INTRODUCTION**

Policy IV.4002.B, Termination or Demotion of Contractual Employees

#### Introduction

This procedure specifies the procedures for termination or demotion of a contractual employee during the term of an existing contract ~~in accordance with Policy IV-G-1 Policy on Termination or Demotion for Contractual Employees.~~

### ~~2. PROCEDURE~~

This procedure does not apply to non-renewal of contractual employees. Non-renewal will be is subject to Policy IV.4002.D, Renewal and Non-Renewal of Contractual Employees.

This procedure does not apply to Reduction in Force (RIF) decisions. RIF decisions are subject to Policy IV-G-5: Policy on Reduction in Force.

#### Procedure

Terminations and demotions will be based on evidence demonstrating the existence of just cause and/or good cause. Just cause and/or good cause includes, but are is not limited to the following:

1. Physical or mental incapacity that prohibits the employee from performing ~~his or her~~ their contracted job function.
2. Conviction or commission of a felony, a crime involving moral turpitude, a misdemeanor that is related to the employee's job, or that adversely impacts the interests of the College. Moral turpitude offenses include both felony and misdemeanor crimes, including, but not limited to:
  - a) Crimes related to fraud, theft, and burglary.
  - b) Homicide.
  - c) Kidnapping.
  - d) Aggravated assault.
  - e) Robbery.

• ~~Sexual assault~~

- f) Violation of Title IX regulations (sexual harassment, sexual assault, dating violence, domestic violence, and stalking).
  - ~~f)g)~~ Prostitution.
  - ~~g)h)~~ Indecency with a minor.
  - ~~h)i)~~ Public lewdness.
  - ~~i)j)~~ Possession of obscenity or child pornography.
3. Unlawful use, possession, or distribution of controlled substances or dangerous drugs.
  4. Being under the influence of alcohol, controlled substances, or dangerous drugs during work hours or while engaged in business on behalf of the College.
  5. Assault on an employee, officer, or student as described in the Texas Penal Code.
  6. Unsatisfactory job performance or the repeated failure to support or demonstrate College values. -Unsatisfactory performance or behaviors may be communicated through a written evaluation, or a written notice, ~~performance improvement plan or behavioral improvement plan.~~
  7. Falsification of pertinent information regarding the employee's credentials, transcript, or application for employment, regardless of when the falsification is discovered.
  8. Falsification and/or unauthorized alteration or destruction of government records.
  9. Breach of trust, including **I** but not limited to:
    - a) Making false statements or failing to disclose information to a leader that a reasonable employee would have disclosed under similar circumstances;~~;~~
    - b) Failure to participate in good faith regarding an on-going investigation;~~;~~
    - c) Fraud, theft, embezzlement;~~or.~~
    - d) Falsification of state or federal documents.
  10. Failure to comply with directives and requirements of the employee's leader, failure to follow established policies and procedures of the College district, repeated and continued neglect of duties and responsibilities, or insubordination.
  11. Violating the policies and procedures defining acceptable use of College ~~e-mail~~email, telephones, cell phones, smart phones, computer tablets, fax machines, laptops, computers, internet, social media, or any other ~~on-line~~online or electronic technology.
  12. Failure to maintain any license, registry, or certificate required by ~~one's~~the employee's position.



13. Excessive absences (excluding absences protected by law), failure to follow any procedures pertaining to absences, unacceptable patterns of repeated absences, or failure to provide required documentation to substantiate an absence(s).
14. Cumulative events where numerous instances of misconduct or violations have occurred ~~which~~that indicate an unacceptable pattern of ~~on-going~~ongoing behaviors.
15. Failing to perform duties or to take action that another College employee reasonably would have done under the same or similar circumstances.
16. Engaging in conduct that would tend to injure or impair the College’s interests, reputation, or operations.
17. Engaging in conduct that is contrary to the mission and values of the College, or that is inconsistent with the employer/employee relationship.
18. Violating College policy.
19. Violating state or federal law, including:
  - a) Section 51.252 of the Texas Education Code (relating to the failure to make a mandatory report of sexual harassment, sexual assault, dating violence, and stalking).
  - b) Section 51.3525 of the Texas Education Code (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation). When evaluating an alleged violation of Section 51.3525, the College ~~Ad~~Administration will consider whether the employee’s conduct constitutes academic course instruction or falls within another exception established in Section 51.3525 of the Texas Education Code.

~~15-20.~~ \_\_\_\_\_ For other good cause.

~~16. No termination or demotion decision shall be based on an employee’s race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status. Additionally, the College shall not discriminate or retaliate against employees who exercise rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.~~

#### Evaluation of Termination Proposal:

1. The relevant leaders, in conjunction with Human Resources ~~shall~~, Employee Relations, will review the evidence and documentation pertaining to the employee’s work history and any allegations of misconduct and evaluate whether good cause exists to terminate the contract.- If the proposal is based on an allegation of wrongdoing, the relevant leaders will also ~~shall~~ consider the nature and severity of the misconduct and the

outcome of any investigation pertaining to the allegation. ~~Human Resources shall~~Employee Relations will review the proposed recommendation and documentation to ensure compliance with College’s policies and ~~guidelines~~procedures.

2. Written notice of intent to terminate ~~shall~~will be provided to the employee.
3. When it is in the College’s ~~or College Community’s~~ best interest, the Chancellor, or ~~his/her~~ designee, may place contractual employees on paid administrative leave or reassign the employee during an ~~internal/external~~ investigation due to allegations of wrongdoing, or when a proposal to terminate or demote is pending before the Board of Trustees.

~~1. This guideline does not apply to non-renewal of contractual employees. Non-renewal will be subject to Policy IV-G-4: Policy on Non-Renewal of Contractual Personnel.~~

~~2. This guideline does not apply to Reduction in Force (RIF) decisions. RIF decisions are subject to Policy IV-G-5.~~

### ~~3.~~ **HEARING PROCEDURE**

#### Hearing Procedure

If ~~termination or demotion~~ is proposed ~~that for~~ a contractual employee ~~be terminated or demoted~~ during the term of a contract, certain procedural steps ~~are to~~will be followed. These procedural steps are not applicable to the non-renewal of a term contract or the decision of the administration or Board not to offer the professional employee further employment with the ~~college~~College.

#### 1. Discussions with the Employee

The respective **Strategic Leadership Team (SLT)** member, or ~~his or her~~ designee ~~shall,~~ will discuss any possible termination or demotion with the employee prior to the ~~Chancellor’s~~Chancellor giving the contractual employee formal written notice of any proposed action to terminate or demote. If the employee is unavailable to meet or refuses to participate, the ~~Administration~~administration may proceed with the preparation of the formal written notice.

#### ~~1.2.~~2. Approval by the Chancellor

- a) Any proposed termination or demotion must be approved by the Chancellor, ~~or~~ designee. If the Chancellor, ~~or designee,~~ approves the proposed action, the Chancellor, ~~or his/her,~~ designee ~~shall,~~ will notify the contractual employee of the proposed action, the grounds for the action, and of the right to a hearing before the Hearing Committee.
- b) The notice of a proposed termination or demotion may be hand delivered, sent via ~~e-mail~~email or **delivered by** other postal service provider.

### 3. Employee's Response

An employee's failure to update ~~his or her~~their postal address, refusal to accept delivery of a letter, or refusal or failure to open ~~e-mail~~email will not constitute good cause for failure to comply with the deadlines stated in the notice of the proposed termination or demotion.

### 4. Appeal Rights

An employee whose employment contract is proposed for termination or demotion during the term of the contract ~~shall be afforded due process~~will be afforded due process. However, if the termination recommendation is a result of a Title IX violation, and the full-time contractual employee was provided a hearing under Procedure III.3006.D.a, the employee will not be afforded an additional hearing. The employee may request a review by the Chancellor and will proceed to section 10 of this procedure, Action of the Chancellor.

### 2.5. Request for a Hearing

If the contractual employee wishes to contest the proposed action, ~~he or she~~they may request a hearing before the Hearing Committee. Requests for a hearing must be made in writing to the Chancellor, or designee, within five (5) working days of receipt of the notice of proposed termination or demotion. If no request for a hearing is made within five (5) working days of receipt of the notice, the Chancellor, or designee, may recommend to the Board of Trustees that the contractual employee be terminated or demoted, and the Board of Trustees ~~shall~~will take the action it deems proper.

### 3.6. Appointment of the Hearing Committee

- a) The purpose of the Hearing Committee is to afford a fair hearing on the merits of each proposal for termination or demotion and to make a recommendation for disposition to the Chancellor.
- b) The Hearing Committee ~~shall~~will be comprised of three (3) impartial contractual employees. One member is to be designated by the respective Strategic Leadership Team (SLT) member, one member by the contractual employee, and one member by the Chancellor.
- c) The Chancellor, in consultation with the SLT ~~shall~~, will designate one of the contractual employees of the Hearing Committee members (one faculty member, one administrator, or one contractual professional employee) to serve as the chairperson of the Hearing Committee.

### 4.7. Impartiality of Hearing Committee Members

- a) If any contractual employee appointed to serve on the **Hearing eCommittee** believes that ~~he or she~~they cannot hear the evidence and make a fair and impartial recommendation, the member ~~shall so advise~~will notify the committee immediately.
- b) If the committee member or the remaining members of the committee determine that any prior contact with the employee would prevent the member from impartially considering the evidence and making a recommendation, the member ~~shall~~will be disqualified from serving on the committee.
- c) Upon such disqualifications, the Chancellor ~~shall~~will appoint a member of the same classification to serve.

### 5.8.Conduct of Hearing

The **Hearing eCommittee** ~~shall~~will conduct a hearing to afford a fair and impartial hearing on the merits of the administrative recommendation and make a written recommendation to the Chancellor. ~~The burden of proof is on the administration to establish that good cause is the basis of the proposed termination or demotion.~~

- a) Rights of Parties
  - i. All parties, at any level of the hearing procedure, may be represented or accompanied by a representative including legal counsel. If either party is to be represented by legal counsel at the hearing, that party ~~shall~~will notify the other party at least seven (7) working days prior to the hearing so that the other party may arrange to be represented by counsel at the hearing if desired.
  - ii. The administration, having the burden of proof, will have the opportunity and duty to open and close the presentation, argument, or discussion, if any, to be made to the **Hearing eCommittee**.
  - iii. Each party ~~shall~~will have the right to testify.
  - iv. The hearing ~~shall~~will be closed to the public.
- b) Expenses of the hearing ~~shall~~will be borne by the College ~~District~~; however, the employee is responsible for ~~his or her~~their own attorneys' fees and for incidental costs, such as photocopy costs.
- c) The hearing ~~shall~~will be held at a place and time named by the Chairperson of the Committee, in consultation with the Provost/Vice Chancellor and Human Resources.
- d) Documents submitted as evidence ~~shall~~will be noted and identified by the chairperson of the **Hearing Ceommittee** and included in the final report to the Chancellor.
- e) The strict rules of evidence are not in force at the hearing; however, general concepts of relevancy and materiality ~~shall~~will prevail at the hearing. The chairperson may limit cumulative or repetitious testimony or evidence.
- f) At least three (3) working days before the hearing, each party ~~shall~~will notify the other, and the panel, of the identity of witnesses, other than impeaching or rebuttal witnesses whose identity cannot reasonably be determined beforehand, to be called and of documents to be submitted in evidence. The parties ~~shall~~will have the right to

cross-examine all witnesses who testify at the hearing. The **Hearing eCommittee** reserves the right to call other witnesses if the committee, in its discretion, deems such action to be advisable.

- g) The chairperson of the **Hearing eCommittee** shall will rule on any objections made during the hearing.- The chairperson is free to consult with other committee members as needed.
- h) The **Hearing Ceommittee** shall will ensure that all parties are afforded a fair procedure and substantial justice.
- i) The **Hearing Ceommittee** may allow breaks or recesses at its discretion.
- j) Hearing **Ceommittee** members may question the witnesses or counsel; however, witnesses and counsel may not question committee members.
- k) The **Hearing Ceommittee** may place a reasonable time limit on opening and closing arguments, taking into consideration the complexity of the case.- The committee may, in its sole discretion, direct the parties to provide their closing argument in a written format.
- l) The **Hearing Ceommittee** may impose other reasonable rules or restrictions on the presentation of evidence or witnesses to facilitate the hearing process.- For example, the committee in its discretion may allow a witness to appear out of turn if that witness will be unavailable at a future time.
- m) Except for routine announcements, such as those relating to the time of the hearing and similar matters, public statements about the case by the parties or committee members shall will be avoided, as much as possible. Public statements, if any, concerning the decision or recommendation of the **Hearing Ceommittee** shall will be withheld until final disposition.
- n) In cases pertaining to a recommendation for termination or demotion, the proceedings shall will be recorded and transcribed by a court reporter, and a copy of the verbatim transcript will be supplied to the employee who is the subject of the hearing.

#### 6.9. Recommendation of the Hearing Committee

- a) The panel by a majority of its total membership shall will:
  - i. Make findings of fact.
  - ii. Determine whether the facts constitute good cause for demotion or termination.
  - iii. Such findings and conclusions shall will be based solely on the evidence presented at the hearing.
- b) Transcripts of the proceeding will be sent to the committee within fifteen (15) working days.
- c) Within ten (10) working days after receipt of the written transcript of the proceedings, the committee shall will submit a written recommendation for disposition to the Chancellor. The recommendation shall will be based on the policies and applicable rules, regulations, and administrative directives of the **eCollege**. The

transcript of the hearing together with all documents received into evidence ~~shall~~will be transmitted to the Chancellor.

#### 7.10. Action of the Chancellor

The Chancellor ~~shall~~will review the committee's recommendation. Within fifteen (15) working days of the receipt of the recommendation, the Chancellor ~~shall~~will accept, reject, or modify the committee's recommendation and advise the parties in writing of ~~his~~ ~~or her~~the decision. -The decision of the Chancellor is final; however, nothing in this ~~guideline~~procedure precludes the employee from appearing before the Board of Trustees during the ~~hearing~~public comment portion of ~~citizens~~a scheduled Board meeting.

#### Definitions

~~An e~~**Employment contract:** ~~is a~~A formal, signed agreement between the employee and the employer. It explains the rights, responsibilities, and obligations of both the employee and the employer.

~~A e~~**Contractual employee:** ~~is a~~An employee that enters into an agreement with the College through an employment contract to complete a specific job for a period of up to twelve months for a predetermined salary.

Attachment 6 – Current Procedure with Tracked Changes – Informational Item

<b>Procedure #:</b>	<del>4-23</del>
<b>Procedure Name:</b>	<del>Procedure on Termination or Demotion for Contractual Employees</del>
<b>Pages:</b>	<del>6</del>
<b>Adopted Date:</b>	<del>April 28, 2014</del> <del>TBD</del> <u>September 25, 2023</u>
<b>Board Approval:</b>	<u>SLT- Approval</u>
<b>Revision/Reviewed Date:</b>	
<b>Effective Date:</b>	<del>April 29, 2014</del> <u>Anticipated November 7, 2023</u>
<b>Primary Owner of Policy Associated with the Procedure:</b>	<del>IV-G-1</del> <u>Vice Chancellor, Human Resources, Organizational and Talent Effectiveness</u>
<b>Secondary Owner of Policy Associated with the Procedure:</b>	<u>Vice President, Human Resources</u>

**Attachment 7**  
**Procedure IV.4002.B.a,**  
**Termination or Demotion of**  
**Contractual Employees**  
**(proposed procedure)**  
**Informational Item**



## **Procedure IV.4002.B.a, Termination or Demotion of Contractual Employees**

### **Associated Policy**

Policy IV.4002.B, Termination or Demotion of Contractual Employees

### **Introduction**

This procedure specifies the procedures for termination or demotion of a contractual employee during the term of an existing contract.

This procedure does not apply to non-renewal of contractual employees. Non-renewal is subject to [Policy IV.4002.D, Renewal and Non-Renewal of Contractual Employees](#).

This procedure does not apply to Reduction in Force (RIF) decisions. RIF decisions are subject to [Policy IV-G-5: Policy on Reduction in Force](#).

### **Procedure**

Terminations and demotions will be based on evidence demonstrating the existence of just cause and/or good cause. Just cause and/or good cause include, but are not limited to:

1. Physical or mental incapacity that prohibits the employee from performing their contracted job function.
2. Conviction or commission of a felony, a crime involving moral turpitude, a misdemeanor that is related to the employee's job or that adversely impacts the interests of the College. Moral turpitude offenses include both felony and misdemeanor crimes, including, but not limited to:
  - a) Crimes related to fraud, theft, and burglary.
  - b) Homicide.
  - c) Kidnapping.
  - d) Aggravated assault.
  - e) Robbery.
  - f) Violation of Title IX regulations (sexual harassment, sexual assault, dating violence, domestic violence, and stalking).
  - g) Prostitution.
  - h) Indecency with a minor.
  - i) Public lewdness.
  - j) Possession of obscenity or child pornography.
3. Unlawful use, possession, or distribution of controlled substances or dangerous drugs.

Attachment 7 – Proposed Procedure – Informational Item

4. Being under the influence of alcohol, controlled substances, or dangerous drugs during work hours or while engaged in business on behalf of the College.
5. Assault on an employee, officer, or student as described in the Texas Penal Code.
6. Unsatisfactory job performance or the repeated failure to support or demonstrate College values. Unsatisfactory performance or behaviors may be communicated through a written evaluation or a written notice.
7. Falsification of pertinent information regarding the employee's credentials, transcript, or application for employment, regardless of when the falsification is discovered.
8. Falsification and/or unauthorized alteration or destruction of government records.
9. Breach of trust, including, but not limited to:
  - a) Making false statements or failing to disclose information to a leader that a reasonable employee would have disclosed under similar circumstances.
  - b) Failure to participate in good faith regarding an on-going investigation.
  - c) Fraud, theft, embezzlement.
  - d) Falsification of state or federal documents.
10. Failure to comply with directives and requirements of the employee's leader, failure to follow established policies and procedures of the College district, repeated and continued neglect of duties and responsibilities, or insubordination.
11. Violating the policies and procedures defining acceptable use of College email, telephones, cell phones, smart phones, computer tablets, fax machines, laptops, computers, internet, social media, or any other online or electronic technology.
12. Failure to maintain any license, registry, or certificate required by the employee's position.
13. Excessive absences (excluding absences protected by law), failure to follow any procedures pertaining to absences, unacceptable patterns of repeated absences, or failure to provide required documentation to substantiate an absence(s).
14. Cumulative events where numerous instances of misconduct or violations have occurred that indicate an unacceptable pattern of ongoing behaviors.
15. Failing to perform duties or to take action that another College employee reasonably would have done under the same or similar circumstances.
16. Engaging in conduct that would tend to injure or impair the College's interests, reputation, or operations.

17. Engaging in conduct that is contrary to the mission and values of the College, or that is inconsistent with the employer/employee relationship.
18. Violating College policy.
19. Violating state or federal law, including:
  - a) [Section 51.252 of the Texas Education Code](#) (relating to the failure to make a mandatory report of sexual harassment, sexual assault, dating violence, and stalking).
  - b) [Section 51.3525 of the Texas Education Code](#) (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation). When evaluating an alleged violation of Section 51.3525, the College administration will consider whether the employee’s conduct constitutes academic course instruction or falls within another exception established in Section 51.3525 of the Texas Education Code.
20. For other good cause.

Evaluation of Termination Proposal:

1. The relevant leaders, in conjunction with Human Resources, Employee Relations, will review the evidence and documentation pertaining to the employee’s work history and any allegations of misconduct and evaluate whether good cause exists to terminate the contract. If the proposal is based on an allegation of wrongdoing, the relevant leaders will also consider the nature and severity of the misconduct and the outcome of any investigation pertaining to the allegation. Employee Relations will review the proposed recommendation and documentation to ensure compliance with College’s policies and procedures.
2. Written notice of intent to terminate will be provided to the employee.
3. When it is in the College’s best interest, the Chancellor, or designee, may place contractual employees on paid administrative leave or reassign the employee during an investigation due to allegations of wrongdoing, or when a proposal to terminate or demote is pending before the Board of Trustees.

**Hearing Procedure**

If termination or demotion is proposed for a contractual employee during the term of a contract, certain procedural steps will be followed. These procedural steps are not applicable to the non-renewal of a term contract or the decision of the administration or Board not to offer the professional employee further employment with the College.

1. Discussions with the Employee

The respective Strategic Leadership Team (SLT) member, or designee, will discuss any possible termination or demotion with the employee prior to the Chancellor giving the contractual employee formal written notice of any proposed action to terminate or demote. If the employee is unavailable to meet or refuses to participate, the administration may proceed with the preparation of the formal written notice.

2. Approval by the Chancellor

- a) Any proposed termination or demotion must be approved by the Chancellor, or designee. If the Chancellor, or designee, approves the proposed action, the Chancellor, or designee, will notify the contractual employee of the proposed action, the grounds for the action, and of the right to a hearing before the Hearing Committee.
- b) The notice of a proposed termination or demotion may be hand delivered, sent via email, or delivered by other postal service provider.

3. Employee's Response

An employee's failure to update their postal address, refusal to accept delivery of a letter, or refusal or failure to open email will not constitute good cause for failure to comply with the deadlines stated in the notice of the proposed termination or demotion.

4. Appeal Rights

An employee whose employment contract is proposed for termination or demotion during the term of the contract will be afforded due process. However, if the termination recommendation is a result of a Title IX violation, and the full-time contractual employee was provided a hearing under [Procedure III.3006.D.a](#), the employee will not be afforded an additional hearing. The employee may request a review by the Chancellor and will proceed to section 10 of this procedure, Action of the Chancellor.

5. Request for a Hearing

If the contractual employee wishes to contest the proposed action, they may request a hearing before the Hearing Committee. Requests for a hearing must be made in writing to the Chancellor, or designee, within five (5) working days of receipt of the notice of proposed termination or demotion. If no request for a hearing is made within five (5) working days of receipt of the notice, the Chancellor, or designee, may recommend to the Board of Trustees that the contractual employee be terminated or demoted, and the Board of Trustees will take the action it deems proper.

6. Appointment of the Hearing Committee

- a) The purpose of the Hearing Committee is to afford a fair hearing on the merits of each proposal for termination or demotion and to make a recommendation for disposition to the Chancellor.

- b) The Hearing Committee will be comprised of three (3) impartial contractual employees. One member is to be designated by the respective SLT member, one member by the contractual employee, and one member by the Chancellor.
- c) The Chancellor, in consultation with the SLT, will designate one of the contractual employees of the Hearing Committee members (one faculty member, one administrator, or one contractual professional employee) to serve as the chairperson of the Hearing Committee.

#### 7. Impartiality of Hearing Committee Members

- a) If any contractual employee appointed to serve on the Hearing Committee believes that they cannot hear the evidence and make a fair and impartial recommendation, the member will notify the committee immediately.
- b) If the committee member or the remaining members of the committee determine that any prior contact with the employee would prevent the member from impartially considering the evidence and making a recommendation, the member will be disqualified from serving on the committee.
- c) Upon such disqualifications, the Chancellor will appoint a member of the same classification to serve.

#### 8. Conduct of Hearing

The Hearing Committee will conduct a hearing to afford a fair and impartial hearing on the merits of the administrative recommendation and make a written recommendation to the Chancellor. The burden of proof is on the administration to establish that good cause is the basis of the proposed termination or demotion.

##### a) Rights of Parties

- i. All parties, at any level of the hearing procedure, may be represented or accompanied by a representative including legal counsel. If either party is to be represented by legal counsel at the hearing, that party will notify the other party at least seven (7) working days prior to the hearing so that the other party may arrange to be represented by counsel at the hearing if desired.
  - ii. The administration, having the burden of proof, will have the opportunity and duty to open and close the presentation, argument, or discussion, if any, to be made to the Hearing Committee.
  - iii. Each party will have the right to testify.
  - iv. The hearing will be closed to the public.
- b) Expenses of the hearing will be borne by the College; however, the employee is responsible for their own attorneys' fees and for incidental costs, such as photocopy costs.

- c) The hearing will be held at a place and time named by the Chairperson of the Committee, in consultation with the Provost / Vice Chancellor and Human Resources.
- d) Documents submitted as evidence will be noted and identified by the chairperson of the Hearing Committee and included in the final report to the Chancellor.
- e) The strict rules of evidence are not in force at the hearing; however, general concepts of relevancy and materiality will prevail at the hearing. The chairperson may limit cumulative or repetitious testimony or evidence.
- f) At least three (3) working days before the hearing, each party will notify the other, and the panel, of the identity of witnesses, other than impeaching or rebuttal witnesses whose identity cannot reasonably be determined beforehand, to be called and of documents to be submitted in evidence. The parties will have the right to cross-examine all witnesses who testify at the hearing. The Hearing Committee reserves the right to call other witnesses if the committee, in its discretion, deems such action to be advisable.
- g) The chairperson of the Hearing Committee will rule on any objections made during the hearing. The chairperson is free to consult with other committee members as needed.
- h) The Hearing Committee will ensure that all parties are afforded a fair procedure and substantial justice.
- i) The Hearing Committee may allow breaks or recesses at its discretion.
- j) Hearing Committee members may question the witnesses or counsel; however, witnesses and counsel may not question committee members.
- k) The Hearing Committee may place a reasonable time limit on opening and closing arguments, taking into consideration the complexity of the case. The committee may, in its sole discretion, direct the parties to provide their closing argument in a written format.
- l) The Hearing Committee may impose other reasonable rules or restrictions on the presentation of evidence or witnesses to facilitate the hearing process. For example, the committee in its discretion may allow a witness to appear out of turn if that witness will be unavailable at a future time.
- m) Except for routine announcements, such as those relating to the time of the hearing and similar matters, public statements about the case by the parties or committee members will be avoided as much as possible. Public statements, if any, concerning the decision or recommendation of the Hearing Committee will be withheld until final disposition.
- n) In cases pertaining to a recommendation for termination or demotion, the proceedings will be recorded and transcribed by a court reporter, and a copy of the verbatim transcript will be supplied to the employee who is the subject of the hearing.

9. Recommendation of the Hearing Committee

- a) The panel by a majority of its total membership will:
  - i. Make findings of fact.

- ii. Determine whether the facts constitute good cause for demotion or termination.
  - iii. Such findings and conclusions will be based solely on the evidence presented at the hearing.
- b) Transcripts of the proceeding will be sent to the committee within fifteen (15) working days.
  - c) Within ten (10) working days after receipt of the written transcript of the proceedings, the committee will submit a written recommendation for disposition to the Chancellor. The recommendation will be based on the policies and applicable rules, regulations, and administrative directives of the College. The transcript of the hearing together with all documents received into evidence will be transmitted to the Chancellor.

10. Action of the Chancellor

The Chancellor will review the committee's recommendation. Within fifteen (15) working days of the receipt of the recommendation, the Chancellor will accept, reject, or modify the committee's recommendation and advise the parties in writing of the decision. The decision of the Chancellor is final; however, nothing in this procedure precludes the employee from appearing before the Board of Trustees during the public comment portion of a scheduled Board meeting.

**Definitions**

**Employment contract:** A formal, signed agreement between the employee and the employer. It explains the rights, responsibilities, and obligations of both the employee and the employer.

**Contractual employee:** An employee that enters into an agreement with the College through an employment contract to complete a specific job for a period of up to 12 months for a predetermined salary.

Date of SLT Approval	September 25, 2023
Effective Date	Anticipated November 7, 2023
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources

# **Termination or Demotion for Non-Contractual Employees**



**Attachment 8**  
**Summary of Changes**  
**Termination or Demotion of**  
**Non-Contractual Employees**

## Policies and Procedures Summary of Changes

New Policy Number: **IV.4002.C**

Proposed Policy Name: **Termination and Demotion for Non-Contractual Employees**

Current Policy Number/Name: **Policy IV-G-2 Termination and Demotion for Non-Contractual Employees**

New Procedure Number: **IV.4002.C.A**

Proposed Procedure Name(s): **Termination and Demotion for Non-Contractual Employees**

Current Procedure Number(s)/Name(s): **4-15 Termination and Demotion for Non-Contractual Employees**

Action Recommended for Policy: **Revised**

Action Recommended for Procedures: **Revised**

Web Links:

[www.sanjac.edu/about/policies-procedures/IV-G-2-Policy-on-Termination-or-Demotion-for-Non-Contractual-Employees.pdf](http://www.sanjac.edu/about/policies-procedures/IV-G-2-Policy-on-Termination-or-Demotion-for-Non-Contractual-Employees.pdf)

[www.sanjac.edu/about/policies-procedures/4-15-Termination-or-Demotion-of-Non-Contracted-Employees.pdf](http://www.sanjac.edu/about/policies-procedures/4-15-Termination-or-Demotion-of-Non-Contracted-Employees.pdf)

Primary Owner: **Vice Chancellor, Human Resources, Organizational and Talent Effectiveness**

Secondary Owner: **Vice President, Human Resources**

### Summary of Changes:

#### *Policy Changes:*

- Updated language. For example, changed “his/her” to “their” and “shall” to “will.”
- Added “A non-contractual employee may be terminated for violating state or federal law, including Section 51.252 of the Texas Education Code (relating to the failure to make a mandatory report of sexual harassment, sexual assault, dating violence, and stalking) and Section 51.3525 of the Texas Education Code (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation)” per legal guidance.
- Expanded on the definition of “at will” to include part time employment.
- Moved the definitions to the end of the policy.
- Added to the definitions is the following: “**Non-contractual employees** are employed at **will**, an employment relationship in which either party can end the employment relationship at any time, for any reason, with or without cause. Part-time staff, part-time faculty, full-time staff, and some administrators are designated as non-contractual employees.”
- Removed “College community” when discussing administrative leave.

#### *Procedure Changes:*

- Updated language. For example, changed “his/her” to “their” and “shall” to “will.” Removed “adjunct” as it was redundant.

## Attachment 8

- Removed “College community” and “internal/external” when discussing administrative leave.
- Changed “Human Resources” to “Human Resources, Employee Relations” or “Employee Relations.”
- Changed “adjunct” to “part-time.”
- Added under Review Process, “A non-contractual employee is not granted the opportunity for an appeal of a termination or demotion.”
- Added to the definitions is the following: “**Non-contractual employees** are employed **at will**, an employment relationship in which either party can end the employment relationship at any time, for any reason, with or without cause. Part-time staff, part-time faculty, full-time staff, and some administrators are designated as non-contractual employees.”
- Added that a non-contractual employee may be terminated for violating state or federal law, including:
  1. Section 51.252 of the Texas Education Code (relating to the failure to make a mandatory report of sexual harassment, sexual assault, dating violence, and stalking).
  2. Section 51.3525 of the Texas Education Code (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation). When evaluating an alleged violation of Section 51.3525, the College Administration will consider whether the employee’s conduct constitutes academic course instruction or falls within another exception established in Section 51.3525 of the Texas Education Code, per legal guidance.

**Attachment 9**  
**Policy IV-G-2**  
**Policy on Termination or**  
**Demotion for Non-Contractual**  
**Employees (current policy)**

## Policy IV-G-2: Policy on Termination or Demotion for Non-Contractual Employees

### Policy on Termination or Demotion for Non-Contractual Employees

#### 1. INTRODUCTION

This Policy establishes a uniform practice for termination or demotion of non-contractual employees.

#### 2. DEFINITION

- A. Non-contractual employees are employed “**at will**,” an employment relationship in which either party can end the employment relationship at any time, for any reason, with or without cause.
- B. A “**demotion**” is a reduction in position, responsibilities and pay.

#### 3. GENERAL POLICY

##### A. Discrimination Is Prohibited

Termination and demotion decisions shall be made without regard to the employee’s race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status. Additionally, the College shall not discriminate or retaliate against employees who exercise rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

##### B. Administrative Leave

While a termination or demotion recommendation is pending, or during the course of an on-going internal/external investigation, the Chancellor, or his/her designee, may suspend with pay or reassign the affected employee if it is determined that suspension or reassignment is in the best interest of the College or College Community.

##### C. A non-contractual employee does not have a property right to his or her job.

##### D. A non-contractual employee may be terminated or demoted with or without cause, except that if a reason exists, it is not an unlawful reason.

##### E. A non-contractual employee is not granted the opportunity for an appeal of a termination or demotion; however, the employee is able to request a secondary review of his or her job termination or demotion.

##### F. Only the Chancellor or his/her designee is authorized to approve a termination or demotion.

Attachment 9 – Current Policy

G. This policy does not apply to Reduction in Force (RIF) decisions. RIF decisions are subject to Policy IV-G-5:Policy on Reduction in Force.

<b>Policy #:</b>	<b>IV-G-2</b>
<b>Policy Name:</b>	<b>Policy on Termination for Non-Contractual Employees</b>
<b>Pages:</b>	<b>2</b>
<b>Adopted Date:</b>	<b>March 2, 1981</b>
<b>Revision/Reviewed Date:</b>	<b>August 9, 1982, March 7, 1983 and June 1, 1992, April 28, 2014</b>
<b>Effective Date:</b>	<b>March 2, 1981, August 9, 1982, March 7, 1983 and June 1, 1992, April 29, 2014</b>
<b>Associated Procedure</b>	<b><a href="#">4-15</a></b>

**Attachment 10**  
**Policy IV-G-2**  
**Policy on Termination or**  
**Demotion for Non-Contractual**  
**Employees (current policy with**  
**tracked changes)**

## ~~Policy IV-G-2: Policy on Termination or Demotion for Non-Contractual Employees~~

### ~~Policy on~~ ~~Policy~~ ~~<TBD>~~ ~~IV.4002.C, Termination or Demotion of Non-Contractual Employees~~

#### ~~1. INTRODUCTION~~

##### Purpose

This Policy establishes a uniform practice for termination or demotion of non-contractual employees. Non-contractual employees are employed at will. This means that either party can end the employment relationship at any time, for any reason, with or without cause.

#### ~~2. DEFINITION~~

~~A. Non-contractual employees~~ This policy does not apply to Reduction in Force (RIF) decisions. RIF decisions are employed “at will,” an employment relationship in which either party can end the employment relationship at any time, for any reason, with or without cause.

subject to Policy IV-G-5: Policy on Reduction in Force. A “~~demotion~~” Reduction in Force is a reduction in position, responsibilities and pay.

#### ~~3. GENERAL POLICY~~

~~A. Discrimination Is Prohibited~~

##### Policy

Termination ~~and/or~~ demotion decisions ~~shall~~will be made without regard to the employee’s race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy-related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status.

Additionally, the College ~~shall~~will not discriminate or retaliate against employees who exercise rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

A non-contractual employee may be terminated for violating state or federal law, including Section 51.252 of the Texas Education Code (relating to the failure to make a mandatory report of sexual harassment, sexual assault, dating violence, and stalking) and Section 51.3525 of the Texas Education Code (relating to prohibited diversity, equity, and inclusion programs and



activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation).

A non-contractual employee does not have a property right to their job.

A non-contractual employee may be terminated or demoted with or without cause, except that if a reason exists, it is not an unlawful reason.

A non-contractual employee is not granted the opportunity for an appeal of a termination or demotion; however, the employee is able to request a secondary review of their job termination or demotion.

Only the Chancellor or, designee, is authorized to approve a termination or demotion.

### **Administrative Leave**

While a termination or demotion recommendation is pending, or during the course of an on-going internal/external investigation, the Chancellor, or his/her designee, may suspend or reassign the affected employee with pay ~~or reassign the affected employee~~ if it is determined that suspension or reassignment is in the best interest of the College ~~or College Community~~.

~~C. A non-contractual employee does not have a property right to his or her job.~~

~~A non-contractual employee may be terminated or demoted with or without cause, except that if a reason exists, it is not an unlawful reason.~~

~~E. A non-contractual employee is not granted the opportunity for an appeal of a termination or demotion; however, the employee is able to request a secondary review of his or her job termination or demotion.~~

~~F. Only the Chancellor or his/her designee is authorized to approve a termination or demotion.~~

### **Definitions**

**Non-contractual employees:** are employed at will, an employment relationship in which either party can end the employment relationship at any time, for any reason, with or without cause. Part-time staff, part-time faculty, full-time staff, and some administrators are designated as non-contractual employees.

**Demotion:** is a reduction in position, responsibilities, and pay.

**Reduction in Force:** is a reduction in position, responsibilities and pay. This policy does not apply to Reduction in Force (RIF) decisions. RIF decisions are subject to Policy IV-G-5: Policy on Reduction in Force.

<b>Policy #:</b>	<del>IV-G-2</del>
<b>Policy Name:</b>	<del>Policy on Termination for Non-Contractual Employees</del>
<b>Pages:</b>	<del>2</del>
<b>Adopted Date:</b>	<del>March 2, 1981</del>
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<b>Effective Date:</b>	<del>March 2, 1981, August 9, 1982, March 7, 1983 and June 1, 1992, April 29, 2014</del>
<b>Associated Procedure</b>	<del>4-15</del>

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

**Associated Procedure**

Procedure IV.4002.C.a, Termination or Demotion of Non-Contractual Employees

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Date of Board Approval     ~~TBD~~ Anticipated November 6, 2023

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Effective Date     ~~TBD~~ Anticipated November 7, 2023

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Primary Owner     Vice Chancellor, Human Resources, Organizational and Talent Effectiveness

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Secondary Owner     Vice President, Human Resources

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**Attachment 11**  
**Policy IV.4002.C, Termination**  
**or Demotion of Non-Contractual**  
**Employees (proposed policy)**

## **Policy IV.4002.C, Termination or Demotion of Non-Contractual Employees**

### **Purpose**

This Policy establishes a uniform practice for termination or demotion of non-contractual employees. Non-contractual employees are employed at will. This means that either party can end the employment relationship at any time, for any reason, with or without cause.

This policy does not apply to Reduction in Force (RIF) decisions. RIF decisions are subject to [Policy IV-G-5: Policy on Reduction in Force](#). A Reduction in Force is a reduction in position, responsibilities and pay.

### **Policy**

Termination or demotion decisions will be made without regard to the employee's race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy-related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status.

Additionally, the College will not discriminate or retaliate against employees who exercise rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

A non-contractual employee may be terminated for violating state or federal law, including [Section 51.252 of the Texas Education Code](#) (relating to the failure to make a mandatory report of sexual harassment, sexual assault, dating violence, and stalking) and [Section 51.3525 of the Texas Education Code](#) (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation).

A non-contractual employee does not have a property right to their job.

A non-contractual employee may be terminated or demoted with or without cause, except that if a reason exists, it is not an unlawful reason.

A non-contractual employee is not granted the opportunity for an appeal of a termination or demotion; however, the employee is able to request a secondary review of their job termination or demotion.

Only the Chancellor or, designee, is authorized to approve a termination or demotion.

### **Administrative Leave**

While a termination or demotion recommendation is pending, or during the course of an ongoing internal/external investigation, the Chancellor, or designee, may suspend or reassign the affected employee with pay if it is determined that suspension or reassignment is in the best interest of the College.

**Definitions**

**Non-contractual employees:** Are employed at will, an employment relationship in which either party can end the employment relationship at any time, for any reason, with or without cause. Part-time staff, part-time faculty, full-time staff, and some administrators are designated as non-contractual employees.

**Demotion:** A reduction in position, responsibilities, and pay.

**Reduction in Force:** A reduction in position, responsibilities and pay.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

**Associated Procedure**

Procedure IV.4002.C.a, Termination or Demotion of Non-Contractual Employee

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Date of Board Approval	Anticipated November 6, 2023
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Effective Date	Anticipated November 7, 2023
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Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
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Secondary Owner of the Policy Associated with the Procedure	Vice President, Human Resources
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**Attachment 12**  
**Procedure 4-15: Termination or**  
**Demotion of Non-Contractual**  
**Employees (current procedures)**  
**Informational Item**

# Procedure 4-15: Termination or Demotion of Non-Contractual Employees

## 1. INTRODUCTION

This procedure specifies the procedures for termination or demotion of a non-contractual employee in accordance with Policy IV-G-2 Policy on Termination or Demotion for Non-Contractual Employees. These procedures apply regardless of whether the employee is employed on a full-time or part-time basis.

## 2. PROCEDURE

A. When an employee engages in misconduct, demonstrates performance deficiencies, or otherwise fails to meet the leader's expectations, the leader may recommend termination or demotion. A non-contractual employee may be terminated or demoted for no reason or any reason, except that if a reason exists, it is not an unlawful reason. Factors to evaluate may include:

1. The nature and severity of the employee's conduct.
2. Whether the employee's conduct is part of a pattern.
3. Whether the employee has received prior notice of the leader's concern.
4. Whether the employee has been given an opportunity to address the area of concern.
5. Whether the conduct is of such a nature that remediation is not reasonable or appropriate.
6. Whether the College's interests would best be served by immediate termination.

B. If the Chancellor, or his/her designee, determines that administrative leave is in the best interest of the College or College Community, an employee may be placed on paid administrative leave or reassigned during the course of an on-going internal/external investigation or when a recommendation to terminate or demote is pending before the Chancellor. If the College reassigns the employee, the employee's pay may be adjusted accordingly.

C. The decision to terminate or demote a non-contractual employee will be given thorough consideration prior to taking any action. The following procedure generally will apply to the proposed termination or demotion of an at-will employee.

1. The immediate leader will notify Human Resources of the potential termination or demotion and seek guidance. The immediate leader also will inform all levels in the leadership chain, including the respective Provost or Vice Chancellor of the reasons for the recommended termination or demotion.
2. All documentation will be reviewed by the leadership chain including the respective Provost or Vice Chancellor and Employee Relations prior to making a decision.

Attachment 12 – Current Procedures (Informational Item)

3. The immediate leader and/or Employee Relations will determine if additional information or investigation is required.
4. The Provost, Vice-Chancellor or designee will notify Employee Relations regarding his/her support or denial of the termination or demotion along with supporting reasons and documentation.
5. Only the Chancellor, or his/her designee, is authorized to approve a termination or demotion for any full-time, part-time, or adjunct employee.
6. The employee may ask for a review of the decision by following the process in section D.

D. **REVIEW PROCESS.** Non-contractual employees are able to request a secondary review of his/her job termination or demotion. The request must be in writing to the Vice President of Human Resources, or his/her designee, within five (5) working days of the termination.

1. The termination or demotion process will continue even while the review is under consideration.
2. The review will be conducted within ten (10) working days of the request. The review will be conducted by the Vice President of Human Resources, or his/her designee. The employee is able to present information in writing that may not have been considered in the decision to terminate or demote. The recommendation from the Vice President of Human Resources, or his/her designee, will be in writing and sent to the Chancellor, or his/her designee, within ten (10) working days of the review. The Chancellor, or his/her designee, will review the recommendation and make the final decision to uphold or overturn the decision to terminate employment or demote the employee. The final decision will be in writing and sent to the employee within ten (10) working days of the Chancellor's, or his/her designee's, review.
3. If reinstated, the employee will receive back pay for the days he/she was off the payroll.

<b>Procedure #:</b>	<b>4-15</b>
<b>Procedure Name:</b>	<b>Termination for Non-Contractual Employees</b>
<b>Pages:</b>	<b>2</b>
<b>Adopted Date:</b>	<b>March 2, 1981</b>
<b>Revision/Reviewed Date:</b>	<b>March 7, 1983, April 28, 2014</b>
<b>Effective Date:</b>	<b>March 2, 1981, March 7, 1983, April 29, 2014</b>
<b>Associated Policy:</b>	<b>IV-G-2</b>



**Attachment 13**  
**Procedure 4-15: Termination or**  
**Demotion of Non-Contractual**  
**Employees (current procedures**  
**with tracked changes)**  
**Informational Item**

## Procedure ~~4-15~~: IV.4002.C.a, Termination or Demotion of Non-Contractual Employees

### ~~INTRODUCTION~~

~~This procedure specifies the procedures for termination or demotion of a non-contractual employee in accordance with Associated Policy IV-G-2~~

Policy IV.4002.C.a, Termination or Demotion ~~for of~~ Non-Contractual Employees. ~~These procedures apply~~

### Introduction

The purpose of this procedure is to outline the process for termination or demotion of a non-contractual employee. This procedure applies to all non-contractual employees regardless of whether the employee is employed on a full-time or part-time basis.

-

## ~~2.~~ PROCEDURE

### Procedure

A. When an employee engages in misconduct, demonstrates performance deficiencies, or otherwise fails to meet the leader's expectations, the leader may recommend termination or demotion. ~~-A non-contractual employee may be terminated or demoted for no reason or any reason, except that if a reason exists, it is not an unlawful reason. -Factors to evaluate may include but are not limited to:~~

1. Whether or not the employee's conduct is part of a pattern;
2. Whether or not the employee has received prior notice of the leader's concern;
3. Whether or not the employee has been given an opportunity to address the area of concern;
4. Whether or not the conduct is of such a nature that remediation is not reasonable or appropriate;
5. Whether or not the College's interests would best be served by immediate termination; and;
6. The nature and severity of the employee's conduct.

- ~~1. Whether the employee's conduct is part of a pattern.~~
- ~~2. Whether the employee has received prior notice of the leader's concern.~~
- ~~3. Whether the employee has been given an opportunity to address the area of concern.~~
- ~~4. Whether the conduct is of such a nature that remediation is not reasonable or appropriate.~~
- ~~5. Whether the College's interests would best be served by immediate termination.~~

B. A non-contractual employee may be terminated for violating state or federal law, including:

1. Section 51.252 of the Texas Education Code (relating to the failure to make a mandatory report of sexual harassment, sexual assault, dating violence, and stalking).
2. Section 51.3525 of the Texas Education Code (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation). When evaluating an alleged violation of Section 51.3525, the College Administration will consider whether the employee’s conduct constitutes academic course instruction or falls within another exception established in Section 51.3525 of the Texas Education Code.

C. A non-contractual employee may be discharged for violating Section 51.3525 of the Texas Education Code, which prohibits certain policies, employment practices, training programs, and other college activities that (i) provide or promote differential treatment, preferences, or special benefits based on race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525 or (ii) mandate training programs designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525.

~~C.D.~~ \_\_\_\_\_ If the Chancellor, or ~~his/her~~ designee, determines that administrative leave is in the best interest of the College ~~or College Community~~, an employee may be placed on paid administrative leave or reassigned during the course of an ~~on-going internal/external~~ investigation or when a recommendation to terminate or demote is pending before the Chancellor. ~~If the College reassigns the employee, the employee’s pay may be adjusted accordingly.~~

E. The decision to terminate or demote a non-contractual employee will be given thorough consideration prior to taking any action. ~~The following procedure/process~~ generally will apply to the proposed termination or demotion of an at-will employee.

1. The immediate leader will notify Human Resources, Employee Relations of the potential termination or demotion and seek guidance. ~~The immediate leader will also will inform all levels in the leadership chain, including the respective Provost or Vice Chancellor of the reasons for the recommended termination or demotion.~~
2. All documentation will be reviewed by ~~the leadership chain~~ including the respective Provost or Vice Chancellor and Employee Relations prior to making a decision.
3. The immediate leader and/or Employee Relations will determine if additional information or investigation is required.

4. The Provost, Vice-Chancellor, or designee will notify Employee Relations regarding ~~his/her~~their support or ~~denial~~rejection of the termination or demotion along with supporting reasons and documentation.
5. Only the Chancellor, or ~~his/her~~ designee, is authorized to approve a termination or demotion for any full-time, or part-time, ~~or adjunct~~ employee.
6. The employee may ask for a review of the decision by following the process in section ~~D~~F.

~~REVIEW PROCESS. Non-F.~~ Review Process: A non-contractual employee is not granted the opportunity for an appeal of a termination or demotion; however, non-contractual employees are able to request a secondary review of ~~his/her~~their job termination or demotion. The request must be made in writing to the Vice President of Human Resources, or ~~his/her~~ designee, within five (5) working days of the termination.

1. The termination or demotion process will continue even while the review is under consideration.
2. The review will be conducted within ten (10) working days of the request. ~~The review will be conducted by the Vice President of Human Resources, or ~~his/her~~ designee. The employee is able to present information in writing that may not have been considered in the decision to terminate or demote. The recommendation from the Vice President of Human Resources, or ~~his/her~~ designee, will be in writing and sent to the Chancellor, or ~~his/her~~ designee, within ten (10) working days of the review. The Chancellor, or ~~his/her~~ designee, will review the recommendation and make the final decision to uphold or overturn the decision to terminate employment or demote the employee. The final decision will be in writing and sent to the employee within ten (10) working days of the Chancellor's, or ~~his/her~~ designee's, review.~~
3. If reinstated, the employee will receive back pay for the days ~~he/she was~~they were off the payroll.

## Definitions

~~Non-contractual employees:~~ ~~are~~ employed at will, an employment relationship in which either party can end the employment relationship at any time, for any reason, with or without cause. Part-time staff, part-time faculty, full-time staff, and some administrators are designated as non-contractual employees.

~~A demotion:~~ is a reduction in position, responsibilities, and pay.

Attachment 13 – Current Procedures with Tracked Changes (Informational Item)

<b>Procedure #:</b>	<del>4-15</del>
<b>Procedure Name:</b>	<del>Termination for Non-Contractual Employees</del>
<b>Pages:</b>	<del>2</del>
<b>Adopted Date of SLT Approval</b>	<del>March 2, 1981</del> <u>September 25, 2023</u> <del>TBD</del>
<b>Revision/Reviewed Date:</b>	<del>March 7, 1983, April 28, 2014</del>
<b>Effective Date:</b>	<del>March 2, 1981, March 7, 1983, April 29, 2014</del> <u>Anticipated November 7, 2023</u>
<b>Associated Policy: Primary Owner of Policy Associated with the Procedure</b>	<del>IV-G-2</del> <u>Vice Chancellor, Human Resources, Organizational and Talent Development</u>
<b>Secondary Owner of Policy Associated with the Procedure</b>	<u>Vice President, Human Resources</u>

**Attachment 14**  
**Procedure IV.4002.C.a,**  
**Termination or Demotion of**  
**Non-Contractual Employees**  
**(proposed procedure)**  
**Informational Item**

## **Procedure IV.4002.C.a, Termination or Demotion of Non-Contractual Employees**

### **Associated Policy**

Policy IV.4002.C, Termination or Demotion of Non-Contractual Employees

### **Introduction**

The purpose of this procedure is to outline the process for termination or demotion of a non-contractual employee. This procedure applies to all non-contractual employees regardless of whether the employee is employed on a full-time or part-time basis.

### **Procedure**

- A. When an employee engages in misconduct, demonstrates performance deficiencies, or otherwise fails to meet the leader’s expectations, the leader may recommend termination or demotion. A non-contractual employee may be terminated or demoted for no reason or any reason, except that if a reason exists, it is not an unlawful reason. Factors to evaluate may include but are not limited to:
1. Whether or not the employee’s conduct is part of a pattern;
  2. Whether or not the employee has received prior notice of the leader’s concern;
  3. Whether or not the employee has been given an opportunity to address the area of concern;
  4. Whether or not the conduct is of such a nature that remediation is not reasonable or appropriate;
  5. Whether or not the College’s interests would best be served by immediate termination; and
  6. The nature and severity of the employee’s conduct.
- B. A non-contractual employee may be terminated for violating state or federal law, including:
1. [Section 51.252 of the Texas Education Code](#) (relating to the failure to make a mandatory report of sexual harassment, sexual assault, dating violence, and stalking).
  2. [Section 51.3525 of the Texas Education Code](#) (relating to prohibited diversity, equity, and inclusion programs and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation). When evaluating an alleged violation of Section 51.3525, the College administration will consider whether the employee’s conduct constitutes academic course instruction or falls within another exception established in Section 51.3525 of the Texas Education Code.
- C. A non-contractual employee may be discharged for violating [Section 51.3525 of the Texas Education Code](#), which prohibits certain policies, employment practices, training programs, and other college activities that (i) provide or promote differential treatment,

preferences, or special benefits based on race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525 or (ii) mandate training programs designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525.

- D. If the Chancellor, or designee, determines that administrative leave is in the best interest of the College, an employee may be placed on paid administrative leave or reassigned during the course of an investigation or when a recommendation to terminate or demote is pending before the Chancellor. If the College reassigns the employee, the employee's pay may be adjusted accordingly.
- E. The decision to terminate or demote a non-contractual employee will be given thorough consideration prior to taking any action. The following process generally will apply to the proposed termination or demotion of an at-will employee.
  - 1. The immediate leader will notify Human Resources, Employee Relations of the potential termination or demotion and seek guidance. The immediate leader will also inform leadership, including the respective Provost or Vice Chancellor of the reasons for the recommended termination or demotion.
  - 2. All documentation will be reviewed by leadership including the respective Provost or Vice Chancellor and Employee Relations prior to making a decision.
  - 3. The immediate leader and/or Employee Relations will determine if additional information or investigation is required.
  - 4. The Provost, Vice-Chancellor, or designee will notify Employee Relations regarding their support or rejection of the termination or demotion along with supporting reasons and documentation.
  - 5. Only the Chancellor, or designee, is authorized to approve a termination or demotion for any full-time or part-time employee.
  - 6. The employee may ask for a review of the decision by following the process in section F.
- F. Review Process: A non-contractual employee is not granted the opportunity for an appeal of a termination or demotion; however, non-contractual employees are able to request a secondary review of their job termination or demotion. The request must be made in writing to the Vice President of Human Resources, or designee, within five (5) working days of the termination.
  - 1. The termination or demotion process will continue even while the review is under consideration.



2. The review will be conducted within ten (10) working days of the request. The review will be conducted by the Vice President of Human Resources, or designee. The employee is able to present information in writing that may not have been considered in the decision to terminate or demote. The recommendation from the Vice President of Human Resources, or designee, will be in writing and sent to the Chancellor, or designee, within ten (10) working days of the review. The Chancellor, or designee, will review the recommendation and make the final decision to uphold or overturn the decision to terminate employment or demote the employee. The final decision will be in writing and sent to the employee within ten (10) working days of the Chancellor’s, or designee’s, review.
3. If reinstated, the employee will receive back pay for the days they were off the payroll.

**Definitions**

**Non-contractual employees:** Are employed at will, an employment relationship in which either party can end the employment relationship at any time, for any reason, with or without cause. Part-time staff, part-time faculty, full-time staff, and some administrators are designated as non-contractual employees.

**Demotion:** A reduction in position, responsibilities, and pay.

Date of SLT Approval	September 25, 2023
Effective Date	Anticipated November 7, 2023
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Development
Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources

# **Employee Performance Counseling and Corrective Action**

**Attachment 15**  
**Summary of Changes**  
**Employee Performance**  
**Counseling and Corrective**  
**Action**

## Policies and Procedures Summary of Changes

New Policy Number: **IV.4002.E**

Proposed Policy Name: **Employee Performance Counseling and Corrective Action**

Current Policy Number/Name: **N/A**

New Procedure Number: **IV.4002.E.a**

Proposed Procedure Name(s): **Employee Performance Counseling and Corrective Action**

Current Procedure Number(s)/Name(s): **Procedure 4-24 / Employee Performance Counseling and Corrective Action**

Action Recommended for Policy: **New**

Action Recommended for Procedures: **Revised**

Web Links: [www.sanjac.edu/about/policies-procedures/4-24-Employee-Performance-Counseling-and-Corrective-Action.pdf](http://www.sanjac.edu/about/policies-procedures/4-24-Employee-Performance-Counseling-and-Corrective-Action.pdf)

Primary Owner: **Vice Chancellor, Human Resources, Organizational and Talent Effectiveness**

Secondary Owner: **Vice President, Human Resources**

### Summary of Changes:

#### *Policy:*

- Created new Policy.

#### *Procedure:*

- Changed “shall” to “will.”
- Changed “his/her” to “their.”
- Changed “guideline” to “procedure.”
- Removed the Performance Improvement Plan from examples of developmental actions as that is no longer a practice.
- Changed “Job Abandonment/Involuntary Resignation” to “Job Abandonment/Voluntary Resignation” as job abandonment is considered a voluntary separation from employment.
- Changed “Human Resources” and “Human Resources Department” to “Human Resources, Employee Relations.”
- Added in “or behavior” when discussing that progressive discipline is designed to improve job performance or behavior.
- Added that under Policy IV.4003.D, resignations must be accepted in writing by the Chancellor, SLT member, or a designated senior administrator who is a direct report to the Chancellor or SLT member under Job Abandonment / Voluntary Resignations.
- Added a new section titled “Violations of Sections 51.3525(b) of the Texas Education Code” per legal recommendation that states “an employee may be disciplined for violating Section 51.3525 of the Texas Education Code, which prohibits certain policies,

employment practices, training programs, and other college activities that (i) provide or promote differential treatment, preferences, or special benefits based on race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525 or (ii) mandate training programs designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525. As stated above, depending on the circumstances, the College Administration may utilize progressive discipline. As may be appropriate to the circumstances, the College Administration will consider whether the violation is isolated and inadvertent, whether the violation can be remedied through counseling or training, whether the violation is intentional or willful, whether the employee previously was warned not to engage in the conduct, and/or whether the violation is part of a pattern of conduct, per legal direction.

**Attachment 16**  
**Policy IV.4002.E, Employee**  
**Performance Counseling and**  
**Corrective Action**  
**(proposed policy)**

**Policy IV.4002.E, Employee Performance Counseling and Corrective Action**

**Purpose**

Each employee of San Jacinto College is expected to perform their job responsibilities in a positive and professional manner and to contribute to the College’s achievement of its educational mission.

When an employee engages in misconduct, violates policy, demonstrates performance deficiencies, or otherwise fails to meet the leader’s expectations, the leader will evaluate an appropriate course of action to address the area of concern.

**Policy**

Depending on the area of concern, the College administration ordinarily will employ progressive discipline. The College administration’s objective is to identify the area of concern; to provide the employee with information, directives, or guidance regarding the leader’s expectations; and to engage in appropriate follow-up to determine whether the employee is meeting expectations.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

**Associated Procedure**

Procedure IV.4002.E.a, Employee Performance Counseling and Corrective Action

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Date of Board Approval	Anticipated November 6, 2023
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Effective Date	Anticipated November 7, 2023
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Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
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Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources
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**Attachment 17**  
**Procedure 4-24: Employee**  
**Performance Counseling and**  
**Corrective Action**  
**(current procedure)**  
**Informational Item**



# Procedure 4-24: Employee Performance Counseling and Corrective Action

## 1. INTRODUCTION

Each employee of the San Jacinto College District is expected to perform his or her job responsibilities in a positive and professional manner and to contribute to the College's achievement of its educational mission.

When an employee engages in misconduct, demonstrates performance deficiencies, or otherwise fails to meet the leader's expectations, the leader will evaluate an appropriate course of action to address the area of concern. The purpose of this guideline is to provide an overview of standards and methods that leaders should use when working with employees to improve employee performance or behavior. Human Resources will partner with the leader to assist with the appropriate method to be utilized in addressing performance or behavioral issues.

## 2. PROCEDURES

The need for employee counseling may arise for a number of reasons:

- A. To address performance deficiencies, such as the failure to generate a quality work product or the failure to discharge work in a timely or efficient manner;
- B. To address minor violations of policy or workplace rules that may not have an immediate impact on productivity, efficiency, or safety but that cannot be tolerated if repeated, such as the failure to report to duty on time;
- C. To address acts of misconduct and/or major policy or rules violations.

Depending on the area of concern, the leader ordinarily will employ progressive discipline. Progressive discipline is a series of supervisory actions, corrective in nature, designed to improve job performance and to assist employees with complying with departmental processes, College policies and procedures, and supervisory directives. The leader's objective is to identify the area of concern; to provide the employee with information, directives, or guidance regarding the leader's expectations; and to engage in appropriate follow-up to determine whether the employee is meeting expectations.

Appropriate action will be determined based on the nature of the conduct; the severity, frequency, and degree of deviation from expectations; whether the employee's conduct is part of a pattern; whether the conduct is of such a nature that an opportunity for remediation would be reasonable; and whether the employee previously was given an opportunity to address the area of concern. The leader also must consider whether a particular course of action is in the best interest of the College and its students.

Examples of developmental actions may include, but are not limited to, the following:

- A. Counseling and coaching.
- B. Written reminders regarding expectations, rules, procedures and/or deadlines (letter of expectations).
- C. Performance Improvement Plan (PIP) identifying areas of improvement.

Examples of disciplinary actions may include, but are not limited to, the following:

Attachment 17 – Current Procedure (Informational Item)

- A. Corrective Action Notice identifying areas of improvement and a statement of consequences
- B. Final Corrective Action Notice with a statement of consequences if expectations are not met, and the employee may not apply for other positions within the College
- C. Disciplinary suspension; demotion.
- D. Termination.

NOTE: All terminations must be approved by the Chancellor after approval from the leadership team and communications with the Human Resources Department.

**3. JOB ABANDONMENT / INVOLUNTARY RESIGNATION**

An employee who is absent for three (3) consecutive scheduled workdays without approval and without notifying their leader (No Call / No Show), is considered to have abandoned their job. This applies to an employee during the normal course of employment, as well as the scheduled return from vacation or leave of absence.

The College may consider extenuating circumstances when evaluating a No Call / No Show. For instance, if the employee is in a serious accident and not able to notify leadership, the College has the right to exercise discretion.

**4. SUMMARY**

Although progressive corrective action shall be employed in most instances, nothing in this guideline precludes the College from implementing an immediate termination or other discipline without first pursuing progressive measures.

The responsible leader or administrator, in conjunction with Human Resources, shall determine whether certain performance deficiencies or acts of misconduct warrant measures outside of progressive discipline.

<b>Procedure #:</b>	<b>4-24</b>
<b>Procedure Name:</b>	<b>Employee Performance Counseling and Corrective Action</b>
<b>Pages</b>	<b>3</b>
<b>Adopted Date:</b>	<b>April 28, 2014</b>
<b>Revision/Reviewed Date:</b>	
<b>Effective Date:</b>	<b>April 29, 2014</b>
<b>Associated Policy:</b>	

**Attachment 18**  
**Procedure 4-24: Employee**  
**Performance Counseling and**  
**Corrective Action (current**  
**procedure with tracked changes)**  
**Informational Item**

**Procedure ~~IV.4002.E.a~~ **4-24:** ~~<TBD>~~, Employee Performance Counseling and Corrective Action**

**1. INTRODUCTION**

~~Each employee of the San Jacinto College District is expected to perform his or her job responsibilities in a positive and professional manner and to contribute to the College's achievement of its educational mission.~~

~~When an employee engages in misconduct, demonstrates performance deficiencies, or otherwise fails to meet the leader's expectations, the leader will evaluate an appropriate course of action to address the area of concern. The purpose of this guideline~~ **Associated Policy**

Policy ~~<TBD>~~IV.4002.E, Employee Performance Counseling and Corrective Action

**Purpose**

The purpose of this procedure is to provide an overview of standards and methods that leaders should use when working with employees to improve employee performance or behavior.- Human Resources, Employee Relations, will partner with the leader to assist with the appropriate method to be utilized in addressing performance or behavioral ~~issues~~ concerns.

**2. PROCEDURES**

**Procedure**

The need for employee counseling may arise for a number of reasons:

- A. To address performance deficiencies, such as the failure to generate a quality work product, or the failure to discharge work in a timely or efficient manner;
- B. To address minor violations of policy or workplace rules that may not have an immediate impact on productivity, efficiency, or safety but that cannot be tolerated if repeated, such as the failure to report to duty on time; and,
- C. To address acts of misconduct and/or major policy or rules violations.

Depending on the area of concern, the ~~leader~~ College Administration ordinarily will employ progressive discipline. Progressive discipline is a series of supervisory actions, corrective in nature, designed to improve job performance or behavior and to assist employees with complying with departmental processes, College policies and procedures, and supervisory directives. The ~~leader's~~ College Administration's objective is to identify the area of concern; to provide the employee with information, directives, or guidance regarding the leader's expectations; and to engage in appropriate follow-up to determine whether the employee is meeting expectations.

Appropriate action will be determined based on the nature of the conduct; the severity, frequency, and degree of deviation from expectations; whether the employee’s conduct is part of a pattern; whether the conduct is of such a nature that an opportunity for remediation would be reasonable; and whether the employee previously was given an opportunity to address the area of concern. –The leader also must consider whether a particular course of action is in the best interest of the College and its students.

Examples of developmental actions may include, but are not limited to, the following:

- A. Counseling and coaching.
- B. Written reminders regarding expectations, rules, procedures and/or deadlines (letter of expectations).

~~C. Performance Improvement Plan (PIP) identifying areas of improvement.~~

Examples of disciplinary actions may include, but are not limited to, the following:

- A. Corrective Action Notice identifying areas of improvement and a statement of consequences;
- B. Final Corrective Action Notice with a statement of consequences ~~if expectations are not met, and that the employee may not apply for other positions within the College if expectations are not met;~~
- ~~C.~~ Disciplinary suspension;
- ~~C-D.~~ ~~Demotion;~~ and,
- D. Termination.

NOTE: ~~All~~ terminations ~~and suspensions~~ must be approved by the Chancellor after approval from the leadership team and communications with ~~the~~ Human Resources ~~Department, Employee Relations.~~

**~~3. JOB ABANDONMENT / INVOLUNTARY RESIGNATION~~**

**Job Abandonment / Voluntary Resignation**

An employee who is absent for three (3) consecutive scheduled workdays without approval and without notifying their leader (No Call/-No Show), is considered to have abandoned their job. –This applies to an employee during the normal course of employment, as well as the scheduled return from vacation or leave of absence.

The College may consider extenuating circumstances when evaluating a No Call/-No Show. For instance, if the employee is in a serious accident and not able to notify leadership, the College has the right to exercise discretion.

#### **4. SUMMARY**

NOTE: Under Policy IV.4003.D, resignations must be accepted in writing by the Chancellor, Strategic Leadership Team (SLT) member, or a designated senior administrator who is a direct report to the Chancellor or SLT member.

#### **Violations of Sections 51.3525(b) of the Texas Education Code**

An employee may be disciplined for violating Section 51.3525 of the Texas Education Code, which prohibits certain policies, employment practices, training programs, and other Ceollege activities that (i) provide or promote differential treatment, preferences, or special benefits based on race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525 or (ii) mandate training programs designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525. As stated above, depending on the circumstances, the leader may utilize progressive discipline. As may be appropriate to the circumstances, the leader may consider whether the violation is isolated and inadvertent, whether the violation can be remedied through counseling or training, whether the violation is intentional or willful, whether the employee previously was warned not to engage in the conduct, and/or whether the violation is part of a pattern of conduct.

#### **Summary**

Although progressive corrective action ~~shall~~will be employed in most instances, nothing in this ~~guideline~~procedure precludes the College from implementing an immediate termination or other discipline without first pursuing progressive measures.

The responsible leader or administrator, in conjunction with Human Resources, ~~shall~~Employee Relations, will determine whether certain performance deficiencies or acts of misconduct warrant measures outside of progressive discipline.

Attachment 18 – Current Procedure with Tracked Changes (Informational Item)

<b>Procedure #:</b>	<del>4-24</del>
<b>Procedure Name:</b>	<del>Employee Performance Counseling and Corrective Action</del>
<b>Pages</b>	<del>3</del>
<b>Adopted Date:</b> of <u>SLT Approval</u>	<del>April 28, 2014</del> <u>September 25, 2023</u> <del>TBD</del>
<b>Revision/Reviewed Date:</b>	-
<b>Effective Date:</b>	<del>April 29, 2014</del> <u>Anticipated November 7, 2023</u> <del>TBD</del>
<b>Associated Policy:</b>	<u>Policy IV.4002.E, Employee Performance Counseling and Corrective Action</u> <del><u>Associated Policy</u> links to the policy with which the procedure is associated.</del>
<b>Primary Owner of Policy Associated with the Procedure</b>	<u>Vice Chancellor, Human Resources, Organizational and Talent Effectiveness</u>
<b>Secondary Owner of Policy Associated with the Procedure</b>	<u>Vice President, Human Resources</u>

**Attachment 19**  
**Procedure IV.4002.E.a,**  
**Employee Performance**  
**Counseling and Corrective**  
**Action (proposed procedure)**  
**Informational Item**



## **Procedure IV.4002.E.a, Employee Performance Counseling and Corrective Action**

### **Associated Policy**

Policy IV.4002.E, Employee Performance Counseling and Corrective Action

### **Purpose**

The purpose of this procedure is to provide an overview of standards and methods that leaders should use when working with employees to improve employee performance or behavior. Human Resources, Employee Relations, will partner with the leader to assist with the appropriate method to be utilized in addressing performance or behavioral concerns.

### **Procedure**

The need for employee counseling may arise for a number of reasons:

- A. To address performance deficiencies, such as the failure to generate a quality work product, or the failure to discharge work in a timely or efficient manner;
- B. To address minor violations of policy or workplace rules that may not have an immediate impact on productivity, efficiency, or safety but that cannot be tolerated if repeated, such as the failure to report to duty on time; and,
- C. To address acts of misconduct and/or major policy or rules violations.

Depending on the area of concern, the College administration ordinarily will employ progressive discipline. Progressive discipline is a series of supervisory actions, corrective in nature, designed to improve job performance or behavior and to assist employees with complying with departmental processes, College policies and procedures, and supervisory directives. The College administration's objective is to identify the area of concern; to provide the employee with information, directives, or guidance regarding the leader's expectations; and to engage in appropriate follow-up to determine whether the employee is meeting expectations.

Appropriate action will be determined based on the nature of the conduct; the severity, frequency, and degree of deviation from expectations; whether the employee's conduct is part of a pattern; whether the conduct is of such a nature that an opportunity for remediation would be reasonable; and whether the employee previously was given an opportunity to address the area of concern. The leader also must consider whether a particular course of action is in the best interest of the College and its students.

Examples of developmental actions may include, but are not limited to, the following:

- A. Counseling and coaching.

- B. Written reminders regarding expectations, rules, procedures and/or deadlines (letter of expectations).

Examples of disciplinary actions may include, but are not limited to, the following:

- A. Corrective Action Notice identifying areas of improvement and a statement of consequences;
- B. Final Corrective Action Notice with a statement of consequences and that the employee may not apply for other positions within the College if expectations are not met;
- C. Disciplinary suspension;
- D. Demotion; and,
- D. Termination.

NOTE: All terminations and suspensions must be approved by the Chancellor after approval from the leadership team and communications with Human Resources, Employee Relations.

### **Job Abandonment / Voluntary Resignation**

An employee who is absent for three (3) consecutive scheduled workdays without approval and without notifying their leader (No Call/No Show), is considered to have abandoned their job. This applies to an employee during the normal course of employment, as well as the scheduled return from vacation or leave of absence.

The College may consider extenuating circumstances when evaluating a No Call/No Show. For instance, if the employee is in a serious accident and not able to notify leadership, the College has the right to exercise discretion.

NOTE: Under Policy IV.4003.D, resignations must be accepted in writing by the Chancellor, Strategic Leadership Team (SLT) member, or a designated senior administrator who is a direct report to the Chancellor or SLT member.

### **Violations of Sections 51.3525(b) of the Texas Education Code**

An employee may be disciplined for violating [Section 51.3525 of the Texas Education Code](#), which prohibits certain policies, employment practices, training programs, and other College activities that (i) provide or promote differential treatment, preferences, or special benefits based on race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525 or (ii) mandate training programs designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless required by law and approved in accordance with Section 51.3525. As stated above, depending on the circumstances, the leader may utilize progressive discipline. As may be appropriate to the circumstances, the leader may consider whether the violation is isolated and inadvertent, whether

the violation can be remedied through counseling or training, whether the violation is intentional or willful, whether the employee previously was warned not to engage in the conduct, and/or whether the violation is part of a pattern of conduct.

**Summary**

Although progressive corrective action will be employed in most instances, nothing in this procedure precludes the College from implementing an immediate termination or other discipline without first pursuing progressive measures.

The responsible leader or administrator, in conjunction with Human Resources, Employee Relations, will determine whether certain performance deficiencies or acts of misconduct warrant measures outside of progressive discipline.

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Date of SLT Approval	September 25, 2023
Effective Date	Anticipated November 7, 2023
Associated Policy	Policy IV.4002.E, Employee Performance Counseling and Corrective Action
Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources

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## **ADMINISTRATION RECOMMENDATION / REPORT**

The administration recommends that the Board of Trustees approve the new salary schedule for full-time faculty and the new salary schedule for full-time staff and administrators currently in salary grades 32 and below.

## **BACKGROUND**

This action establishes the salary grades and ranges resulting from the Job Evaluation Studies conducted by Evergreen Solutions, LLC, and previously reviewed in the Board Workshop on October 2, 2023. Salary schedules will be reviewed periodically to provide for market competitiveness.

## **IMPACT OF THIS ACTION**

The new salary schedule for full-time faculty was recommended by the Faculty Job Evaluation Study by Evergreen Solutions, LLC to attract and retain qualified employees and reflect current market values for full-time faculty. The new full-time faculty salary schedule became effective November 1, 2023. The salary schedule for full-time faculty is included in this recommendation for authorization.

The new salary schedule for full-time staff and administrators for positions previously in salary grades 32 and below was recommended as a result of the Faculty Job Evaluation Study by Evergreen Solutions, LLC to attract and retain qualified employees and reflect current market values for full-time staff and administrators. The new full-time staff and administrator salary schedule became effective November 1, 2023. The full-time salary schedule for staff and administrators is included in this recommendation for authorization.

The current salary schedule for full-time administrators currently in salary grades 34 and above will remain in effect without revision.

## **BUDGET INFORMATION**

The fiscal impacts of this recommendation have been included in the 2023-2024 budget.

## **MONITORING AND REPORTING TIMELINE**

All compensation components including both internal and external market equity are addressed as part of the College’s overall compensation philosophy and are reviewed periodically for adjustments.

## **ATTACHMENTS**

Attachment 1 – Faculty Salary Schedule

**Action Item “XII”**  
**Regular Board Meeting November 6, 2023**  
**Consideration of Authorization of the Full-time Salary Schedules for 2023-2024**

Attachment 2 – Administration and Staff Salary Schedule

**RESOURCE PERSONNEL**

Sandra Ramirez

281-991-2648

[sandra.ramirez@sjcd.edu](mailto:sandra.ramirez@sjcd.edu)

**San Jacinto College District  
2023-2024 Salary Range Table  
Faculty**

**9 MONTH**

Grade	Minimum	Midpoint	Maximum
BACH	\$ 48,302.00	\$ 65,207.70	\$ 82,113.40
MAST	\$ 50,234.08	\$ 67,816.01	\$ 85,397.94
MA18	\$ 52,745.78	\$ 71,206.81	\$ 89,667.83
MA36	\$ 55,383.07	\$ 74,767.15	\$ 94,151.22
MA48	\$ 58,152.23	\$ 78,505.51	\$ 98,858.79
DOCT	\$ 61,059.84	\$ 82,430.78	\$ 103,801.72

**10.5 Month**

Grade	Minimum	Midpoint	Maximum
BACH	\$ 56,352.33	\$ 76,075.65	\$ 95,798.97
MAST	\$ 58,606.43	\$ 79,118.68	\$ 99,630.93
MA18	\$ 61,536.75	\$ 83,074.61	\$ 104,612.47
MA36	\$ 64,613.59	\$ 87,228.34	\$ 109,843.10
MA48	\$ 67,844.26	\$ 91,589.76	\$ 115,335.25
DOCT	\$ 71,236.48	\$ 96,169.25	\$ 121,102.01

**12. Month**

Grade	Minimum	Midpoint	Maximum
BACH	\$ 64,402.67	\$ 86,943.60	\$ 109,484.53
MAST	\$ 66,978.77	\$ 90,421.34	\$ 113,863.91
MA18	\$ 70,327.71	\$ 94,942.41	\$ 119,557.11
MA36	\$ 73,844.10	\$ 99,689.53	\$ 125,534.97
MA48	\$ 77,536.30	\$ 104,674.01	\$ 131,811.71
DOCT	\$ 81,413.12	\$ 109,907.71	\$ 138,402.30

**Department Chairs**

Grade	Minimum	Midpoint	Maximum
Chair	\$ 85,483.77	\$ 115,403.09	\$ 145,322.41

<b>Midpoint %</b>	<b>Range Spread</b>
4%-5%	70%

<b>San Jacinto College District 2023 - 2024 Salary Range Table Administration &amp; Staff</b>			
<b>Salary Range</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
101	\$ 29,120.00	\$ 37,128.00	\$ 45,136.00
102	\$ 30,576.00	\$ 38,984.40	\$ 47,392.80
103	\$ 32,104.80	\$ 40,933.62	\$ 49,762.44
104	\$ 33,710.04	\$ 42,980.30	\$ 52,250.56
105	\$ 35,395.54	\$ 45,129.32	\$ 54,863.09
106	\$ 37,165.32	\$ 47,385.78	\$ 57,606.24
107	\$ 39,023.59	\$ 49,755.07	\$ 60,486.56
108	\$ 40,974.76	\$ 52,242.82	\$ 63,510.88
109	\$ 43,023.50	\$ 54,854.97	\$ 66,686.43
110	\$ 45,174.68	\$ 57,597.71	\$ 70,020.75
111	\$ 47,433.41	\$ 60,477.60	\$ 73,521.79
112	\$ 49,805.08	\$ 63,501.48	\$ 77,197.88
113	\$ 52,295.34	\$ 66,676.55	\$ 81,057.77
114	\$ 54,910.10	\$ 70,010.38	\$ 85,110.66
115	\$ 57,655.61	\$ 73,510.90	\$ 89,366.19
116	\$ 60,538.39	\$ 77,186.45	\$ 93,834.50
117	\$ 63,565.31	\$ 81,045.77	\$ 98,526.23
118	\$ 66,743.57	\$ 85,098.06	\$ 103,452.54
119	\$ 70,080.75	\$ 89,352.96	\$ 108,625.17
120	\$ 73,584.79	\$ 93,820.61	\$ 114,056.42
121	\$ 77,264.03	\$ 98,511.64	\$ 119,759.25
122	\$ 81,127.23	\$ 103,437.22	\$ 125,747.21
123	\$ 85,183.59	\$ 108,609.08	\$ 132,034.57
124	\$ 89,442.77	\$ 114,039.53	\$ 138,636.30
125	\$ 93,914.91	\$ 119,741.51	\$ 145,568.11

<b>Midpoint %</b>	<b>Range Spread</b>
5.00%	55.00%

Effective 11/01/2023

**Action Item “XIII”  
Regular Board Meeting November 6, 2023  
Consideration of Approval of Chancellor’s Employment  
Contract with San Jacinto College District**

**ADMINISTRATION RECOMMENDATION/REPORT**

The Board of Trustees recommends the approval in the terms of the Chancellor’s contract as discussed in closed session at a Board Workshop Meeting on November 6, 2023. Furthermore, the Board authorizes the College’s attorney to incorporate the approved terms to create a newly issued Employment Contract dated November 7, 2023, and authorizes the Board’s Chair to sign the new agreement on behalf of the Board.

**BACKGROUND**

The Chancellor’s current employment contract took effect on October 8, 2019, and had been amended annually to continue through October 3, 2025. A new contract will be issued to the Chancellor that will take effect on November 7, 2023, and will continue through November 6, 2026. The contract defines the Chancellor’s requirement for employment, compensation, annual performance evaluation process, and other obligations as indicated.

**IMPACT OF THIS ACTION**

In accordance with Section 551.074 of the Texas Government Code, for the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee, the evaluation of the Chancellor was reviewed in closed session of the Board Workshop on November 6, 2023. The details of the contract reviewed in the closed session will be incorporated in the terms of a newly issued contract.

The proposed Chancellor’s employment contract will take effect on November 7, 2023, and will continue through November 6, 2026.

Approval of this action will supersede the Chancellor’s current contract effective October 8, 2019, as amended on October 4, 2022.

**BUDGET INFORMATION**

Funding for this contract is provided in the 2023-2024 budget.

**MONITORING AND REPORTING TIMELINE**

The Chancellor is required to prepare annual performance objectives for approval by the Board of Trustees. Additionally, the Board of Trustees evaluates and assesses the performance of the Chancellor annually.

**ATTACHMENTS**

None



**Action Item “XIII”  
Regular Board Meeting November 6, 2023  
Consideration of Approval of Chancellor’s Employment  
Contract with San Jacinto College District**

**RESOURCE PERSONNEL**

Sandra Ramirez                      281-991-2648                      sandra.ramirez@sjcd.edu

**Action Item “XIV”**  
**Regular Board Meeting November 6, 2023**  
**Consideration of Approval of Annexation of Territory Owned by the College**  
**Located in the Clear Creek ISD Taxing District**

**ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees approve the annexation of territory owned by the College located in the Clear Creek Independent School District (“Clear Creek ISD”).

**BACKGROUND**

The specific referenced property is described as the portion of the South Campus colloquially known as the “35 Acre Tract”, acquired in 2002. This property lies within the College’s service area, but also within the Clear Creek ISD, thus excluding it from automatic inclusion in the College’s taxing district. This action rectifies a previous procedural and documentation oversight. The intended benefit of the annexation will be to include all of the South Campus within the College’s taxing district to facilitate building future capacity and operations.

Section 130.063 (a)(2), (b) of the Texas Education Code provides that a territory may be annexed to a junior college district by contract if the territory is located in the service area of the annexing district and the territory is located wholly within a single school district, county, or municipality. Pursuant to Section 130.064 of the Texas Education Code, in order to affect an annexation of territory by contract, all property owners of property situated in the territory proposed for annexation shall sign a petition requesting annexation and present such petition to the governing board of the junior college district. If the governing board deems the annexation to be in the best interest of the district, it may affect the annexation by entering into an order authorizing the annexation of the territory by contract and then entering into a written agreement with all entities owning property within the territory. Legal Counsel has advised that since there is no effect on the Clear Creek ISD, and the College is both the Owner of the property and the Annexing authority, a simple Resolution by the Board of Trustees will meet the statutory requirements.

**IMPACT OF THIS ACTION**

Approval of this action will include the subject tract within the College’s taxing district for record purposes with the Harris County Appraisal District.

**BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)**

The inclusion of this property into the taxing district of the College will have no tax effect because the College, as sole property owner, is tax exempt.

**MONITORING AND REPORTING TIMELINE**

The annexation approval process is essentially complete upon adoption of the Resolution by the Board of Trustees. The Resolution must then be recorded by the Harris County Appraisal District, which is a straight-forward administrative process of undefined duration.

**Action Item “XIV”**  
**Regular Board Meeting November 6, 2023**  
**Consideration of Approval of Annexation of Territory Owned by the College**  
**Located in the Clear Creek ISD Taxing District**

**ATTACHMENTS**

Attachment 1 – Resolution of the Board of Trustees of San Jacinto College Authorizing the Annexation of Certain Real Property into the Taxing District

**RESOURCE PERSONNEL**

Brenda Hellyer	281-998-6100	brenda.hellyer@sjcd.edu
Teri Zamora	281-998-6306	teri.zamora@sjcd.edu
Chuck Smith	281-998-6341	charles.smith@sjcd.edu

***RESOLUTION OF THE BOARD OF TRUSTEES OF SAN JACINTO COLLEGE  
ANNEXATION OF CERTAIN REAL PROPERTY INTO THE TAXING DISTRICT***

WHEREAS, the San Jacinto Community College District, (the "College") is a public community college established under Chapter 130 of the Texas Education Code and a political subdivision of the State of Texas, acting by and through its governing body, the Board of Trustees (the "Board"); and

WHEREAS, the College is the owner of a certain parcel of real property containing approximately 35.76 acres, situated in the portion of San Jacinto College South identified and more particularly described in Exhibit "A" and shown in "Exhibit "B", both of which are incorporated herein, ("Property"), such Property commonly referred to as the 35 Acre tract of the San Jacinto College South Campus; and

WHEREAS, the College desires to use this resolution as its petition to annex the Property to the taxing district of the College to facilitate future development; and

WHEREAS, inclusion of Property within the taxing district portion of the service area of the College presently will have no tax effect on the College or any other taxing jurisdiction because Property is currently exempt from ad valorem taxation; and

WHEREAS, inclusion of Property within the taxing district portion of the service area of the College requires an annexation of the Property for junior college purposes; and

WHEREAS, Section 130.063 of the Texas Education Code (the "Act") provides that territory may be annexed to a junior college district by contract if the territory is located in the service area of the annexing district; the territory is located wholly within a single school district, county, or municipality; the territory is not included in the boundaries of another junior college district; and the territory does not contain a campus of the Texas State Technical College System within the county in which the territory is located and outside the junior college district (collectively "Statutory Requirements"); and

WHEREAS, all the Property is within the College's service area and located wholly within a single municipality, the City of Houston, as required by the statute and otherwise meets the Statutory Requirements to be annexed to the College's taxing district; and

WHEREAS, Section 130.064 of the Texas Education Code provides that, to effect an annexation of territory to a junior college district by contract, all property owners of all property situated in the territory proposed for annexation shall sign a petition requesting annexation and present such petition to the governing board of the junior college district; and

WHEREAS, Section 130.064 of the Texas Education Code provides that the governing board of the junior college district, if it deems the annexation to be in the best interest of the district, may affect the annexation by entering its order authorizing the annexation of the territory by contract and then entering into a written agreement duly executed and acknowledged by all persons, corporations, and entities owning property within the territory.

IT IS THEREFORE:

Attachment 1

RESOLVED THAT the Board of Trustees of San Jacinto College finds annexation of the Property to be in the best interest of the district; and

FURTHER RESOLVED THAT this Resolution meets the statutory requirements for Annexation by Contract pursuant to Section 130.064 of the Texas Education Code.

CERTIFICATE FOR RESOLUTION

I hereby certify that the foregoing resolution was presented to the Board of Trustees of San Jacinto College at its regular called meeting November \_\_\_\_, 2023, a quorum of the Board of Trustees being then present, it was then duly moved and seconded that the resolution be adopted, and such resolution was then adopted according to the following vote:

Ayes: \_\_\_\_  
Nays: \_\_\_\_  
Abstentions: \_\_\_\_

To certify which, witness my hand and the official seal of the District this \_\_\_\_ day of November, 2023.

\_\_\_\_\_  
Chair, Board of Trustees

ATTEST:

\_\_\_\_\_  
Secretary, Board of Trustees

**EXHIBIT A**

**LEGAL DESCRIPTION**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 35.7561 ACRES (1,557,535 SQUARE FEET) SITUATED IN THE WILLIAM K. SMITH SURVEY, ABSTRACT NO. 735, HARRIS COUNTY, TEXAS, AND BEING A PORTION OF LOTS 20 THROUGH 27 OF RHODES AND SMITH SUBDIVISION, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 4 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS; (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE)

COMMENCING AT A 5/8 INCH CAPPED IRON ROD SET MARKING THE INTERSECTION OF THE NORTHEAST RIGHT-OF-WAY LINE OF BEAMER ROAD (100 FEET WIDE) WITH THE NORTHWEST RIGHT-OF-WAY LINE OF DIXIE FARM ROAD (R.O.W. VARIES);

THENCE NORTH 48 DEGREES 32 MINUTES 30 SECONDS WEST ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF SAID BEAMER ROAD, A DISTANCE OF 1266.98 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING ON THE NORTHWESTERLY LINE OF A 50 FOOT WIDE UN-NAMED ROAD RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF RHODES AND SMITH SUBDIVISION, RECORDED IN VOLUME 1, PAGE 4 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS;

THENCE NORTH 48 DEGREES 32 MINUTES 30 SECONDS WEST CONTINUING ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF SAID BEAMER ROAD, A DISTANCE OF 737.98 FEET TO A 5/8 INCH CAPPED IRON ROD FOUND FOR THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE SOUTH CORNER OF SAN JACINTO COLLEGE SOUTH CAMPUS, SECTION I, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 366077 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS NORTH 34 DEGREES 11 MINUTES 37 SECONDS EAST, 0.62 FEET;

THENCE NORTH 41 DEGREES 26 MINUTES 13 SECONDS EAST WITH THE SOUTHEAST LINE OF SAID SAN JACINTO COLLEGE SOUTH CAMPUS, SECTION 1, AT A DISTANCE OF 2024.31 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING IN THE SOUTHERLY LINE OF A 30 FOOT WIDE GATHERING LINE EASEMENT (NOT RECORDED):

THENCE SOUTH 62 DEGREES 02 MINUTES 16 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID 30 FOOT WIDE GATHERING LINE EASEMENT (NOT RECORDED) A DISTANCE OF 325.02 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR AN ANGLE POINT IN SAID LINE;

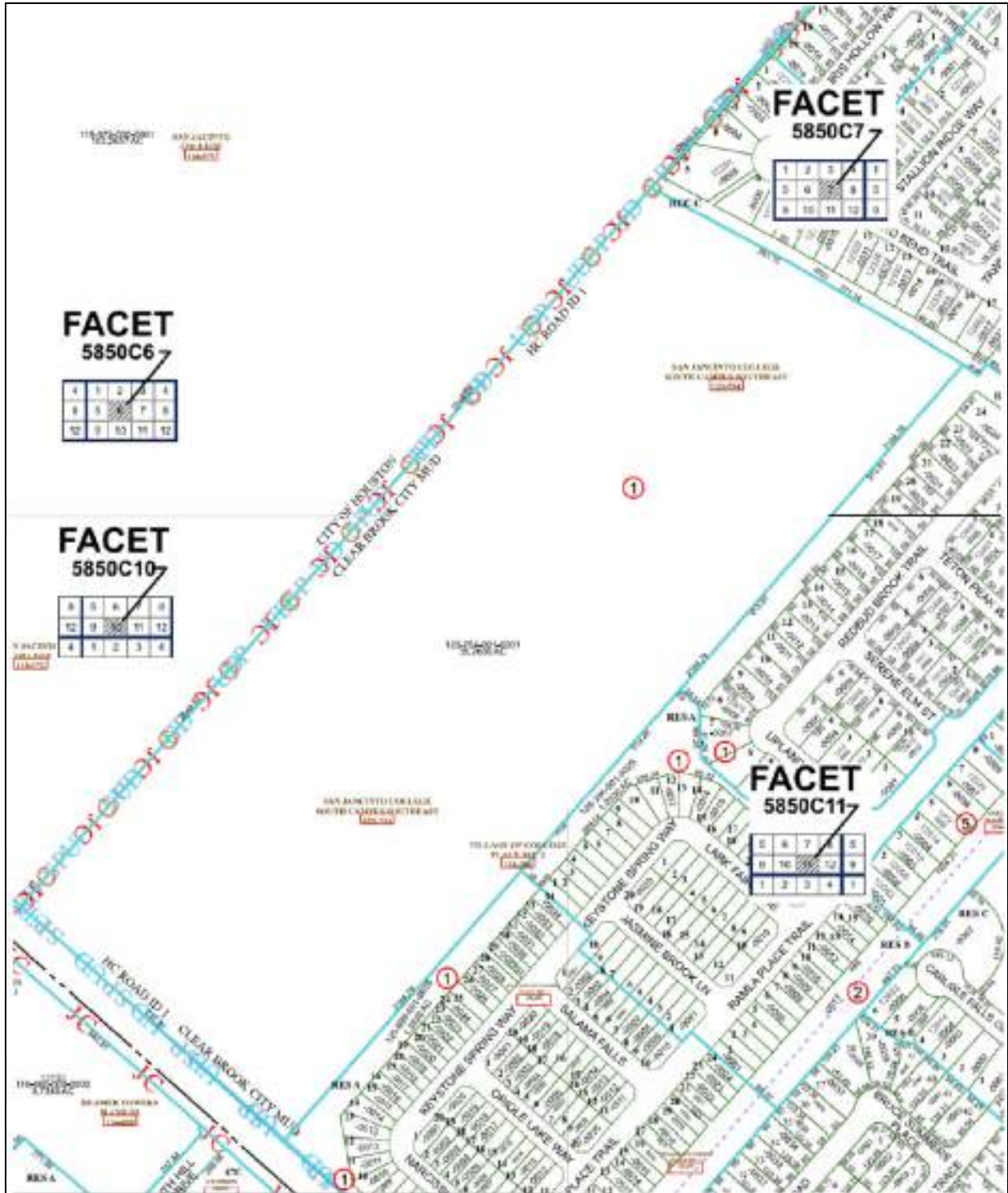
THENCE SOUTH 60 DEGREES 20 MINUTES 43 SECONDS EAST CONTINUING ALONG THE SOUTHERLY LINE OF SAID 30 FOOT WIDE GATHERING LINE EASEMENT (NOT RECORDED) A DISTANCE OF 297.44 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR AN ANGLE POINT IN SAID LINE;

**THENCE** SOUTH 58 DEGREES 45 MINUTES 28 SECONDS EAST CONTINUING ALONG THE SOUTHERLY LINE OF SAID 30 FOOT WIDE GATHERING LINE EASEMENT (NOT RECORDED) A DISTANCE OF 134.04 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT ALSO BEING IN THE NORTHWESTERLY LINE OF SAID 50 FOOT WIDE UN-NAMED ROAD RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF RHODES AND SMITH SUBDIVISION, RECORDED IN VOLUME 1, PAGE 4 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS;

Attachment 1

THENCE SOUTH 41 DEGREES 28 MINUTES 06 SECONDS WEST ALONG THE NORTHWESTERLY LINE OF SAID 50 FOOT WIDE UN-NAMED ROAD RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF RHODES AND SMTIH SUBDIVISION, RECORDED IN VOLUME 1, PAGE 4 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, A DISTANCE OF 2184.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 35.7561 ACRES (1,557,535 SQUARE FEET) OF LAND.

**EXHIBIT B**  
**San Jacinto College District Conceptual Annexation Area**





**SAN JACINTO COMMUNITY COLLEGE DISTRICT  
PURCHASE RECAP  
November 6, 2023**

<b>PURCHASE REQUESTS AND CONTRACT RENEWALS</b>		
<i>Purchase Requests</i>	<i>Page No.</i>	<i>Amounts</i>
Purchase Request #1 Consideration of Delegation of Authority to Contract for Generation Park Expansion Building	2	\$ 4,000,000
Purchase Request #2 Consideration of Delegation of Authority to Contract for South Campus Biomanufacturing HVAC Modifications	4	300,000
Purchase Request #3 Consideration of Approval of Additional Funds and Contract Renewal for Turnkey Magazine Services	6	1,650,000
Purchase Request #4 Consideration of Approval of Additional Funds and Contract Renewal for Semi-Tractor and Bus Repair	8	300,000
Purchase Request #5 Consideration of Approval to Contract for Water Chemical Treatment Services	10	150,000
Purchase Request #6 Consideration of Approval to Renew the Contract for Apprenticeship Training Services	13	148,548
<b>TOTAL OF PURCHASE REQUESTS</b>		<b><u>\$ 6,548,548</u></b>

**Purchase Request #1  
Regular Board Meeting November 6, 2023  
Consideration of Delegation of Authority to Contract for  
Generation Park Expansion Building**

**ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees authorize the Chancellor or her designee to approve a contract for the construction of an expansion building at the Generation Park campus.

**BACKGROUND**

In October 2023, the Board approved terms and conditions for revenue bonds to fund the construction of an expansion building at the Generation Park Campus. The building will initially house the new Center for Biotechnology, and ultimately become home to the campus' central plant and general services operations in later years as the campus builds out its master plan.

In February 2021, the Board authorized the delegation of authority to approve the method of procurement best suited for each construction or renovation project. On October 3, 2023, the Chancellor's designee approved the construction manager at risk (CMR) methodology for this project. Detailed project plans and specifications are being developed by Page Southerland Page in accordance with 22 Texas Administrative Code §1.212(b).

CMR 24-10 was issued on October 11, 2023, to procure construction services for this project in accordance with the Texas Government Code §2269.151. Each response received will be evaluated by a team comprised of representatives from capital projects and facilities services. Evaluation and ranking of the submittals and presentations will be based on criteria published in the solicitation.

**IMPACT OF THIS ACTION**

Approval of this action will authorize the Chancellor or her designee to award a contract to the highest scored respondent to CMR 24-10. This will allow the Construction Manager to provide constructability advice and design assistance to the architect. The effect of such advice is generally to reduce overall project cost and speed construction. Fast track construction is required by the terms of the loan agreement.

**BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)**

The cost of this project should not exceed \$4,000,000. The project will be funded from the referenced revenue bonds.

**MONITORING AND REPORTING TIMELINE**

This project will be managed by capital projects staff. Construction is expected to be complete by March of 2025.

**Purchase Request #1**  
**Regular Board Meeting November 6, 2023**  
**Consideration of Delegation of Authority to Contract for**  
**Generation Park Expansion Building**

**ATTACHMENTS**

None.

**RESOURCE PERSONNEL**

Chuck Smith	281-998-6341	charles.smith@sjcd.edu
Genevieve Scholes	281-998-6103	Genie.Scholes@sjcd.edu

**Purchase Request #2**  
**Regular Board Meeting November 6, 2023**  
**Consideration of Delegation of Authority to Contract for**  
**South Campus Biomanufacturing HVAC Modifications**

**ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees authorize the Chancellor or her designee to approve a contract for modifications of the biomanufacturing heating, ventilation, and air conditioning (HVAC) system in the South Campus science building.

**BACKGROUND**

In September 2023, the Board approved funding for the modification of spaces in the South Campus science building in support of the biomanufacturing program. At the same meeting, delegation of authority was granted for awarding job order contracting (JOC) in support of that effort. As plans have developed, specific revisions to the building's HVAC system to accommodate increased heat loads in the biomanufacturing spaces have been determined. The scale of these revisions makes the competitive sealed proposal (CSP) method more cost effective than the JOC method.

In February 2021, the Board authorized the delegation of authority to approve the method of procurement best suited for each construction or renovation project. On October 3, 2023, the Chancellor's designee approved the CSP methodology for this project. Detailed project plans and specifications for this scope were developed by Pfluger Architects, Inc. in accordance with 22 Texas Administrative Code §1.212(b).

CSP 24-09 was issued on October 5, 2023, to procure construction services for this project in accordance with the Texas Government Code §2269.151. Each response received will be evaluated by a team comprised of representatives from capital projects and facilities services. Evaluation and ranking of the submittals will be based on criteria published in the solicitation.

**IMPACT OF THIS ACTION**

Approval of this action will authorize the Chancellor or her designee to award a contract to the highest scored respondent to CSP 24-09. This will allow preparations for January 2024 instruction to proceed most rapidly.

**BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)**

The cost of this project should not exceed \$300,000. The project will be funded from the 2015 Bond program.

**MONITORING AND REPORTING TIMELINE**

This project will be managed by capital projects staff. Construction is expected to be complete by January of 2024.

**Purchase Request #2**  
**Regular Board Meeting November 6, 2023**  
**Consideration of Delegation of Authority to Contract for**  
**South Campus Biomanufacturing HVAC Modifications**

**ATTACHMENTS**

None.

**RESOURCE PERSONNEL**

Chuck Smith	281-998-6341	charles.smith@sjcd.edu
Genevieve Scholes	281-998-6103	Genie.Scholes@sjcd.edu

**Purchase Request #3**  
**Regular Board Meeting October 2, 2023**  
**Consideration of Approval of Additional Funds and Contract Renewal for**  
**Turnkey Magazine Services**

**ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees renew a contract with Academic Marketing Services LLC dba Aperture Content Marketing (Academic Marketing) for turnkey magazine services for the external relations department.

**BACKGROUND**

The CareerFocus magazine is published and distributed three times per year prior to the start of the fall, spring, and summer semesters, and is a vital tool to market and promote the College. Printing the magazine allows the College to customize content that provides pertinent information for potential students, current students, and families who make informed decisions regarding enrolling at the College. Academic Marketing designs, prints, and mails the publication to every household in the College taxing and service district, as well as every student and employee that resides outside this area. CareerFocus magazine also includes an online component and social media campaign for each issue. These digital components increase the potential reach for the magazine's customized content, which reaches an audience outside of the College district.

The College's marketing and public relations team provides the content including articles, photos, and ads, and uses these assets in other marketing efforts. Each issue is posted on the San Jacinto College online newsroom, as well as distributed to College employee emails and the Community Connection quarterly e-newsletter.

Request for proposals 22-03 was issued on August 5, 2021, to procure turnkey magazine services. In October 2021, the Board of Trustees approved a contract with Academic Marketing for turnkey magazine services.

**IMPACT OF THIS ACTION**

This request will approve the expenditure of additional funding for the remaining contract term and approval a final term renewal of three years, exercising all available renewals within the agreement. This negotiated three-year term will allow the external relations department advanced time to prepare for upcoming publications throughout the year, ensuring that future services are covered within the contract's term.

**BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)**

The total estimated expenditure for the remaining term and three-year renewal term is \$1,650,000, averaging \$550,000 per year, and will be funded from the marketing and public relations 2023-2024 operating budget and subsequent years' budgets.

**Purchase Request #3**  
**Regular Board Meeting October 2, 2023**  
**Consideration of Approval of Additional Funds and Contract Renewal for**  
**Turnkey Magazine Services**

**MONITORING AND REPORTING TIMELINE**

The current term will expire January 20, 2024, and the three-year renewal term will be January 21, 2024 through January 20, 2027.

**ATTACHMENTS**

None

**RESOURCE PERSONNEL**

Amanda Fenwick	281-998-6160	amanda.fenwick@sjcd.edu
Jacquelynn Conger	281-998-6107	jacquelynn.conger@sjcd.edu
Melissa Fuqua	281-998-6378	melissa.fuqua@sjcd.edu

**Purchase Request #4**  
**Regular Board Meeting November 6, 2024**  
**Consideration of Approval of Additional Funds and Contract Renewal for**  
**Semi-Tractor and Bus Repair**

**ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees approve the expenditure of additional funds for semi-tractor and bus maintenance and repairs from Transwest Mobile for the continuing and professional development (CPD) applied trades department.

**BACKGROUND**

Over the past year, the CPD applied trades department has experienced an enrollment increase due to the demand of commercial driver's license (CDL) A and B drivers and the College's Fast Track Funding opportunities for students. CPD has also provided CDL training for CenterPoint Energy drivers, and recently the College has been approved as a third-party Department of Public Safety testing location. The department is in contract negotiations with Port Houston, Austin Industrial Inc., SERJobs, and Houston Public Works for additional contract training opportunities. The department also anticipates enrollment in its school bus drivers training program. These opportunities mean increased wear and tear on the semi-tractors, trailers, and buses used for training, requiring additional repairs and maintenance.

Request for proposals 23-16 was issued in December 2022 to procure semi-truck and bus maintenance and repairs for the CPD applied trades department. In December 2022, the Board of Trustees approved a contract with Transwest Mobile.

**IMPACT OF THIS ACTION**

Approval of this request will exercise the first of four one-year renewal options and allow Transwest Mobile to continue repairs and maintenance of semi-tractors, trailers, and buses as needed to assist with the CDL training programs.

**BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)**

The total estimated expenditure for the remaining term and one-year renewal term is \$300,000 and will be funded from the CPD applied trades department's 2023-2024 operating budget and subsequent year budgets.

**MONITORING AND REPORTING TIMELINE**

The current term will expire January 2, 2024, and one-year renewal term will be January 3, 2024 through January 2, 2025.

**ATTACHMENTS**

None



**Purchase Request #4**  
**Regular Board Meeting November 6, 2024**  
**Consideration of Approval of Additional Funds and Contract Renewal for**  
**Semi-Tractor and Bus Repair**

**RESOURCE PERSONNEL**

Jerelyn Glenn	281-542-2066	jerelyn.glenn@sjcd.edu
Tony Rich	281-478-3687	tony.rich@sjcd.edu
Melissa Fuqua	281-998-6378	melissa.fuqua@sjcd.edu

**Purchase Request #5**  
**Regular Board Meeting November 6, 2023**

**Consideration of Approval to Contract for Water Chemical Treatment Services**

**ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees approve a contract with Nalco Company LLC (Nalco) for water chemical treatment services for the facilities services department.

**BACKGROUND**

The College has numerous utility systems that use circulated water for heating and cooling of buildings. In order to assure the longevity and efficient performance of these systems, water treatment chemical additives are required. These chemicals are specially formulated to inhibit corrosion and reduce fouling of the circulated water. In doing so, thousands of feet of pipes and heat exchangers in the College systems are kept fully operable. In addition to the supply of treatment chemicals, the supplier will provide recommendations for optimized use of these specialized products.

Request for proposals 24-01 was issued on August 4, 2023, to procure water chemical treatment services, which complies with the competitive procurement requirements per Texas Education Code §44.031(a). Five responses were received and evaluated by a team comprised of representatives from facilities services who determined the proposal submitted by Nalco will provide the best value to the College.

**IMPACT OF THIS ACTION**

Proper chemical treatment of the College's utilities systems will avoid corrosive damage, increase efficiency, and allow for proper air conditions in our learning and working environments. Then integrity of piping and equipment used in these systems is properly maintained, the useful life of these systems is maximized, increasing reliability, and avoiding significant expenses to restore.

**BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)**

The estimated annual expenditure is \$150,000 and will be funded from the facilities services department's 2023-2024 operating budget and subsequent year budgets.

**MONITORING AND REPORTING TIMELINE**

The initial one-year award term will commence on or after October 2, 2023, with renewal options of four one-year terms.

**ATTACHMENTS**

Attachment 1 – Tabulation

**Purchase Request #5**  
**Regular Board Meeting November 6, 2023**

**Consideration of Approval to Contract for Water Chemical Treatment Services**

**RESOURCE PERSONNEL**

Bryan Jones	281-998-6343	bryan.jones@sjcd.edu
Ron Andell	281-542-2016	ron.andell@sjcd.edu
Genie Freeman-Scholes	281-998-6349	genevieve.scholes@sjcd.edu

**RFP 24-01**  
**Water Chemical Treatment Services**  
**Attachment 1 – Tabulation**

**QUALIFICATIONS**

#	Vendors	Section 1: Firm Experience	Section 2: Personnel Experience	Section 3: Project Understanding	Section 4: Customer Service	Section 4: References	Total Points
	<i>Total Points</i>	<i>10</i>	<i>15</i>	<i>20</i>	<i>15</i>	<i>10</i>	<i>70</i>
4	Garratt-Callahan	7.67	11.00	14.67	11.00	8.67	<b>53.01</b>
3	Seaco Technologies, Inc.	7.00	9.50	15.33	10.50	6.00	<b>48.33</b>
5	Chem-Aqua, Inc.	6.00	9.00	10.67	11.00	6.67	<b>43.34</b>
2	Apollo Water Services	5.33	8.50	13.33	7.00	8.00	<b>42.16</b>
1	Nalco Water	4.33	6.00	12.00	10.50	8.67	<b>41.50</b>

**FINAL SCORES**

#	Vendors	Qualification Score	Price Score	Annual Price Value	Final Score
	<i>Total Points</i>	<i>70</i>	<i>30</i>		<i>100</i>
<b>1</b>	<b>Nalco Water</b>	<b>41.50</b>	<b>30.00</b>	<b>\$80,889.80</b>	<b>71.50</b>
2	Apollo Water Services	42.16	28.92	\$83,845.40	<b>71.08</b>
3	Seaco Technologies, Inc.	48.33	19.14	\$126,812.22	<b>67.47</b>
4	Garratt-Callahan	53.01	5.52	\$438,649.20	<b>58.53</b>
5	Chem-Aqua, Inc.	43.34	12.78	\$190,213.54	<b>56.12</b>

**Purchase Request #6**  
**Regular Board Meeting November 6, 2023**

**Consideration of Approval to Renew the Contract for Apprenticeship Training Services**

**ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees renew the contract with Central South Carpenters & Millwrights (CSCM) for the continued implementation of Chapter 133 Funding for the Continuing and Professional Development department.

**BACKGROUND**

The College has been a fiscal agent for Chapter 133 funding with CSCM for several years. CSCM offers apprenticeship programs registered with the Texas Workforce Commission Grant, and the College oversees the company to ensure they comply with apprenticeship guidelines. Each year the amount of funding is determined by the Texas Workforce Commission based on the number of apprentices statewide for which funding is needed. Texas Workforce Commission Grant is exempt from competitive bidding per Texas Education Code Chapter 133.

**IMPACT OF THIS ACTION**

Approval of this request will allow the College to fulfill its responsibility as outlined in the agreement with Texas Workforce Commission. As the fiscal agent for this funding, the College receives funding to cover administrative tasks. The remaining funding covers supplies, personnel, and equipment costs as needed to conduct the apprenticeship training.

**BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)**

The estimated annual expenditure is \$148,548 and will be funded from the Texas Workforce Commission Grant.

**MONITORING AND REPORTING TIMELINE**

The office of grants management will monitor the grant monthly. The contract will be effective October 4, 2023 through October 3, 2024.

**ATTACHMENTS**

None

**RESOURCE PERSONNEL**

Sarah Janes	281-478-3605	sarah.janes@sjcd.edu
Farrah Khalil	281-998-6326	farrah.khalil@sjcd.edu

**Item "A"**  
**Regular Board Meeting November 6, 2023**  
**Approval of the Minutes for the October 2, 2023, Workshop,**  
**Public Tax hearing, and Regular Board Meeting**

**RECOMMENDATION**

The Chancellor requests that the Board of Trustees approve the minutes for the October 2, 2023, Workshop, Public Tax Hearing, and Regular Board Meeting.

## San Jacinto College District Board Workshop October 2, 2023

The Board of Trustees of the San Jacinto Community College District met for a Board Workshop at 4:15 p.m., Monday, October 2, 2023, in Room 201 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

### MINUTES

	<b>Board Workshop Attendees:</b>	<b>Board Members:</b> Marie Flickinger, Dr. Michelle Cantú-Wilson, Erica Davis Rouse, Dan Mims, John Moon, Jr. Keith Sinor, Larry Wilson <b>Chancellor:</b> Brenda Hellyer <b>Other:</b> Jimmy Quinn, Sandra Ramirez, Mandi Reiland, Linda Torres, Teri Zamora, Micki Morris (Attorney – via videoconference), Tom Sage (Attorney – via videoconference), Clay Holland (Attorney – via videoconference)
	<b>Agenda Item:</b>	<b>Discussion/Information</b>
<b>I.</b>	<b>Call the Meeting to Order</b>	Chair Flickinger called the workshop to order at 4:15 p.m.
<b>II.</b>	<b>Roll Call of Board Members</b>	Board Chair Flickinger conducted a roll call of the Board members:  Dr. Michelle Cantú-Wilson Erica Davis Rouse, Assistant Secretary Marie Flickinger, Chair Dan Mims John Moon, Jr., Vice Chair Keith Sinor, Secretary Larry Wilson
<b>III.</b>	<b>Adjournment to closed or executive session pursuant to Texas Government Code Section 551.071 and 551.074 of the Texas Open Meetings Act, for the following</b>	Chair Flickinger adjourned to closed session at 4:17 p.m.  The Board members listed above as attending and Chancellor Brenda Hellyer were present for the closed session. Other attendees are noted below.  a. Legal Matters - For the purpose of a private consultation with the Board’s attorney on any or all subjects or matters authorized by law.

	<p><b>purposes: Legal Matters and Personnel Matters</b></p>	<p>Videoconference call with attorneys, Micki Morris, Tom Sage, and Clay Holland. Teri Zamora, Sandra Ramirez, and Mandi Reiland were present for this portion.</p> <p>b. Personnel Matters - For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee. Teri Zamora, Sandra Ramirez, and Mandi Reiland were present for this portion.</p>
<p><b>IV.</b></p>	<p><b>Reconvene in Open Meeting</b></p>	<p>Chair Flickinger reconvened to open meeting at 5:13 p.m.</p> <p>Linda Torres joined the workshop.</p>
<p><b>V.</b></p>	<p><b>Review and Discussion of Annual Internal Audit Report and Plan</b></p>	<p>Linda Torres, Director of Internal Audit, provided an update on the audit work done this year as well as a proposal for next year. The annual internal audit report satisfies the requirements of the Texas Government Code and is posted to the College’s website. She walked the Board through the internal audit report that was distributed to them and explained what is included in the report including a list of all the audit review projects. The remaining outstanding FY23 projects will be completed within the next week.</p> <p>Linda provided an overview of the follow-up audits that were completed. The department and its leadership receive corrective action plans (CAP) when an internal audit is issued. At the end of this year, there were 16 open CAPs, which are outlined in the audit report. Additionally, thirteen cash counts were performed this year with no significant issues. During the year, nine reports on ethics and fraud were made through the anonymous hotline (Ethics Point) provided on the College’s website. Two of these reports required action by Internal Audit.</p> <p>Linda reviewed three outstanding audit reports: College’s Promise program, Culinary Arts program, and minors on campus. She explained the audit concerns from each area and the recommended CAPs to remedy these issues. Detailed reports were provided to the Board and the items were also outlined in the annual report. One of the observations for minors on campus is that the College lacks a centralized minor on campus program, to ensure the</p>



		<p>various avenues for minors to be on campus are documented and College-wide oversight is taking place. The CAP for this observation is to research and verify legal requirements for minors on College campuses. The Strategic Leadership Team (SLT) has recommended developing a College-wide taskforce to develop categorical list of types of minors on campus events, develop procedures for the various categories, and determine responsible parties for administration of each.</p> <p>Linda provided a summary of the proposed audit plan for 2023-2024. The proposed audits and follow-up audits can be found on page 23 of the Annual Audit Report. In order to distribute reports more timely, she informed the Board that she will be emailing the completed audit reports to the Board Finance Committee once completed. There will also be regular report outs at the Committee meetings. She also works with Brenda Hellyer and Teri Zamora if anything that needs attention arises.</p> <p>The Board was supportive of this plan. Brenda thanked Linda and her team for all their work.</p> <p>Linda Torres exited, and Jimmy Quinn joined the workshop.</p>
<p><b>VI.</b></p>	<p><b>Overview of Title IX Compliance and Training</b></p>	<p>Sandra Ramirez presented on the Title IX reporting requirements. Effective January 1, 2020, employees were legally required to report any observations witnessed or information received regarding sexual harassment, sexual assault, dating violence, or stalking committed by or against a student or employee who was enrolled or employed at the College at the time of the incident. She provided steps on how to handle a complaint, at the College, and stated the incident should be reported to Joanna Zimmermann as the Title IX Coordinator. Sandra is no longer going to be listed as a Title IX co-lead. Incidents can also be reported online, to the Office of Students Rights and Responsibilities, to campus police, and to Human Resources.</p> <p>Sandra stated that if there is a complaint against a Title IX Coordinator, the complaint should be filed with Teri Zamora, Vice Chancellor of Fiscal Affairs. If there is a complaint against the Chancellor or any Board Members, the complaint should be filed with the Board Chair.</p>

		<p>Charges against the Board Chair should be filed with the Board Vice Chair. The official receiving the charge shall take appropriate action, and the investigation report will be presented to the Board of Trustees. Sandra explained that the Texas Education Code states that an employee who has knowledge of a Title IX incident will result in mandatory termination if they fail to report.</p> <p>Sandra reviewed the Chief Executive Officer Report and explained this is a report that must be provided to the Board of Trustees annually per the Texas Education Code. The report provides an update on any employees who have reported incidents to the Title IX coordinators. The report being reviewed is for September 1, 2022 through August 31, 2023. There were 77 reports and 13 confidential reports received by employees during this time. Confidential reports are those received by a mental health counselor. Of those reported, zero investigations were required as these reports were out of the College’s jurisdiction or did not involve current employees or students. The Chief Executive Officer Report will be reviewed with the Board every October and will also be posted to the College’s website to be accessed as public information.</p> <p>Brenda added that she receives these reports and reviews this information with Sandra quarterly.</p>
<p><b>VII.</b></p>	<p><b>Review Recommendation to Offer a Bachelor of Applied Technology Degree in Information Technology with an Emphasis in Cybersecurity</b></p>	<p>Brenda reviewed the recommendation to offer a Bachelor of Applied technology Degree in Information Technology with an Emphasis in Cybersecurity and informed the Board members this will be an action item for this evening. This request is a result of meeting with Cybersecurity industry leaders on the Chancellor’s advisory council. Conversations and feedback during those meetings made it clear this is a degree the College should offer. A handout was distributed that provided an overview of the program. The next steps include notifying the Texas Higher Education Coordinating Board (THECB) and the Higher Education Regional Committee (HERC) then completing the steps required by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). This program will require investment by the College during the first couple of years, but it is forecasted for revenue to exceed costs by year five based on enrollment and completion projections.</p>

		<p>The Board members had no questions regarding this action item.</p>
<p><b>VIII.</b></p>	<p><b>Review Results of Job Evaluation Study</b></p>	<p>Jimmy Quinn, Compensation Manager, reviewed the results of the job evaluation study. He provided an overview on the goals of the study, the outreach that was completed by Evergreen Solutions, LLC. (Evergreen), market survey methodology, new salary grades, proposed employee recommendations, and communication plan. Evergreen reviewed the College’s current compensation system to ensure internal equity and surveyed peer organizations to ensure external competitiveness. They then provided the College with a compensation system that is equitable internally and externally and is aligned with the compensation philosophy.</p> <p>Jimmy covered the four project phases and marketing survey methodology. All results were adjusted for regional cost of living. Outreach to the College community was done through nine orientation sessions and 27 focus groups, with approximately 150 employees participating. The goal of these sessions was to identify strengths and areas of improvement within the College. The findings are as follows:</p> <ul style="list-style-type: none"> <li>• Strengths - Generous benefits (health, retirement, paid time off), campus culture and mission of the College, work schedule, and strong relationships with colleagues.</li> <li>• Areas of improvement – Compensation is not competitive with the local market, inequity in classification/job titles related to scope of work, stipend administration, and communication.</li> </ul> <p>He also provided a chart illustrating the new salary grades that are being proposed.</p> <p>Erica Davis Rouse asked what differentiates between minimum, midpoint, and maximum salary per each grade. Jimmy responded that it is currently based on experience. For faculty, it is based on level of education and experience.</p> <p>Jimmy explained the recommendations for staff and faculty are to adopt a new market responsive compensation structure and place individual salaries within ranges based on the CompaRatio implementation model and</p>

		<p>performance history. This moves employees based on placement in current pay range and maintains employee earned salary progression into market adjusted ranges. For staff, there are 754 employees for proposed adjustments out of 787 total staff. For faculty, there are 519 employees for proposed adjustments out of 551 total faculty.</p> <p>Keith Sinor asked how these ranges move over time. Brenda responded that we would adjust ranges in the future but still need to determine how much. The adjustment to the ranges needs to be considered annually as we set annual performance raises.</p> <p>Erica asked how ranges are set for new hires. Jimmy responded that ranges for the faculty is formula driven by education and experience. Staff have a range and all current incumbents' backgrounds are looked at and compared to someone internal with the same background.</p> <p>Jimmy provided an overview of the next steps for the communication plan. Employees included within the job evaluation study will receive an email notifying them of their individual impact (adjustment or not) on Monday, October 30.</p> <p>Larry Wilson asked what the financial impact for these adjustments will be. Brenda responded that \$6 million was set aside during the budget process for the job evaluation study. These funds will be used November 1, 2023, through August 31, 2024 to get through the fiscal year. Next year, we will need an additional \$1.2 million to annualize these adjustments.</p> <p>Brenda and the Board members thanked Sandra and her team for their work.</p> <p>Jimmy Quinn exited the workshop.</p>
<p><b>IX.</b></p>	<p><b>Discuss Changes to Policy and Procedure on Outside Employment</b></p>	<p>Sandra explained the original proposal of changes to the outside employment policy and procedure were sent to the College for feedback in February. Over 40 comments were received. These were reviewed at the Strategic Leadership Team (SLT) level, and an employee taskforce was formed which met multiple times addressing concerns. The taskforce drafted an updated policy and procedure which was received by the SLT, and the majority of their changes</p>

		<p>were adopted. She provided an overview of the summary of changes and steps on how employees will submit their disclosure forms and the process afterwards. Failure to disclose outside employment can result in disciplinary action. The intent is for this policy and procedure to be implemented in January 2024.</p> <p>Erica asked if this policy and procedure are for any outside employment unrelated to the College. Sandra explained this is referring to any employment that employees actually receive compensation (reported on 1099 or W-2) for outside of the College.</p> <p>Brenda explained this is not an action item for this evening’s Board meeting and is only first reading so a vote will not be required tonight. Leadership will monitor what kind of feedback is received from the College community and bring this back for second reading to vote on at the November Board meeting.</p>
<p><b>X.</b></p>	<p><b>Discuss Changes to Employee Relations Policies and Procedures</b></p>	<p>Sandra provided an overview of changes to the College’s employee relations Policy IV.4002.B, Termination or Demotion for Contractual Employees and Policy IV.4002.C, Termination and Demotion for Non-Contractual Employees. The College is also recommending a new Policy, IV.4002.E, Employee Performance Counseling and Corrective Action. Most of these changes were updates in language that were made in response to Senate Bill (SB) 17. Sandra highlighted the significant changes made to this policy and procedure. Title IX regulations relating to the failure to make a mandatory report were also added to this policy and procedure.</p> <p>Brenda added that she is required to review and approve any termination made at the College. This policy and procedure went out for College-wide comments today, and employees have two weeks to send feedback. Once feedback is received, it will be reviewed by Sandra and her team. We will also be requiring additional training in response to SB17.</p>
<p><b>XI.</b></p>	<p><b>Review Request for Allocation from Existing 2015 Bond Contingency Funds</b></p>	<p>Teri provided an overview of the request for allocation from existing 2015 Bond contingency funds for replacement of the heating, ventilation, and air conditioning (HVAC) system in Slocomb Auditorium which is a building used for internal functions and for functions hosted by the community. While we were unable</p>

		<p>to establish exactly how old the air handler is, it is likely original to the building and far beyond its original anticipated life. The College currently has \$16.6 million left in its contingency, the HVAC replacement is estimated to be \$1 million, leaving \$15.6 million in contingency after funding this project.</p> <p>The Board members were supportive of this request.</p>
<b>XII.</b>	<b>Review of Calendar</b>	<p>Brenda reviewed the calendar and asked the Board members to let Mandi Reiland know if they would like to attend any events.</p> <p>The Board members discussed the upcoming Association of Community College Trustees Leadership Congress and determined that Michelle and Dan would be the voting delegates at the Congress.</p>
<b>XIII.</b>	<b>General Discussion of Meeting Items</b>	<p>Larry asked a question about the increased budget for concrete work.</p> <p>Teri responded that one of the deferred maintenance projects approved by the Board was a parking lot assessment of North campus. Significant repair and structural work are being done on places that need repair from the foundation shifting.</p> <p>Brenda provided an overview of the delegation of authority projects taking place. The contract for the P9 parking lot reconstruction project at the South Campus was awarded to Millennium Projects Solutions for \$1,147,788.83, effective September 11, 2023, with substantial completion by January 12, 2024. The approval of the contract for the roof life extension project for Building N-10 on North Campus is still pending.</p>
<b>XIV.</b>	<b>Adjournment</b>	<p>Chair Flickinger adjourned the meeting at 6:42 p.m.</p>

**San Jacinto Community College District  
Public Tax Hearing and Regular Board Meeting Minutes  
October 2, 2023**

The Board of Trustees of the San Jacinto Community College District met at 7:00 p.m. for a public tax hearing and a regularly scheduled Board meeting on Monday, October 2, 2023, in Room 104 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, Texas.

**Attendance**

**Present:**

Members: Dr. Michelle Cantú-Wilson, Marie Flickinger, John Moon, Jr., Dan Mims, Erica Davis Rouse, Keith Sinor, Larry Wilson

Chancellor: Dr. Brenda Hellyer

Others Present: Rhonda Bell, Jacquelynn Conger, Teri Crawford, Kim DeLauro, Destry Dokes, Chris Duke, Teddy Farias, Amanda Fenwick, Scott Gernander, Allatia Harris, Damon Harris, Bo Hopper, Carin Hutchins, Bryan Jones, Sallie Kay Janes, Matt Keim, Aaron Knight, DeRhonda McWaine, Lamar McWaine, Kevin Morris, Alexander Okwonna, JR Ragaisis, Sandra Ramirez, Mandi Reiland, Chuck Smith, Rob Stanicic, Ken Tidwell, Van Wigginton, Laurel Williamson, Teri Zamora, Joanna Zimmermann

**Public Tax Hearing:**

Chair Flickinger called the public tax hearing to order at 7:01 p.m.

Teri Zamora reviewed the presentation on the proposed tax rate.

There were no citizens desiring to speak in the public comment portion of the hearing.

Chair Flickinger announced that the Board of Trustees would vote on the tax rate today, Monday, October 2, 2023, directly following the public tax hearing in Room 104 of the Thomas S. Sewell District Administration Building, 4624 Fairmont Parkway, Pasadena, TX 77504.

The hearing was adjourned at 7:11 p.m.

**Regularly Scheduled Board Meeting:**

I. Call the Regularly Scheduled Board Meeting to Order

Chair Flickinger called the regular meeting of the Board of Trustees to order at 7:12 p.m.

II. Roll Call of Board Members

Chair Flickinger conducted a roll call of the Board members.

Dr. Michelle Cantú-Wilson  
Erica Davis Rouse, Assistant Secretary

Marie Flickinger, Chair  
Dan Mims  
John Moon, Jr., Vice Chair  
Keith Sinor, Secretary  
Larry Wilson

III. Moment of Silence, Invocation, and Pledge to the Flags

The moment of silence and invocation were given by Sandra Ramirez. The pledges to the American and Texas flags were led by Keith Sinor.

IV. Special Announcements, Recognitions, Introductions, and Presentations

Brenda Hellyer recognized Teri Zamora for receiving the Outstanding Chief Business Officer Award from the Community College Business Officers.

V. Student Success Presentations

There were no student success presentations.

VI. Communications to the Board of Trustees

1. October Opportunity News
2. San Jacinto Community College Budget 2023-2024

VII. Public Comment

There were no citizens desiring to speak before the Board.

VIII. Informative Reports to the Board

Chair Flickinger indicated such reports were available in the Board documents and online.

A. San Jacinto College Financial Statements

1. San Jacinto College Monthly Financial Statements August 2023
2. San Jacinto College Monthly Investment Report August 2023
3. San Jacinto College Quarterly Investment Report June - August 2023

B. San Jacinto College Foundation Financial Statements

C. Capital Improvement Program

IX. Consideration of Adoption of Ad Valorem Property Tax Rate

Chair Flickinger stated that this year's proposed tax rate exceeds the no-new-revenue tax rate. The vote on the ordinance, resolution, or order setting the tax rate must be a record vote and 60 percent of the governing body must vote in favor of the adoption of the tax rate.

**Motion 10302:**

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October 2, 2023  
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Motion was made by Dan Mims, that the property tax rate be increased by the adoption of a tax rate of 0.146195, which is effectively a 4.22 percent increase in the tax rate.

Motion moved by Dan Mims and motion seconded by Dr. Michelle Cantú-Wilson.  
Motion Carried.

Yeas: Cantú-Wilson, Davis Rouse, Flickinger, Mims, Moon, Jr., Sinor, Wilson  
Nays: None

- X. Consideration of Approval of Amendment to the 2023-2024 Budget for Restricted Revenue and Expenses Relating to Federal and State Grants

**Motion 10303:**

Motion moved by Dr. Michelle Cantú-Wilson and motion seconded by John Moon, Jr.  
Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson  
Nays: None

- XI. Consideration of Approval of the Bachelor of Applied Technology Degree in Information Technology with an Emphasis in Cybersecurity

**Motion 10304:**

Motion moved by Erica Davis Rouse and motion seconded by Larry Wilson. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson  
Nays: None

- XII. Consideration of Approval of the Education Aide Optional Tuition Exemption for Fiscal Year 2024

**Motion 10305:**

Motion moved by John Moon, Jr. and motion seconded by Keith Sinor. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson  
Nays: None

- XIII. Adopt a Resolution Authorizing The Issuance of San Jacinto Community College District Combined Fee Revenue Bonds; Setting Certain Parameters For The Bonds; Authorizing The Vice Chancellor of Fiscal Affairs to Approve the Amount, the Interest Rate, Price,

Including the Terms Thereof and Certain Other Procedures and Provisions Related Thereto

**Motion 10306:**

Motion moved by Keith Sinor and motion seconded by John Moon, Jr. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

- XIV. Consideration of Approval of Memorandum of Understanding with Sheldon ISD to Establish a Pathways to Technology Early College High School

**Motion 10307:**

Motion moved by Larry Wilson and motion seconded by John Moon, Jr. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

- XV. Consideration of Approval of Policy IV.4003.C, Outside Employment – First Reading (Informational Item)

No vote required.

- XVI. Consideration of Approval of Employee Relations Related Policies - First Reading (Informational Item)

No vote required.

- XVII. Consideration of Purchasing Requests

Purchase Request #1

Consideration of Approval of Additional Funds for Asphalt and Concrete Paving and Parking Lot Striping Services

\$1,000,000

Purchase Request #2

Consideration of Approval of Additional Funds for Talent Management Software

\$365,721

TOTAL OF PURCHASE REQUESTS \$1,365,721

**Motion 10308:**

Motion moved by Dr. Michelle Cantú-Wilson and motion seconded by Dan Mims.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

- XVIII. Consent Agenda

Regular Board Meeting Minutes

October 2, 2023

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- A. Approval of the Minutes for the September 11, 2023, Workshop and Regular Board Meeting
- B. Approval of the Budget Transfers
- C. Approval of Personnel Recommendations and Extra Service Agreements
- D. Approval of the Affiliation Agreements
- E. Approval of the Next Regularly Scheduled Meeting on November 6, 2023

**Motion 10309:**

Motion moved by Larry Wilson and motion seconded by Erica Davis Rouse. Motion carried.

Yeas: Cantú-Wilson, Davis Rouse, Mims, Moon, Jr., Sinor, Wilson

Nays: None

**XIX. Items for Discussion/Possible Action**

There were no additional items discussed.

**XX. Adjournment**

Chair Flickinger adjourned the meeting at 7:29 p.m.

## **ADMINISTRATION RECOMMENDATION/REPORT**

The administration recommends that the Board of Trustees approve budget transfers for September 2023 which have been made in accordance with appropriate accounting procedures.

### **BACKGROUND**

Adoption of the budget by the Board of Trustees prior to September 1 of each year serves as the authorization to expend funds for the next fiscal year. The budget is adopted by functional classification (or cost elements: Instruction, Public Service, Academic Support, Student Services, Institutional Support, and Operation and Maintenance of Plant) as defined by the National Association of College and University Business Officers (NACUBO). Realizing that the budget is a living document that reflects the evolving needs of the College in terms of meeting goals and objectives, occasional movement of budgeted funds between cost elements is desirable and warranted. The budget transfers under consideration represent previously authorized expenditures that are requested to be reclassified from one cost element to another cost element.

### **IMPACT OF THIS ACTION**

Approval of the budget transfers allows the College to more effectively utilize existing resources in fulfilling its instructional objectives.

### **BUDGET INFORMATION (INCLUDING ANY STAFFING IMPLICATIONS)**

This request is a reclassification of existing authorizations.

### **MONITORING AND REPORTING TIMELINE**

None

### **ATTACHMENTS**

Attachment 1 – September Budget Transfers

### **RESOURCE PERSONNEL**

Teri Zamora	281-998-6306	teri.zamora@sjcd.edu
Carin Hutchins	281-998-6109	carin.hutchins@sjcd.edu
Dianne Duron	281-998-6347	dianne.duron@sjcd.edu

SAN JACINTO COLLEGE DISTRICT  
 Budget Transfers Related to Fiscal Year 2023-24  
 for September 2023

ELEMENT OF COST	DEBIT	CREDIT
INSTRUCTION	\$ 12,137	\$ 992
PUBLIC SERVICE	\$ -	\$ -
ACADEMIC SUPPORT	\$ 1,500	\$ 8,759
STUDENT SERVICES	\$ 2,492	\$ 33,201
INSTITUTIONAL SUPPORT	\$ 106,826	\$ 15,729
PHYSICAL PLANT	\$ 9,352	\$ 73,625
AUXILIARY ENTERPRISES	\$ -	\$ -
	<b>\$ 132,306</b>	<b>\$ 132,306</b>

**RECOMMENDATION**

The administration recommends that the Board of Trustees approve the following Affiliation Agreements:

**South Campus**

Department

Occupational Therapy Assistant

Affiliation Entity

Noah’s House

**Central Campus**

Department

Eye Care Technology

Affiliation Entity

The Methodist Hospital dba Houston  
Methodist Hospital

**RATIONALE**

The Affiliation Agreements were reviewed by the College’s external legal counsel.

**FISCAL IMPLICATIONS TO THE COLLEGE**

N/A

**CONTACT PERSONNEL**

Daniel J. Snooks, Attorney  
Laurel Williamson

281-998-6184

laurel.williamson@sjcd.edu

**Item “E”**  
**Regular Board Meeting November 6, 2023**  
**Approval of the Next Regularly Scheduled Meeting**

**RECOMMENDATION**

The next regularly scheduled meeting of the Board of Trustees will be Monday, December 11, 2023.