



**SOUTH TEXAS
COLLEGE**

Board of Trustees

Regular Board Meeting

Tuesday, December 15, 2020
5:30 p.m.

Pecan Campus
Ann Richards Administration Building
Board Room
McAllen, Texas

Online Board Packet

**SOUTH TEXAS COLLEGE
BOARD OF TRUSTEES REGULAR MEETING
Tuesday, December 15, 2020 @ 5:30 p.m.
Ann Richards Administration Building Board Room
Pecan Campus, McAllen, Texas 78501**

AGENDA

"At anytime during the course of this meeting, the Board of Trustees may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Board of Trustees under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at anytime during the course of this meeting, the Board of Trustees may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code. At this meeting, the Board of Trustees may deliberate on and take any action deemed appropriate by the Board of Trustees on the following subjects:"

COVID-19 Public Health / Attendance Measures

Due to COVID-19 and Social Distancing recommendations, members of the public are encouraged to watch the live broadcast of the meeting at: <https://admin.southtexascollege.edu/president/agendas/live.html>.

- Anyone wishing to make Public Comments as provided in the agenda is asked to sign up prior to the meeting, and they will be called into the Board Room individually when it is their turn to make comments.
- Anyone who wishes to be available to respond to questions that may arise on an agenda item will be asked to wait outside the Board Room until their agenda item is called upon by the Board of Trustees. Pecan Campus Room D-106 will be open and televising the live stream, and guests are invited to wait for their items there.
- Essential staff will be on standby in an adjacent area, and ready to be called into the meeting as needed.

- I. Call Meeting to Order**
- II. Determination of Quorum**
- III. Invocation**
- IV. Public Comments**
- V. Presentations..... 6 - 11**
 - Recognition of Retirement of Dr. Shirley A. Reed, Founding President
 - Announcement of Dr. David Plummer, Interim President
 - Presentation on Inspire 2020 - Truth Initiative

VI. Consideration and Action on New Agenda Items

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 - a. Education and Workforce Development Committee
 - b. Facilities Committee
 - c. Finance, Audit, and Human Resources Committee

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 - 2) November 24, 2020 Regular Board Meeting
 - 3) December 8, 2020 Special Board Meeting

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 - B. Rescind of Award
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 - C. Purchases and Renewals
 - a. Instructional Item
 - 4) Instructional Virtual Equipment (Purchase)
 - b. Non-Instructional Items
 - 5) Investment Advisory Services (Renewal)
 - 6) Networking Cabling Services for Building Renovation Projects (Renewal)
 - c. Technology Items
 - 7) Computers and Laptops (Purchase)
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 - 9) Servers (Purchase)

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 - b. Cause No. CL-20-3895-D; Rolando Villagran vs. South Texas College

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A. Next Meetings: 247

- Tuesday, January 12, 2021
 - 3:30 p.m. – Education and Workforce Development Committee
 - 4:30 p.m. – Facilities Committee
 - 5:30 p.m. – Finance, Audit, and Human Resources Committee
- Tuesday, January 26, 2021
 - 5:30 p.m. – Regular Board Meeting

B. Other Announcements:

- The College will be closed from Thursday, December 17, 2020, through Sunday, January 3, 2020, in observance of Winter Break.
- The College will be closed on Monday, January 18, 2021, in observance of Martin Luther King, Jr. Day

Presentations

The following presentations will be provided for the Board of Trustees:

Recognition of Retirement of Dr. Shirley A. Reed, Founding President

After 26 years of exceptional leadership and service, South Texas College's founding president Dr. Shirley A. Reed has announced her retirement. Dr. Reed's drive, vision, and unwavering integrity were vital to building the College. Starting with modest resources, Dr. Reed assembled and led an exceptional team that built South Texas College into the world-class institution that it is today. Supporting innovative workforce education alliances, dual credit partnerships, applied baccalaureate degrees and countless other initiatives, Dr. Reed and South Texas College have highlighted the Rio Grande Valley as a role for higher education institutions nation-wide, and economic development leaders around the world.

The Board of Trustees recognizes Dr. Reed's outstanding contributions and dedication to South Texas College, and thanks her for twenty-six years of committed service.

Announcement of Dr. David Plummer, Interim President

On December 8, 2020, the Board of Trustees formally appointed Dr. David Plummer to serve as Interim President, effective January 4, 2021, and until the start date for the next President of South Texas College.

Dr. Plummer has over twenty years of experience in institutions of higher ed, with most of that at South Texas College. He has served as a Director of Workforce Training, a Chief Project Officer, and Dean of Administrative Services prior to his service as South Texas College's Vice President for Information Services, Planning, Performance, and Strategic Initiatives.

In July 2019, Dr. Plummer was appointed Interim Executive Vice President for Educational Programming and Student Achievement, in which role he provided additional oversight and coordination to support institutional programs focused on expanding enrollment, instructional programs, instructional delivery systems, and cost efficiencies and effectiveness.

Dr. Plummer has been asked by the Board to provide his leadership and strategic planning talents to help support South Texas College during this search for its next President.

The Board of Trustees thanks Dr. Plummer for his willingness to serve in this capacity, and looks forward to working with him in leadership of the College.

Presentation on Inspire 2020 - Truth Initiative

Student leaders with Inspire 2020, and supported by grant funding by the Truth Initiative, have been working to develop a recommendation to establish South Texas College as a 100% smoke-free institution. As part of this grant, these students are to present on their activities and recommendations to the Board of Trustees.

Working with the Respiratory Therapy Program and the Respiratory Club, these students have completed a number of activities, including the development of a task force to address smoking at campus, engagement of students, faculty, and staff, and work on a policy recommendation, in addition to activities with professional development and student events.

The students will present their information to the Board of Trustees on December 15, 2020.

These presentations are for the Board's information, and no action is requested.




Inspire 2020

This grant project is led by:

- Respiratory Therapy Program
- Respiratory Club
- Truth Initiative Project Leads (students)

Truth Initiative Grant

- Began in **2019**
- Sponsored by the **Truth Initiative**
- The purpose is to implement an institutional-wide project aimed at students, faculty, and staff to educate for, adopt, and advocate a **100% smoke-free policy at South Texas College**
- The overall goal is **to adopt 100% smoke-free policy by December 2020**

State of Tobacco in Texas



Tobacco stats for Texas

- 5% High School students smoke cigarettes
- 19% use e-cigarettes, 50% have tried
- Half a million Texas kids under 18 will die prematurely
- 14% adult population smokes (3.1 million Texans)
- Quarter of cancer deaths attributed to smoking
- 28,000 annual tobacco deaths
 - \$8.8 billion in health care costs
 - \$1.9 billion Medicaid costs
 - \$687 per household

Chemicals in Secondhand Smoke



Arsenic

Used in Pesticides



Formaldehyde

Used to embalm the dead



Benzene

An additive used in gasoline




Vinyl Chloride

A substance used to make plastics

7,000 Chemicals

Source: The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General:
https://www.cdc.gov/tobacco/data_statistics/sgr/50th-anniversary/index.htm



41,000
nonsmoking adults killed by exposure to
secondhand smoke, every year

Source: https://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/index.htm

Tobacco-Free Colleges and Universities

There are at least 2,342 smoke-free campuses in the U.S.



Activities

- **College Task-Force**
- **Educate and engage** students, faculty, and staff
- Develop a **policy recommendation**
- **Smoking 101** – Professional Development Event
- National Day of Action – **Students against Vaping**
- **Cigarette Butt Clean Out** – Pecan Campus
- **Education and Engagement with Students** – Pizza Events



**THANK YOU
FOR
YOUR SUPPORT**

Chair Appointment of Board Committee Chairs and Committee Members

Policy # 1110: *Board Committees* designates the three (3) committees of the Board:

- Education and Workforce Innovation
- Finance and Human Resources
- Facilities

The Chair may, from time to time as deemed necessary, create committees to advise the Board and facilitate the efficient operation of the Board. Their membership is to be established by action of the Chair. A committee that includes one or more Trustees is subject to the Open Meetings Act when it meets to discuss public business or policy. *Atty. Gen. Op. No. JM-1072 (1989)*.

The membership and appointment of Committee Chairs is established by action of the Board Chair.

Recommendation:

It is recommended that the Board Chair announce appointments to Committee Chair and Committee Membership for 2020 - 2022.

The following Minute Order is proposed for the Board Chair:

The Board Chair announces appointments to Committee Chair and Committee Membership for 2020 - 2022.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Approval of Board Meeting Minutes

The following Board Meeting Minutes are submitted for approval:

- 1) November 12, 2020 Special Board Meeting
- 2) November 24, 2020 Regular Board Meeting
- 3) December 8, 2020 Special Board Meeting

At the November 24, 2020 Regular Board Meeting, it was noted that the Minutes for the November 12, 2020 Special Board Meeting, as presented for approval, did not include copies of the Orders reviewed and approved at that meeting, and asked that the Orders be presented to the Board along with the Minutes in December 2020, so that the Board could consider approval of those Minutes at that time.

While legal counsel has confirmed that the Minutes are not legally required to include the Orders, and they have not traditionally been included with Minutes, those two Orders have been provided as backup within this Board Packet, following the Minutes for the November 12, 2020 Special Board Meeting, for the Board's review and consideration while deliberating the adoption of the proposed Minutes.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and adopt the Minutes for November 12, 2020 Special Board Meeting, the November 24, 2020 Regular Board Meeting, and the December 8, 2020 Special Board Meeting as presented.

The following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees of South Texas College approves and adopts the Minutes for November 12, 2020 Special Board Meeting, the November 24, 2020 Regular Board Meeting, and the December 8, 2020 Special Board Meeting as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

**SOUTH TEXAS COLLEGE
BOARD OF TRUSTEES SPECIAL MEETING
Thursday, November 12, 2020 @ 9:00 a.m.
Ann Richards Administration Building Board Room
Pecan Campus, McAllen, Texas 78501**

Minutes

Call Meeting to Order:

The Special Board Meeting of the South Texas College Board of Trustees was held on Thursday, November 12, 2020 in the Ann Richards Administration Building Board Room at the Pecan Campus in McAllen, Texas. The meeting commenced at 9:01 a.m. with Mr. Paul R. Rodriguez presiding.

Mr. Rodriguez announced that specific precautions had been taken due to the COVID-19 / novel coronavirus outbreak, which had prompted local, state, and federal officials to declare states of emergency and outline recommended safety precautions for the conduct of essential business.

These precautions included:

- Recommendation for public use of the live broadcast in lieu of in-person attendance;
- Trustees were encouraged to attend in person or participate by conference call, as their personal circumstances dictated.

Members present: Mr. Paul R. Rodriguez and Mr. Gary Gurwitz were present and participated by teleconference.

Members absent: Ms. Rose Benavidez, Mr. Roy de León, Mrs. Victoria Cantú, Dr. Alejo Salinas, Jr., and Mr. Rene Guajardo

Also present: Mr. Andrew Fish.

**Determination of a Quorum for Purpose of Canvassing Election
Results**

Sec. 67.004 of the Texas Election Code specifies that “two members of the authority constitute a quorum for purposes of canvassing an election. Mr. Paul R. Rodriguez verified that a quorum was present and a notice of the meeting was posted.

Approval of Order Canvassing the Election Returns of the November 3, 2020 South Texas College Board of Trustees Election for Single-Member District Seven (7) as Certified by Elections Officer and Hidalgo County Elections Administrator, Yvonne Ramon

Approval of the Orders canvassing the election returns of the November 3, 2020 South Texas College Board of Trustees Election for Single-Member District Seven (7) as Certified by Elections Officer and Hidalgo County Elections Administrator, Yvonne Ramón, was requested.

It was necessary for the Board of Trustees to canvass the returns for the November 3, 2020 South Texas College Board of Trustees Election for Single-Member District Seven (7).

This election was originally scheduled for May 2, 2020, but was postponed by the South Texas College Board of Trustees on March 31, 2020, in accordance with the authorization by Texas Governor Gregg Abbott to postpone elections due to the COVID-19 pandemic.

Single-Member District Five (5) was also on the ballot for May 2, 2020; however, Dr. Alejo Salinas, Jr., the incumbent trustee, was unopposed on the ballot and was declared elected by the Board prior to the postponement of the election.

In order to canvass election returns, the Texas Election Code § 67.004 a) states, "Two members of the authority constitute a quorum for purposes of canvassing an election."

Upon a motion by Mr. Gary Gurwitz and a second by Mr. Paul R. Rodriguez, the Board of Trustees of South Texas College authorized and adopted the Order canvassing the election returns of the November 3, 2020 South Texas College Board of Trustees Election for Single-Member District Seven (7) as Certified by Elections Officer and Hidalgo County Elections Administrator, Yvonne Ramón, as presented. The motion carried.

Approval of Order to Certify November 3, 2020 Election Returns

Approval of the Order to Certify the November 3, 2020 Election Returns for South Texas College Board of Trustees for Single-Member District Seven (7) as required by Section 67.016 of the Texas Election Code was requested.

The intent of this certification of the election results is to verify the election of the official (Trustee). The elected Trustee is required to have a form filed for certification of election and the form is to be completed by the Chairman of the Board of Trustees.

Upon a motion by Mr. Gary Gurwitz and a second by Mr. Paul R. Rodriguez, the Board of Trustees of South Texas College authorized and adopted the Order certifying the election results for the South Texas College Trustee Election held on November 3, 2020 as presented. The motion carried.

11/12/2020

Special Board Meeting Minutes

Adjournment

There being no further business to discuss, the Special Meeting of the South Texas College Board of Trustees adjourned at 9:03 a.m.

I certify the foregoing are the true and correct minutes of the Thursday, November 12, 2020 Special Board Meeting of the South Texas College Board of Trustees.

X_____

Board Secretary

CANVASSING ORDER
AN ORDER CANVASSING THE ELECTION RESULTS OF
SOUTH TEXAS COLLEGE BOARD OF TRUSTEES
GENERAL ELECTION FOR DISTRICT SEVEN (7) HELD
ON NOVEMBER 3, 2020

WHEREAS, on November 3, 2020, a general election was held in the South Texas College Single Member Trustee District Seven (7), Hidalgo County, Texas for the office of Board of Trustees for South Texas College District Seven (7).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SOUTH TEXAS COLLEGE, THAT;

SECTION I: After canvassing the returns of said election pursuant to the applicable provisions of the Texas Election Code, the Board of Trustees certifies the following are true and correct results, to-wit:

1. Board of Trustees District Seven (7):

That there were cast at said election 24,984 legal and valid ballots.

That Danny Guzman received 15,380 votes.

That Roy de León received 9,604 votes.

Said election was duly called, notice of said election was given in accordance with the law, and the canvass of the votes cast in said elections and returns thereof were made in accordance with the law.

Pursuant to applicable provisions of the Texas Election Code:


Board of Trustee District Seven (7): Danny Guzman, has received a majority of votes cast, and is therefore declared to be elected to the Board of Trustees of South Texas College and shall commence his term of office upon execution of the certification of election by the Chair of the Board of Trustees of South Texas College.

SECTION II: The President of South Texas College is hereby authorized and directed to make all reports and conclude this election according to law.

SECTION III: If any part or parts of this Order are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to the extent this Order is considered severable.

PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF SOUTH TEXAS COLLEGE,
at a special meeting called and held on this 12th day of November, 2020, held in accordance with the provisions of Chapter 551 of the Texas Government Code.

SIGNED AND ENTERED this 12th day of November, 2020.



Mr. Paul R. Rodriguez
Chairman of the Board
South Texas College

ORDER

AN ORDER BY THE BOARD OF TRUSTEES OF SOUTH TEXAS COLLEGE CERTIFYING THE ELECTION RESULTS FOR THE SOUTH TEXAS COLLEGE TRUSTEE GENERAL ELECTION HELD IN THE COUNTY OF HIDALGO, TEXAS AND THE COUNTY OF STARR, TEXAS ON NOVEMBER 3, 2020; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND ORDERING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER HEREOF.

The Order, a full, true and correct copy of which is attached hereto, was read and reviewed by the Board of Trustees.


Thereupon, it was moved by GARY GURWITZ and seconded by PAUL R. RODRIGUEZ that the Order be finally passed and adopted. The Chairman put the motion to a vote of the members of the Board of Trustees, and the Order was passed and adopted by the following vote:

AYES: All those present voted

NOES: None

The Chairman then declared the Order passed and approved, and signed the same in the presence of the Board of Trustees.

MINUTES APPROVED AND CERTIFIED TO BE TRUE AND CORRECT, and to correctly reflect the duly constituted members of the Board of Trustees of South Texas College, and the attached and following copy of said Order is hereby certified to a true and correct copy of an official copy thereof on file among the official records of the South Texas College, all on this 12th day of November, 2020.



Mr. Paul R. Rodriguez
Chairman of the Board
South Texas College

**SOUTH TEXAS COLLEGE
BOARD OF TRUSTEES REGULAR MEETING
Tuesday, November 24, 2020 @ 5:30 p.m.
Ann Richards Administration Building Board Room
Pecan Campus, McAllen, Texas 78501**

Minutes

Call Meeting to Order:

The Regular Board Meeting of the South Texas College Board of Trustees was held on Tuesday, November 24, 2020 in the Ann Richards Administration Building Board Room at the Pecan Campus in McAllen, Texas. The meeting commenced at 5:33 p.m. with Mr. Paul R. Rodriguez presiding.

Mr. Rodriguez announced that specific precautions had been taken due to the COVID-19 / novel coronavirus outbreak, which had prompted local, state, and federal officials to declare states of emergency and outline recommended safety precautions for the conduct of essential business.

These precautions included:

- Recommendation for public use of the live broadcast in lieu of in-person attendance;
- Request for prior-registration for Public Comments;
- Request for anyone with an issue on the agenda to wait outside the Board Room until called upon for their agenda item;
- Essential staff waited on standby in adjacent areas until their items were under discussion; and,
- Trustees were encouraged to attend in person or participate by conference call, as their personal circumstances dictated.

Members present: Dr. Alejo Salinas, Jr., Mr. Rene Guajardo, and Mr. Danny Guzman were present in the South Texas College Ann Richards Administration Board Room. Mr. Paul R. Rodriguez, Ms. Rose Benavidez, Mrs. Victoria Cantú, and Mr. Gary Gurwitz were present and participated by teleconference.

Members absent: None

Also present: Dr. Shirley A. Reed, Mr. Jesus Ramirez, Mrs. Mary Elizondo, Dr. David Plummer, Dr. Anahid Petrosian, Mrs. Rebecca Cavazos, Mr. Rick De La Garza, Dr. Virginia Champion, Mrs. Myriam Lopez, Chief Ruben Suarez, Mr. David Valdez, Mr. David Iglesias, and Mr. Andrew Fish.

Determination of a Quorum

A quorum was present and a notice of the meeting was posted.

Public Comments

No public comments were given and a notice of the meeting was posted.

Recognition of Outgoing Trustee

South Texas College extended its appreciation to Mr. Roy de León, outgoing trustee, for his leadership of and service to the College, students, and communities.

Mr. Roy de León Representing District #7

Mr. Roy de León was first appointed to the Board of Trustees for South Texas College in July 1997, to represent Single-Member District #7.

Mr. de León served as the Chair, Vice Chair, and Secretary of the Board during his membership on the Board of Trustees.

Mr. de León also served as the Chair of the Finance, Audit, and Human Resources Committee, and as a Member of the Facilities Committee.

Mr. de León was recognized for his dedicated support of the College's Mission. His keen fiscal stewardship helped the College maintain conservative fiscal policies that ensured funding for periods of rapid growth, while providing resiliency and security during periods of unprecedented challenge.

Welcome to Returning and Newly Elected Trustees

South Texas College was scheduled to hold elections for Trustees representing Single-Member District #5, and Single-Member District #7 on May 2, 2020; however, due to the unprecedented COVID-19 pandemic and its disruption of the election process, Texas Governor Gregg Abbott authorized the suspension of opposed elections scheduled for May 2, 2020, and the rescheduling of those elections on November 3, 2020.

Single-Member District #5 - Dr. Alejo Salinas, Jr.

Dr. Alejo Salinas, Jr., was unopposed on the ballot for District #5. On February 25, 2020, the Board of Trustees of South Texas College certified the unopposed candidacy, and declared Dr. Salinas re-elected to that seat, to serve through May 2026.

Dr. Salinas has served on the South Texas College Board of Trustees since his first election in May of 1996. Dr. Salinas has served as Chairman, Vice Chair, and Secretary of the Board of Trustees. He has also served as Chairman and Member of the Education

and Workforce Development Committee, as Chairman and Member of the Finance, Audit, and Human Resources Committee, and as Member of the Facilities Committee.

Due to the ongoing COVID-19 pandemic, the College did not hold a formal swearing-in ceremony for Dr. Salinas' re-election, and he swore his oath of office at a private ceremony.

Dr. Salinas stated a preference that his re-election be recognized along with the trustee elected on November 3, 2020.

Single-Member District #7 – Mr. Danny Guzman

South Texas College held an election for Trustee representing Single-Member District #7 on November 3, 2020. On November 12, 2020, the South Texas College Board of Trustees canvassed the election and certified the election of Mr. Danny Guzman to Single-Member District #7, to serve through May 2026.

This was Mr. Guzman's first term to serve on the South Texas College Board of Trustees.

Due to the ongoing COVID-19 pandemic, the College did not hold a formal swearing-in ceremony for Mr. Guzman's re-election, and he swore his oath of office at a private ceremony on November 16, 2020.

South Texas College welcomed its re-elected and newly elected Trustees.

Recognition of Outgoing Board Officers for 2018 – 2020

In appreciation for their leadership and support of South Texas College, the students, faculty, staff and administration recognized and extended their sincere appreciation to the outgoing Board Officers who have completed their terms as officers of the Board.

The outgoing Board Officers were:

Mr. Paul R. Rodriguez, Chairman
Ms. Rose Benavidez, Vice Chairman
Mr. Roy de León, Secretary

Board Officers are elected by their peers to serve a two-year term ending in May of even-numbered years, following the general election of trustees. Due to the disruption of the COVID-19 pandemic and the resultant delay of the election of trustees, the Board formally postponed the election of Board Officers on May 26, 2020, until after the conclusion of the November 3, 2020 election and the seating of the trustee elected at that time.

The College sincerely thanked the outgoing Board Officers, who provided steadfast leadership and guidance through unprecedented challenges to campus safety and security, operations, instructional paradigms, enrollment, and personnel management.

Their service and dedication to making STC a world-class higher education institution and their commitment to providing each student with high expectations for success is appreciated and applauded.

Dr. Shirley A. Reed, College President, recognized and thanked each Board Officer for their last two-and-a-half years of service.

Election of Board Officers

The Board approved Policy Manual calls for the election of officers to be held at the first regular meeting of the Board of Trustees following the May trustee election in even numbered years or at any other time when necessary to fill a vacancy.

Texas Education Code Sec. 130.082 (d) includes the requirement: "Officers of the board shall be elected at the first regular meeting of the board following the regular election of members of the board in even-numbered years, or at any time thereafter in order to fill a vacancy."

On May 26, 2020, the Board authorized the delay of the election of Board Officers, to follow the November 3, 2020 general election. This was necessary due to the disruption of the scheduled May 2020 election by the COVID-19 pandemic, and the authorization by Texas Governor Gregg Abbott to postpone that election until the November 2020 general election.

Under current policy and law, an election of Board Officers would be expected to take place in May 2022.

Policy # 1100: *Board Officers* outlines the regulations that govern the manner in which each officer will be elected and describes the responsibilities for the given offices. This policy was included in the packet for the Board's information.

The policy outlines the following Board Officers:

Chairman

A Chairman of the Board, who shall be a member of the Board, and who shall:

- a. Preside at the meetings of the Board; and
- b. Perform such other duties and functions as may, from time to time, be assigned by the Board.

Vice Chairman

A Vice Chairman, who shall be a member of the Board, and who shall:

- a. Preside at meetings of the Board during the absence of the Chairman; and
- b. Perform such other duties and functions as may, from time to time, be assigned by the Board.

Secretary

A Secretary who may, but does not have to, be a member of the Board and who shall:

- a. Be the official custodian of the minutes, books, records and seal of the Board; and
- b. Perform such other duties and functions as may, from time to time, be assigned by the Board.

The packet also included a Board Officers Election Guide, outlining the process under Robert's Rules of Orders, the Board's established parliamentary procedures.

The outgoing Board Officers from May 2018 to November 2020 were:

1. Mr. Paul R. Rodriguez has served as Chairman,
2. Ms. Rose Benavidez as Vice Chairman, and
3. Mr. Roy de León as Secretary.

It was necessary to elect new officers for the positions of Chair, Vice Chair, and Secretary, to serve through May 2022. The Board had the option to elect each office separately or elect a slate of officers at one time.

Chairman Paul R. Rodriguez called for nominations from the Board.

Mr. Rene Guajardo nominated Mrs. Victoria Cantú for the position of Secretary. Dr. Alejo Salinas, Jr. made a motion that nominations cease and the Board elect Mrs. Cantu to the position of Secretary by acclamation, and the Board voted unanimously in favor of the motion. The motion carried.

Mr. Rene Guajardo nominated Dr. Alejo Salinas, Jr. for the position of Vice Chair. Mrs. Victoria Cantú made a motion that nominations cease and the Board elect Dr. Alejo Salinas, Jr. to the position of Vice Chair by acclamation, and the Board voted unanimously in favor of the motion. The motion carried.

Mrs. Victoria Cantú nominated Ms. Rose Benavidez for the position of Chair. Mr. Rene Guajardo made a motion that nominations cease and the Board elect Ms. Rose Benavidez to the position of Chair by acclamation, and the Board voted unanimously in favor of the motion. The motion carried.

Mr. Paul R. Rodriguez passed the gavel to newly elected Chair Benavidez to preside over the remainder of the meeting. Ms. Benavidez thanked her fellow trustees for their trust and the opportunity to serve the Board in this capacity.

Request for Consideration of Appointment as Board Committee Chair and Committee Member

Input from Board members on their Committee preferences for appointment and service as a Committee Chair and Committee Members was requested.

Policy # 1110: *Board Committees* designates the three (3) committees of the Board:

1. Education and Workforce Development
2. Finance, Audit, and Human Resources
3. Facilities

The Chairman may, from time to time as deemed necessary, create committees to advise the Board and facilitate the efficient operation of the Board. Their membership is to be established by action of the Chairman. A committee that includes one or more Trustees is subject to the Open Meetings Act when it meets to discuss public business or policy. *Atty. Gen. Op. No. JM-1072 (1989).*

A list of the current Committee members and appointed Chairs was included for the Board's information. The membership and appointment of Committee Chairs was established by action of the Board Chairman.

It was recommended that the newly elected Board Chair request input from Board members on their Committee preferences and desire to serve as a Committee Chair and/or Member.

Committee appointments are made by the Chair of the Board, and an agenda item would be included at the December 2020 Regular Board Meeting to provide the Chair the opportunity to make/revise appointments as necessary.

Presentation

The following presentation was provided for the Board of Trustees:

Presentation of the South Texas College Annual Grant Report for FY 2020

The South Texas College Department of Resource Development, Management and Compliance (RDMC) provided the Annual Grant Report for FY 2020, under separate cover.

Dr. Virginia Champion, Executive Director for Resource Development, Management and Compliance, provided a review of the Annual Grant Report, and recapped some of the significant events of the past year in RDMC operations.

The RDMC plays a vital role in helping the College develop new and innovative programs that serve our students through academic, workforce, and non-credit programs and services. From supporting faculty, staff, and other stakeholders with the development of successful grant applications, to the management of grant-

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funded programs and compliance reporting as required by various grantors, RDMC helps the College stay at the leading edge, offering new programs and services to benefit the Rio Grande Valley.

Dr. Reed recognized Dr. Champion and her staff for their great work building relations with local, state, and federal partners who provide significant funding and opportunities for the College to serve its community.

This presentation was for the Board's information, and no action was requested.

Approval of Board Meeting Minutes

The following Board Meeting Minutes were submitted for approval:

- 1) October 27, 2020 Regular Board Meeting
- 2) November 12, 2020 Special Board Meeting
- 3) November 17, 2020 Special Board Meeting

Dr. Alejo Salinas, Jr. observed a concern with the Minutes prepared for the November 12, 2020 Special Board Meeting, at which the results of the November 3, 2020 election were canvassed, and asked that those Minutes be considered separately.

Upon a motion by Dr. Alejo Salinas, Jr. and a second by Mr. Rene Guajardo, the Board of Trustees of South Texas College approved and adopted the Minutes for the October 27, 2020 Regular Board Meeting and the November 17, 2020 Special Board Meeting as presented. The motion carried.

Dr. Salinas noted that the Minutes for the November 12, 2020 Special Board Meeting did not include copies of the Orders reviewed and approved at that meeting, and asked that the Orders be presented to the Board along with the Minutes in December 2020, so that the Board could consider approval of those Minutes at that time.

Upon a motion by Dr. Alejo Salinas, Jr. and a second by Mr. Paul R. Rodriguez, the Board of Trustees of South Texas College deferred approval of the the November 12, 2020 Special Board Meeting until the December 15, 2020 Regular Board Meeting. The motion carried.

Approval and Authorization to Accept Grant Awards and Agreements

Authorization to accept and approve the following grant awards, including the use of related funds and execution of related agreements as necessary for each grant, was requested:

1. John G. and Marie Stella Kenedy Memorial Foundation, Scholarship Funds in the amount of \$15,000

Funding from the Kenedy Memorial Foundation would provide scholarships for students that need financial assistance to help support the completion of an Associate of Applied Science Degree in a technical field through the Division of Business, Public Safety, and Technology Department at South Texas College (STC). The funding period was upon execution of the contract by both parties through October 31, 2021.

This grant aligned with Strategic Goal #4, Fostering Student Success, by providing scholarships to students wishing to pursue an Associate of Applied Science Degree.

2. U.S. Institute of Museum and Library Services through Texas State Library and Archives Commission, TSLAC CARES-Cycle 2 Grant in the amount of \$50,000

Funding from the TSLAC CARES-Cycle 2 Grant will provide Internet accessibility via mobile hotspot to students served by the college. Eligible students were required to be registered at least half time, complete the Federal Student Aid (FAFSA) Application, a Blackboard Orientation completion certification, a library orientation completion certification, and have a minimum cumulative 2.25 GPA. This Grant was funded by the U.S. Institute of Museum and Library Services through a grant to the Texas State Library and Archives Commission. The funding period was from November 9, 2020 to August 31, 2021.

This grant aligned with Strategic Goal #4, Foster Student Success, by providing support structures that promote persistence and educational attainment.

3. Texas Workforce Commission, Skills for Small Business Grant in the amount of \$250,000

South Texas College's Department of Continuing, Professional and Workforce Education and the Institute for Advanced Manufacturing would utilize these funds to provide training for employees of small businesses to upgrade employment skills. Courses that will be offered through this grant include business courses, computer skills, customer service, and medical front office skills. The program would cover tuition and fees for course offerings provided by South Texas College up to \$1,800 for new hires and \$900 for incumbent workers in a 12-month period. The funding period was from December 15, 2020 to November 30, 2021.

This grant aligned with Strategic Goal #3, Create Educational Opportunities for Students by Strengthening college readiness for all students in our region.

4. Any Additional Grant(s) Pending Official Award Summary of Grant Award Funding

The presented grants would provide up to \$315,000 in funding for the college to provide services and opportunities throughout the region.

Upon a motion by Mrs. Victoria Cantú and a second by Dr. Alejo Salinas, Jr., the Board of Trustees approved and authorized accepting the following grant awards including the use of related funds and execution of related agreements as necessary for each grant, contingent upon official award as appropriate.

1. John G. and Marie Stella Kenedy Memorial Foundation, Scholarship Funds in the amount of \$15,000
2. Texas State Library & Archives Commission, TSLAC CARES-Cycle 2 Grant in the amount of \$50,000
3. Texas Workforce Commission, Skills for Small Business Grant in the amount of \$250,000

The motion carried.

Review and Action as Necessary on Co-Existence Agreement Proposed by the Center for Public Safety Excellence (CPSE)

The Board of Trustees of South Texas College was asked to approve and authorize the College President to execute the proposed Co-Existence Agreement with the Center for Public Safety Excellence (CPSE).

On July 17, 2018, legal counsel for the CPSE reached out to South Texas College to demand that the College cease and desist from the use of the name “Regional Center for Public Safety Excellence” or the initialism “RCPSE” asserting a violation of trademark protections.

South Texas College had been using both the name and the initialism since at least 2013, including in agreements with stakeholders, planning related to the 2013 Bond Construction Program, and ongoing discussions with local, state, and federal agencies on potential programs at that site.

The College’s general counsel, Mr. Jesus Ramirez, recommended that administration seek special counsel with expertise in trademark law. After advising the Board of Trustees, the College President engaged legal representation on this matter with PirkeyBarber, PLLC, working with an associate attorney specializing in this legal area.

Legal counsel advised that the College would likely prevail if this went to trial, but that litigation could be costly.

Legal counsel assisted the College in negotiating an agreement that would not limit the growth or operation of the RCPSE as envisioned, while satisfying the CPSE’s desire to protect their operations and trademarks.

Dr. Shirley A. Reed, College President, provided the proposed agreement to the Board, and requested authorization to execute the agreement as presented.

Upon a motion by Mr. Paul R. Rodriguez and a second by Dr. Alejo Salinas, Jr., the Board of Trustees of South Texas College approved and authorized the execution of the proposed Co-Existence Agreement with CPSE as presented. The motion carried.

Review of Presentations Delivered to Committee

The following items were presented to the Education and Workforce Development Committee on Tuesday, November 10, 2020:

1. Review and Discussion of Performance Metrics for Dual Credit Students

The South Texas College Department of Dual Credit Programs developed a series of success metrics that helped them monitor and assess dual credit student performance. Through these metrics, the College was able to assess student performance at each high school campus within our partnering districts, as well as generally among all partnering districts.

Dr. Anahid Petrosian, Vice President for Academic Affairs, presented the key performance indicators that administration evaluates to monitor student success, and then discussed the five success metrics that have been identified as the cornerstone of the annual assessment and reporting process.

The Committee noted that administration tracks a number of key performance indicators, such as dual credit student matriculation rate, which are not included in the Annual Student Performance Status Report produced for partnering districts.

Administration noted that the Annual Student Performance Status Report was developed to focus on specific issues of dual credit student success at their high school campus. The specific metrics chosen for that report pertain specifically to academic performance while enrolled as a dual credit student.

Administration also clarified that they do discuss all key performance indicators, including dual credit student matriculation rate, at regular intervals with all partners, through various other workshops and ongoing communication, outside the Annual Student Performance Status Report.

Success Metrics

1. Academic Probation and Suspension

Measures the percentage of students placed on Academic Probation or Academic Suspension

2. Number of Withdrawals

Measures the percentage of students who withdraw from a course

3. Unsatisfactory Academic Progress

Measures the percentage of students who fail to maintain at least a 2.0 GPA and complete at least 67% of courses in which they enroll

Failure to maintain Satisfactory Academic Progress (SAP) can negatively impact students' eligibility for financial aid upon enrollment as a traditional student at any institution.

4. Average Earned/Attempted Hours Ratio

Measures the percentage of Earned Credit Hours as a proportion of Attempted Credit Hours among all students

5. Average GPA

Measures the average cumulative GPA of all students

Administration designed a reporting format that identifies each Success Metric, including a color-coded indicator, status message, and recommended action, as appropriate to the student success at the district/campus level.

Dr. Rebecca De Leon, Dean for Dual Credit Programs and School District Partnerships, then reviewed the improvement strategies that were developed and implemented based upon the analysis of these success metrics.

Throughout the year, the College hosts Success Metrics Workshops with partnering school districts. During these collaborative sessions, College staff and district staff work together to develop targeted or comprehensive intervention strategies to support student success.

Dr. De Leon presented a brief review of past workshops, as well as the new strategies that have arisen from these partnerships.

Finally, Dr. De Leon reviewed the Board Policies that have been implemented to support student success strategies, and which are under continuous review for further improvement:

- Policy #3230: *Dual Credit Programs with Partnering School Districts*
- Policy #3232: *Dual Credit Student Eligibility Requirements*
- Policy #3320: *Academic Progress Standards*
- Policy #3322: *Student Financial Aid - Satisfactory Academic Progress (SAP)*

2. Review and Discussion of Reimbursement Rates for South Texas College Faculty Teaching Dual Credit Courses

Dr. Rebecca De Leon, Dean for Dual Credit Programs & School District Partnerships, and Dr. Brett J. Millán, Special Assistant to the Office of the Vice President for Academic Affairs, reviewed and discussed the reimbursement rates for South Texas College faculty teaching dual credit courses.

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In Fall 2020, South Texas College's Dual Credit Program supports partnerships with 21 school districts, and at 70 separate high school campuses, across Hidalgo and Starr Counties. With its school district partners, 1,556 dual credit course sections were taught, serving 12,282 dual credit students.

STC ensures that qualified and motivated faculty are engaged to teach these dual credit program courses, whether those faculty are employed by the College, or the partnering district. The success of these faculty has been acknowledged by the College's accreditation by the National Alliance of Concurrent Enrollment Partnerships (NACEP) as well as continued positive remarks from the Southern Association of Colleges and Schools – Commission on Colleges (SACS-COC).

Reimbursement for Faculty Costs

Ideally, partnering districts would directly employ the faculty required to teach their dual credit courses, with oversight and support by the College. Increasingly, though, the dual credit enrollment demands exceeded many districts' ability to recruit and retain sufficient faculty to fully cover their students' needs. In these instances, STC coordinates to schedule the College's faculty to teach at district sites.

Over the years, the number of faculty and their assigned course loads at district sites have increased.

- In 2010: **103** STC faculty taught **276** sections at high school campuses.
- In 2020: **270** STC faculty taught **620** sections at high school campuses.

While tuition is a major revenue source that supports recruiting and retaining qualified faculty, the College waives all tuition and fees for dual credit students in these sections, even when taught by STC faculty. To recoup the faculty costs for sending STC Faculty to district sites, the Interlocal Agreement with each partnering District outlines the reimbursement to the College by the district.

Due to the complexity of scheduling, especially to accommodate late registration of students, it was not feasible to provide accurate reimbursement costs to districts until after the finalization of semester schedules after the Census Day (12th class day). This caused difficulty for the College and its district partners in their budget planning.

The partnering districts requested a simplified flat fee model to help their planning and budgeting procedures.

Current Model - Fixed or Proportional Rate

In the early days of the Dual Credit Program, a fixed rate was established to help the College recoup faculty salary cost. This was sufficient when a faculty member might be assigned to teach one or two courses out of a 15-lecture hour per semester teaching load.

As scheduling has required that some faculty were required to teach more than half their base teaching load as dual credit courses at district sites, the fixed rate was no longer sufficient to cover costs. The proportional rate was implemented to cover this cost.

Under the current model:

- If STC Faculty teaches less than half at dual credit sites, a fixed rate is charged.
 - The fixed rate is established based on the type of course being taught.
- If STC Faculty teaches more than half at dual credit sites, a proportional rate is charge.
 - The proportional rate is based on the assigned faculty member's base salary, and is calculated as a proportion of their full-time teaching load.

Proposed New Flat Fee Reimbursement Model

The Academic Affairs Divisions proposed a new flat fee model, which established a uniform flat cost for a specific course requested at the district site, regardless of the STC Faculty assigned to that course. The flat fee would be determined by whether the course was a Career and Technical Education (CTE) Section or an Academic Section, and then would be based on the number of credit hours for that course.

Such a transparent flat fee per section model would give the districts better ability to control their costs, and would allow the College to more quickly and efficiently calculate a district's reimbursement cost, and to more fully recover faculty costs expended to support dual credit programs.

The Current Model and the proposed new Flat-Fee Model are complicate topics, and generated a good initial discussion at the Committee meeting. Administration will return to the Committee in December to continue the discussion. Based upon that discussion, the Committee may be asked to recommend Board approval of action as necessary on this issue.

This review of presentations was presented for informational purposes. No action was requested from the Board on the report.

Review and Action as Necessary on Proposed New Associate of Applied Science in Culinary Arts - Specialization in Restaurant Management Program

The Board was asked to approve the proposed new Associate of Applied Science Degree in Culinary Arts - Specialization in Restaurant Management.

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This program was initially reviewed by the Education and Workforce Committee on June 9, 2020, when administration presented the concept and the expected job growth information.

The Committee expressed an interest in further details about the program, especially related to anticipated revenues and expenditures related to the program implementation and operation.

In the Board packet, administration provided the Program Development Proposal, which includes the following details:

- Program Development Approval Checklist
- Curriculum Department Recommendation
- Program Development Checklist
- Program Summary
- Enrollment Management Plan
- Student Survey Results Summary
- Proposed Curriculum & Course Descriptions
- Instructional Costs and Projected Revenue
- Supporting Documentation

Administration and faculty from the Culinary Arts department have identified strategies to recruit students to this new program, as outlined under the Enrollment Management Plan. The strategies include marketing to past, current, and future Culinary Arts students, as well as future targeted marketing among high school partners and the general public.

Significant curriculum overlap with existing Culinary Arts programs will help support enrollment strategies and reduce program costs, while offering a tailored specialization for students seeking to begin or advance their careers in restaurant management.

Ms. Christina Cavazos, Director of Curriculum, and Ms. Jennifer Guerra, Program Chair for the Culinary Arts Department, reviewed the proposal with the Committee on November 10, 2020.

The Education and Workforce Development Committee recommended Board approval of the proposed new Associate of Applied Science Degree in Culinary Arts - Specialization in Restaurant Management as presented.

Upon a motion by Dr. Alejo Salinas, Jr. and a second by Mrs. Victoria Cantú, the Board of Trustees of South Texas College approved and authorized the proposed new Associate of Applied Science Degree in Culinary Arts - Specialization in Restaurant Management as presented. The motion carried.

Review and Action as Necessary on Proposed Emergency Medical Technician – Basic Continuing Education Certificate Program

The Board was asked to approve the proposed new Emergency Medical Technician – Basic Continuing Education Certificate Program.

In the Board packet, administration provided the Program Development Proposal, which includes the following details:

- Program Development Approval Checklist
- Curriculum Department Recommendation
- Program Development Checklist
- Program Summary
- Enrollment Management Plan
- Student Survey Results Summary
- Proposed Curriculum & Course Descriptions
- Instructional Costs and Projected Revenue
- Supporting Documentation

The Continuing Professional and Workforce Education Department currently offers a non-credit First Responder (Emergency Care Attendant) program that provides a first step for students interested in beginning a career in emergency care. This new program would expand that first level of training into a 400 contact hour, non-credit, continuing education program that would allow completing students to test for the national EMT-Basic certification.

As outlined in the Enrollment Management Plan, this program may be a great entry into the field for any prospective student, including potential partnerships supporting local high school student enrollment, or adult learners seeking a new career or career advancement.

This program supports a stackable-credential pathway for emergency medical professionals. EMT-Basic certificate holders would be able to earn up to 12 Credit Hours toward completion of an academic credential, with incremental credentials from academic certificates, an Associate of Applied Science Degree in Emergency Medical Technology; or either a Bachelor of Applied Technology Degree in Medical Health Services Management or the Bachelor of Applied Science Degree in Organizational Leadership.

Ms. Christina Cavazos, Director of Curriculum, and Ms. Olivia De La Rosa, Director of Professional and Workforce Education, reviewed the proposal with the Committee on November 10, 2020.

The Education and Workforce Development Committee recommended Board approval of the proposed new Emergency Medical Technician – Basic Continuing Education Certificate Program as presented.

Upon a motion by Dr. Alejo Salinas, Jr. and a second by Mr. Rene Guajardo, the Board of Trustees of South Texas College approved and authorized the proposed new Emergency Medical Technician – Basic Continuing Education Certificate Program as presented. The motion carried.

Presentation and Action as Necessary on Tax Resale of Struck-off Properties by Starr County Commissioners Court

Linebarger Goggan Blair Sampson, LLP, provided notice that the Starr County Commissioners Court has authorized a tax resale of struck-off properties by public auction on Tuesday, December 1, 2020 at 10:30 a.m. at the Courthouse located at 401 N. Britton, Rio Grande City, Texas.

The firm identified ten properties which were previously put up for tax sale but failed to receive the minimum bids, and were therefore struck-off to taxing entities. All properties were non-homestead designated and no longer have a right of redemption.

While Linebarger Goggan Blair & Sampson, LLP advised that no formal action is required by the South Texas College Board of Trustees, they provided the information in the event that the College has an interest in or concern with the proposed proceedings.

On November 10, 2020, Mr. Michael Cano with Linebarger Goggan Blair Sampson, LLP presented this information to the Finance, Audit, and Human Resources Committee.

The proposed tax resale property information was provided in the packet for the Board's review.

The Finance, Audit, and Human Resources Committee recommended that the Board take no action on this item.

No action was taken by the Board.

Review and Action as Necessary on Award of Proposals, Purchases, and Renewals

Approval of the following award of proposals, purchases, and renewals is requested.

The Director of Purchasing has reviewed each item, including the procurement procedures and evaluation of all responses, and recommends approval as follows.

The Finance, Audit, and Human Resources Committee recommended Board approval of the award of proposals, purchases, and renewals as listed below:

A. Award of Proposals

- 1) **Computer Lab Management Software (Award):** award the proposal for computer lab management software to **Computer Lab Solutions/ dba LabStats** (Idaho Falls, ID), at a total amount of \$6,600.00 for a period of one (1) year with the option to renew for two (2) additional years;
- 2) **Nursing and Allied Health Original Building A Analog to Digital Audio Visual Upgrade Phase I (Award):** award the proposal for the Nursing and Allied Health Original Building A Analog to Digital Audio Visual Upgrade Phase I to **Audio Visual Aids** (San Antonio, TX), at a total amount of \$369,788.33;

B. Purchases and Renewals (B-a. Non-Instructional Items)

- 3) **Furniture (Purchase):** purchase furniture through an OMNIA Partners Cooperative Purchasing Program approved vendor, at a total amount of \$70,857.20;

#	Vendor	Amount
A	Exemplis Corporation / Gateway Printing and Office Supply, Inc. (Cypress, CA/Edinburg, TX)	\$70,857.20
Furniture Total		\$70,857.20

- 4) **LED Lamps (Purchase):** purchase LED lamps from **Bush Supply Company** (Edinburg, TX), a Texas Association of School Boards – Buyboard approved vendor, at a total amount of \$109,995.20;
- 5) **Business Skills Training Services (Renewal):** renew the business skills training services contracts for the period beginning February 1, 2021 through January 31, 2022 as follows:

Vendor	Course Rates	STC Commission	Courses
Leadership Empowerment Group (Mercedes, TX)	Full Day - \$2,000 Half Day - \$1,000 ***** Materials Included		Leadership: Executive, Nurse, Teacher, Parent Student, Business, and Etiquette Written Communication, Oral Communication, Customer Service, Organizational Skills, CPR, Conflict Management, Sexual Harassment, Strategic Planning, etc.
World-Class Training (Brownsville, TX)	\$300 per hour Minimum – Half Day ***** Materials Included	\$18 per instructional hour	Communication, Human Resources, Leadership, Management/Supervisory, Self-Management, Technical Skills, Office Support, Business Writing, Customer Services, etc.

- 6) **Catering Services (Renewal):** renew the catering services contracts for the period beginning November 28, 2020 through November 27, 2021, at an estimated

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amount of \$50,000.00, which is based on prior year expenditures. The vendors are as follows:

Vendors	Vendors
Amigos Del Valle, Inc. (Edinburg, TX)	Atencion Selecta, LLC./ dba Teresita's at Los Lagos (Edinburg, TX)
Bread and Butter Bakery Caffee (McAllen, TX)	Luis Magdaleno/ dba Chick-Fil-A 27th & Nolana (McAllen, TX)
Chick-Fil-A Sharyland Towne Crossing (Mission, TX)	Coastal Deli, Inc./ dba Jason's Deli (Corpus Christi, TX)
Cornerstone Catering (Mission, TX)	Pizza Hut Muy Pizzas Tejas (San Antonio, TX)
Pizza Properties, Inc./ dba Peter Piper Pizza (El Paso, TX)	Siempre Natural (Mission, TX)

- 7) **Equipment Rental Services (Renewal):** renew the equipment rental services contracts for the period beginning December 1, 2020 through November 30, 2021, at an estimated amount of \$65,000.00, which is based on prior year expenditures. The vendors are as follows:

Vendors	Vendors
Briggs Equipment (Pharr, TX)	Marentco, Inc. / dba Tejas Events and Tents (McAllen, TX)
Rental World (McAllen, TX)	Space Jump Rentals (Pharr, TX)

- 8) **Merchant Services (Renewal):** renew the merchant services (credit card processing) contract with **BBVA Merchant Services provided by First Data Merchant Services, LLC.** (McAllen, TX), for the period beginning December 1, 2020 through November 30, 2021, at an estimated annual cost of \$360,000.00, which is based on prior year expenditures;
- 9) **Reprographic Services (Renewal):** renew the reprographic services contract with **RGV Reprographic, Inc.** (McAllen, TX), for the period beginning December 12, 2020 through December 11, 2021, at an estimated amount of \$15,000.00, which is based on prior year expenditures;

B. Purchases and Renewals (B-b. Technology Item)

- 10) **Computers and Laptops (Purchase):** purchase of computers and laptops from the State of Texas Department of Information Resources (DIR) approved vendors, **Dell Marketing, LP.** (Dallas, TX) and **Apple, Inc.** (Dallas, TX), at a total amount of \$61,105.81.

Recommend Action - The total for all award of proposals, purchases, and renewals was \$1,108,346.54.

Upon a motion by Mr. Paul R. Rodriguez and a second by Dr. Alejo Salinas, Jr., the Board of Trustees approved and authorized the award of proposals, purchases, and renewals totaling \$1,108,346.54, as presented. The motion carried.

Review and Recommend Action on Annual Investment Report for FY 2019 – 2020

Approval of the Annual Investment Report for FY 2019 - 2020 was requested.

Purpose – The State Auditor's Office (SAO) requires that higher education institutions report to the SAO certain investment information prescribed by General Appropriations Act (82nd Legislature), Article III, Rider 5-Investment Reports. The governing board of each of the educational institutions is required to file with the SAO, Comptroller of Public Accounts, Legislative Budget Board, and the Governor an annual report of all investment transactions involving endowment funds, short-term and long-term investment funds, and all other securities transactions. The College's Policy #5120: Investment Policy and Investment Strategy Statement, requires the independent auditor to review the Investment report at least annually and the result of the review is to be reported to the Board of Trustees.

Justification – The Administration presented the Annual Investment Report to the Board of Trustees annually for approval, as required.

Reviewers – The College's Investments were reviewed by Carr, Riggs & Ingram, LLC (external auditors).

Enclosed Documents – The Annual Investment Report prepared for the State Auditor's Office was provided in the packet for the Board's information and review.

Dr. Shirley A. Reed, President, and Mary Elizondo, Vice President for Finance and Administrative Services, attended the Board meeting to respond to questions.

The Finance, Audit and Human Resources Committee recommended Board approval of the Annual Investment Report for FY 2019 – 2020, as presented.

Upon a motion by Mr. Paul R. Rodriguez and a second by Mr. Rene Guajardo, the Board of Trustees of South Texas College approved and authorized the Annual Investment Report for FY 2019 – 2020, as presented. The motion carried.

Review and Discussion of Certificate of Achievement for Excellence in Financial Reporting Issued by Government Finance Officers Association of the United States and Canada (GFOA) for the College's Comprehensive Annual Financial Report (CAFR)

South Texas College was awarded the Certificate of Achievement for Excellence in Financial Reporting issued by Government Finance Officers Association of the United States and Canada (GFOA) for its Fiscal Year 2018 - 2019 Comprehensive Annual Financial Report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its

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attainment represents a significant accomplishment by the College, and reflects the College's commitment to financial integrity and accountability in all financial reporting.

Purpose – The GFOA established the Certificate of Achievement for Excellence in Financial Reporting Program (CAFR Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal. The goal of the program is to ensure that users of their financial statements have the information they need to do so themselves.

Background – This was the seventeenth consecutive year the award was awarded to the College. The Fiscal Year 2019 - 2020 CAFR would also be submitted to the GFOA to be considered for this Certificate of Achievement.

The Business Office completed the first Comprehensive Annual Financial Report in compliance with the GFOA Certificate of Excellence in Financial Reporting requirements in FY 2002 – 2003. This fiscal year was the first year the College was eligible to submit the CAFR for consideration of the award because of the requirement that information from the previous ten (10) years is presented. In the FY 2002 – 2003 CAFR, financial information for a ten year period, FY 1993 – 1994 through FY 2002 – 2003, was presented.

Each CAFR is reviewed using a checklist of approximately 600 requirements, that is designed to determine compliance with both generally accepted accounting principles (GAAP) and program policy as established by the GFOA. The requirements, which are greater than the standard requirements by the Texas Higher Education Coordinating Board (THECB), include such items as preparation and inclusion of a transmittal letter, and additional information in the footnotes and statistical tables. Reviewers are comprised of individuals from government, the public accounting profession, and academe who possess specialized expertise in governmental financial reporting.

Sixteen (16) of the fifty (50) Texas community colleges, including South Texas College, received the GFOA award for their FY 2017 - 2018 CAFR. The 2019 award winners have not been announced so far on the GFOA's website.

The annual CAFR prepared by the Business Office is audited by external auditors. The main components of the CAFR are as follows:

- Transmittal letter
- Management's discussion and analysis (MD&A)
- Financial statements
- Notes to the financial statements
- Required supplementary information schedules
- Statistical schedules
- Special reports

Enclosed Documents – A copy of the Certificate of Achievement for Excellence in Financial Reporting was provided in the packet for the Board's information.

Presenters - Mary Elizondo, Vice President for Finance and Administrative Services, presented this item to the Finance, Audit, and Human Resources Committee on November 10, 2020.

Mrs. Elizondo verified that this is the highest commendation for financial reporting that is issued by the GFOA.

It was now presented to the full Board, and Mrs. Elizondo was available to respond to questions.

Mr. Gary Gurwitz asked about potential publicity for this recognition, noting that McAllen ISD has received an equivalent recognition for school districts, and *The Monitor* published an article on this. Mr. Gurwitz advised administration to highlight this accomplishment, which highlights the College's integrity and accountability with public funds.

No action was required from the Board. This item was presented for information and feedback to staff.

Review and Action as Necessary on Financial Advisor Services and Continuing Disclosure Services Solicitation Process and Evaluation Criteria

Approval of Financial Advisor Services and Continuing Disclosure Services Solicitation Process and Evaluation Criteria was requested.

Purpose – A recommendation to the Board for the solicitation process and evaluation criteria of selecting Financial Advisor Services and Continuing Disclosure Services was requested.

Justification – At the October 27, 2020 Board meeting, the Board requested further analysis from staff on procurement methods and evaluation criteria for the Financial Advisor Services and Continuing Disclosure Services. Furthermore, the Board rejected all proposals that were received using the Request for Proposal solicitation process.

Background – On August 12, 2020 and August 19, 2020, the College advertised a Request for Proposal (RFP) for Financial Advisor Services and Continuing Disclosure Services for the period of November 1, 2020 through October 31, 2021 with two (2) one-year options to renew. A two (2) month extension for the Financial Advisor Services agreement with Hilltop Securities, Inc. for the period of September 1, 2020 through October 31, 2020 was approved by the Board on August 25, 2020. In addition, a four (4) month extension for the Financial Advisor Services agreement with Hilltop Securities, Inc. for the period of November 1, 2020 through February 28, 2021 was approved by the

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Board on October 27, 2020. The current contract for Continuing Disclosure Services agreement with Hilltop Securities was approved by the Board of Trustees on June 27, 2017 for five (5) years with automatic annual renewals and a thirty (30) day cancellation option.

During the Board of Trustees meeting held on October 27, 2020, the Board rejected all proposals for Financial Advisor Services and Continuing Disclosure Services that were received and requested that further discussion take place at the November Finance Committee meeting. Furthermore, the Board discussed combining the Financial Advisor Services and Continuing Disclosure Services solicitation, and requested further analysis of the solicitation process (RFQ and RFP), evaluation criteria, and evaluation ratings.

Legal Counsel advised that the Financial Advisor Services and Continuing Disclosure Services may be solicited as a Request for Qualifications or a Request for Proposal.

Additional information was provided below regarding the solicitation process, Request for Qualifications (RFQ) or a Request for Proposal (RFP), when soliciting for Financial Advisor Services and/or Continuing Disclosure Services.

- A Request for Qualifications (RFQ) is a qualifications-based two (2) step selection process. It is not a proposal, therefore it does not require that fees be disclosed. An RFQ is a document that asks potential vendors to detail their background and experience providing a specific good or service. The RFQ does not include any details on how the work would be performed or what the charges might be, instead it only includes the vendor's skills and experience. The intent of an RFQ is to allow the Board to select who they determine is the most qualified for the project. The College has the opportunity to negotiate a fee with the final selection.
- A Request for Proposals (RFP) is a request for vendors to submit their proposal for a project (goods and/or services). An RFP explains the goods that are needed and the requirements of the project (services) and then requests that interested bidders submit their plan for the work, estimate of costs, and other details relevant to the project such as the firm's history and capabilities. In evaluating vendor responses, the RFP contains more information than an RFQ, such as a basis for a detailed comparison in purchase price, vendor reputation, quality of goods or services, extent to which the goods or services meet the College's needs, vendor's past relationship with the College, whether they are a historically underutilized business, etc.

Based on Legal Counsel's guidance, administration requested clarification from the Board regarding the following decisions:

	Decisions	Legal Counsel Comments	Notes/Recommendation
1	Should the solicitation process be an RFQ or RFP?	Both solicitations options are acceptable.	Both solicitation options are acceptable and have been used for these services by other entities.

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	Decisions	Legal Counsel Comments	Notes/Recommendation
2	Should solicitation be combined for both services or separately for each service?	Solicitation may be conducted for both services combined or separately for each service.	Both solicitation options are acceptable and have been used for these services by other entities.
3	Which evaluation criteria should be used?	Evaluation criteria options are at the Board's discretion.	Proposed evaluation criteria are included below.
4	Which evaluation ratings should be used?	Evaluation rating options are at the Board's discretion.	Proposed evaluation criteria ratings are included below.
5	Other discussion points: <ul style="list-style-type: none"> • Should the evaluation team be staff or the Board of Trustees? • Should solicitation include the possibility of a vendor presentation to the Board? 	<p>Either the staff or the Board of Trustees may evaluate the responses.</p> <p>Presentations by the vendors are an option for the Board or Committee.</p>	

Evaluation Criteria – Request for Qualification (Exhibit A)

The Evaluation Committee, Purchasing Staff, and Legal Counsel developed proposed evaluation criteria and evaluation ratings for the Request for Qualification for the Committee's consideration and were included in Exhibit A and are as follows:

- 1) Qualifications of staff to be assigned to the College (up to 45 points)
 - a. The qualifications of the staff assigned to the College vis-à-vis background, years of experience, number of issues engaged in, size of issues, etc.
 - b. References (including personal knowledge and experience of College staff).
- 2) Experience with Public Entities (up to 45 points)
 - a. Overall public finance experience and track record of the firm.
 - b. Specific experience of the firm and staff with debt obligations issued by public entities.
- 3) Regulatory Matters (up to 10 points)
 - a. Investigations and litigations information provided.

Evaluation Criteria – Request for Proposal (Exhibit B)

The evaluation criteria and evaluation ratings utilized for the Request for Proposal previously issued were included for the Committee's reference and consideration in Exhibit B.

Upon Finance, Audit, and Human Resources Committee's response to these questions and approval of a plan, administration would propose the criteria for review at the November 24, 2020 Board of Trustees meeting and approval by the Board.

Mary Elizondo, Vice President for Finance and Administrative Services, Myriam Lopez, Comptroller, and Becky Cavazos, Director of Purchasing attended the November 10, 2020 Finance, Audit and Human Resources Committee meeting to address any questions by the Committee.

Enclosed Documents – The proposed Request for Qualification Evaluation Criteria (Exhibit A) and the Request for Proposal Evaluation Criteria (Exhibit B) were provided in the packet for Board's information and review.

The Finance, Audit, and Human Resources Committee recommended Board approval that both services be solicited together, using the Request for Qualifications procurement method, and the evaluation criteria attached, which have been adjusted as per the recommendation by the Committee.

The Committee further recommended that qualifications be provided directly, and without staff evaluation, to the Finance, Audit, and Human Resources Committee for evaluation and recommendation of the most highly qualified respondent for Board approval. The Committee and Board reserve the right to interview respondents as necessary.

Mr. Paul R. Rodriguez made a motion, with a second by Mr. Rene Guajardo, that the Board of Trustees of South Texas College approve and authorize the solicitation of a Request for Qualifications (RFQ) for Financial Adviser and Continuing Disclosure Services, using the identified criteria, and stipulating that evaluations would be conducted by the Finance, Audit, and Human Resources Committee.

Mr. Gary Gurwitz recommended that the language in the criteria be more narrowly tied to evaluation of firms' experience related to community colleges. He also observed that the proposed action would create a new precedent in bypassing staff in recommendations, rather than trusting a staff evaluation and recommendation. Mr. Gurwitz did not support the motion, unless it would be amended to comply with precedent.

Mr. Paul R. Rodriguez observed that the Committee had reviewed the criteria proposed, and the revision to the criteria was not meant to limit responding firms, but rather to expand and include all work being done for public entities, including but not limited to community colleges.

Mr. Rodriguez amended his motion to note that the criteria should instead use the language to evaluate experience “with public entities and including, but not limited to, community colleges.” Mr Guajardo seconded the amendment.

Mr. Rodriguez further stated that the Committee did not take the revisions to the evaluation proposal lightly, and recognized that it was a break from protocol; however, the Committee felt more comfortable with the proposal evaluation process as outlined, and had been advised that this was an option available to them.

Dr. Alejo Salinas, Jr. called for the question on the amended motion before the Board.

The motion carried, as amended, and with five trustees voting in favor, and one opposed.

Review and Action as Necessary to Revise Policy #2500: Records Management

Approval to revise Policy #2500: *Records Management* was requested.

Purpose – The proposed policy revisions are necessary to update Policy #2500 Records Management to reflect the College’s current operations, procedures, and regulations relating to the management of records.

Justification – The request for the revision to the policy was necessary for the following reasons:

- To comply with the requirements of Government Codes, Texas Public Information Act Chapter 552, and Chapter 441, Subchapter J, Preservation and Management of Local Government Records, and the Texas Local Government Records Act Chapters 201-205.
- To include duties and responsibilities of the Records Management Officer, Records Custodian, and Records Coordinator.
- To align the current operations of South Texas College as it relates to the creation, receipt, maintenance, preservation, and disposition of college records.

Background – South Texas College adopted Policy #2500: *Records Management* on November 9, 1995. The policy was previously revised on November 18, 2004.

The College had a records management program, applicable to all College departments, which included following state requirements regarding the preservation, maintenance, retention, and disposal of records and identifying roles and responsibilities within the program.

Reviewers – The revised policy was reviewed by staff, the Vice President for Finance and Administrative Services, President's Cabinet, Planning and Development Council Staff, and by STC Legal Counsel, Mr. Jesus Ramirez.

Enclosed Documents - The revised policy was provided in the packet for the Board's review and information.

The additions to the policy were highlighted in yellow and the deletions were designated with a red strikeout. Revisions made based upon Committee feedback were designated with blue highlighting.

Mary Elizondo, Vice President for Finance and Administrative Services, and Frank Jason Gutierrez, Director of Accountability, Risk, and Compliance, attended the November 10, 2020 Finance, Audit, and Human Resources Committee Meeting to address questions.

The Finance, Audit, and Human Resources Committee recommended Board approval to revise Policy #2500: *Records Management* as presented and which supersedes any previously adopted Board policy.

Upon a motion by Mr. Paul R. Rodriguez and a second by Mrs. Victoria Cantú, the Board of Trustees of South Texas College approved and authorized the proposed revisions to Policy #2500: *Records Management* as presented and which supersedes any previously adopted Board policy. The motion carried.

Discussion and Action as Necessary on Food Services Operation Plan for Spring and Summer 2021 Semesters

Approval of Food Services operation plan for Spring and Summer 2021 semesters was requested.

Purpose – The Food Services operation plan was needed to determine operations for Spring and Summer 2021 semesters.

Justification – Food Services available to students and employees on the College's campuses must be provided in a cost-effective manner.

Background – On July 28, 2020, the Board approved the Food Services Operation Plan for the Fall 2020 semester. Food Services resumed operations at the start of the Fall 2020 semester to serve the students and employees at the Pecan Campus, Nursing and Allied Health Campus, Technology Campus, and Mid Valley Campus with a reduction in staffing and limited operations.

On October 13, 2020, an update was provided to the Finance, Audit, and Human Resources Committee regarding the Food Services decline in sales due to social distancing and the low number of students and employees on campus associated with the coronavirus pandemic.

As a result of the pandemic, face-to-face classes on campus were significantly reduced beyond expectation and employee's presence on campus was also reduced due to rotational work schedule to reduce the density on campus. The anticipated number of customers including students and staff had not been realized.

The table below reflects the number of customers for five locations for September and October 2020 in comparison with September and October 2019. The number of customers decreased by 41,844 or ninety-five percent (95%) in customers from 2020 to 2019. The number of customers per day at the different location ranges from 3 to 23. The customers were mainly employees since students were opting to not visit the cafeteria prior to or after their classes on campus.

Food Services Number of Customers Comparison				
Months	2019	2020	Difference	%
September	22,051	1,338	(20,713)	-94%
October	22,261	1,130	(21,131)	-96%
Total	44,312	2,468	(41,844)	-95%

The total expenditures exceeded revenue by \$20,064.25 in September and October 2020. Although a net loss in the operations was anticipated, the drastic reduction in customers was not, and a net loss of approximately \$55,000 was expected for the period of September through December 2020, which was not expected to be recovered in the remaining months of the fiscal year. The net loss of approximately \$55,000 would be covered by other auxiliary fund operations or auxiliary fund balance.

The Spring and Summer 2021 semesters were projected to continue to have a reduced level of student enrollment and would also negatively impact the financial condition of the operation if services continue to be provided.

Recommendations:

As a result of the minimal number of customers due to COVID-19 restrictions and safety measures in place and the associated negative financial impact, Administration recommended discontinuing the Food Services operations after December 16, 2020, and as a result, would lay off three (3) regular full-time employees, end employment for two (2) temporary agency employees, and end employment for two (2) work-study student employees. The benefit-eligible regular full-time Food Services staff would be compensated for the entire month of December 2020, which includes holiday pay.

Reviewers - The Vice President for Finance and Administrative Services reviewed the information being presented.

Mary Elizondo, Vice President for Finance and Administrative Services, attended the November 10, 2020 Finance, Audit, and Human Resources Committee Meeting to address any questions by the Committee.

The Finance, Audit, and Human Resources Committee recommended Board approval of the Food Services operation plan for Spring and Summer 2021 semesters.

Mr. Danny Guzman, asked whether there was a plan of action to return operations to normal, if it was an option. Administration confirmed that the operation plan could be modified when it was appropriate.

Upon a motion by Mr. Paul R. Rodriguez and a second by Mr. Rene Guajardo, the Board of Trustees of South Texas College approved and authorized the Food Services operation plan for Spring and Summer 2021 semesters. The motion carried.

Discussion and Action as Necessary on Transportation Services Operation Plan for Spring 2021 Semester

Approval of transportation services operation plan for Spring 2021 semester was requested.

Purpose – A transportation services plan was needed to determine operations for Spring 2021 semester.

Justification - The Interlocal Agreement between South Texas College and Lower Rio Grande Valley Development Council (LRGVDC) would expire on December 31, 2020 and a transportation services plan was needed to determine operations for Spring 2021 semester.

Background – On August 25, 2020, the Board of Trustees approved and authorized the Interlocal Agreement for the Jag Express Intercampus Transportation Services between South Texas College and the Lower Rio Grande Valley Development Council (LRGVDC) for Fall 2020 Semester, a four-month period from September 1, 2020 through December 31, 2020.

For the Fall 2020 semester, the agreement included the following:

- LRGVDC agreed to fund all the costs for routes to the Starr County Campus (Green Lines) and Mid Valley Campus (Purple Line) totaling \$258,140.
- The College covered the costs for the Yellow Line routes operated by the College connecting the Pecan Campus, Technology Campus, and Nursing and Allied Health Campus to be reimbursed by CARES Act Funds carried over from FY2020 and federal/state grant contributions received from LRGVDC with a net cost of \$23,303.

On October 13, 2020, an update was provided to the Finance, Audit, and Human Resources Committee regarding the decline in ridership due to social distancing and the low number of students and employees on campus associated with the coronavirus pandemic.

Fall 2020 Ridership Activity

The College's Transportation Services resumed operations on August 24, 2020, the first day of the Fall 2020 semester, offering reduced routes for the Yellow line with four (4) bus drivers returning from furloughed status.

The table below reflects the ridership count from LRGVDC for the Purple Line and Green Lines and the College's ridership for the Yellow Line for the months of September and October 2020 as follows:

Ridership Period of September and October 2020*			
Transportation Routes	LRGVDC*	South Texas College	Total
Starr (Green Line 1)	105	-	105
Starr (Green Line 2)	82	-	82
Starr (Route 60/Roma)	30	-	30
Mid Valley (Purple)	38	-	38
Circulator (Yellow)	-	197	197
Total	255	197	452

*LRGVDC ridership data is as of October 26, 2020. The Purple Line route has been canceled as of 10/12/20 due to staff turnover and reflects (16) passengers from 10/1/20 to 10/9/20.

The ridership numbers represent each trip taken between locations. As an example, a trip from the Pecan Campus to the Technology campus and returning to the Pecan Campus would be recorded as two (2) in the ridership report.

The table below compares the ridership with the previous year (September and October months only) and it reflects a 96% reduction in ridership.

Ridership Comparison Period from 2019 to 2020			
Routes	September & October 2019	September & October 2020	% Reduction
Yellow Line	5,500	197	-96%
Green Line	2,919	187	-94%
Green Line (Route 60-Roma)	1,917	30	-98%
Purple Line	1,741	38	-98%
Total	12,077	452	-96%

Recommendation – Transportation Service Operation Plan – Spring 2021 Semester
LRGVDC offered to continue funding all costs for the Green Lines and Purple Line routes with reduced route service for the Spring 2021 semester only. LRGVDC did not extend this offer to the Summer 2021 semester and Administration will discuss the Summer 2021 semester transportation service operation plan at a later time.

Administration recommended the following:

- Accept the LRGVDC offer to fund all the costs for the operation of the Valley-Metro operated routes and enter into an agreement for the Spring 2021 semester as follows:
 - LRGVDC would continue Green Line 1 service.
 - LRGVDC would continue Green Line Route 60 (Roma) service.
 - LRGVDC would eliminate Green Line 2 service.
 - LRGVDC would continue the Purple Line service with modified and reduced routes.
- STC would maintain and continue operating the Yellow Line service and federal/state grant contributions will be received from LRGVDC to assist with the cost.

Funding Source - Funds for this expenditure were budgeted in the Student Transportation Services budget for FY 2020 - 2021.

Reviewers – Vice President for Finance and Administrative Services, Acting Chief of Police for Department of Public Safety, and Comptroller have reviewed the information being presented.

Mary Elizondo, Vice President of Finance and Administrative Services, Ruben Suarez, Acting Chief of Police for the Department of Public Safety, and Alina Cantu, Public Safety and Transportation Services Manager attended the Board Meeting to address any questions by the trustees.

The Finance, Audit, and Human Resources Committee recommended Board approval of the Transportation Services Operation Plan for Spring 2021 Semester.

Ms. Rose Benavidez re-iterated that while route operations may change due to the pandemic, students would continue to receive free ridership to, from, and among the College's campuses.

Upon a motion by Mr. Paul R. Rodriguez and a second by Mr. Rene Guajardo, the Board of Trustees of South Texas College approved and authorized the Transportation Services Operation Plan for Spring 2021 Semester. The motion carried.

Discussion and Action as Necessary on Interlocal Agreement for Transportation Services between South Texas College and the Lower Rio Grande Valley Development Council for Spring 2021 Semester

Approval of the Interlocal Agreement for the Jag Express Inter-campus Transportation Services between South Texas College and the Lower Rio Grande Valley Development Council (LRGVDC) for the Spring 2021 semester, a five-month period of January 1, 2021 through May 31, 2021 was requested.

Purpose – The Interlocal Agreement for the Jag Express Inter-campus Transportation Services between STC and the LRGVDC for the Spring 2021 semester was needed.

Justification – The Interlocal Agreement was intended to establish an inter-campus bus route to serve all the College's campuses. The bus routes would benefit students, faculty, and staff of South Texas College and thereby serve the goals of both organizations by facilitating access to the College and its educational programs and increasing the use of public transportation in the area.

Background – On August 25, 2020, the Board of Trustees approved and authorized the Interlocal Agreement for the Jag Express Inter-campus Transportation Services between South Texas College and the Lower Rio Grande Valley Development Council (LRGVDC) for Fall 2020 Semester, a four-month period from September 1, 2020 through December 31, 2020.

Fall 2020 Semester

For the Fall 2020 semester, the agreement included the following:

- LRGVDC agreed to fund all the costs for routes to the Starr County Campus (Green Lines) and Mid Valley Campus (Purple Line) totaling \$258,140.
- The College covered the costs for the Yellow Line routes operated by the College connecting the Pecan Campus, Technology Campus and Nursing and Allied Health Campus to be reimbursed by CARES Act Funds carried over from FY2020 and federal/state grant contributions received from LRGVDC with a net cost of \$23,303.

The total costs for LRGVDC and South Texas College for the Fall 2020 semester were as follows:

	LRGVDC	South Texas College		
Transportation Routes	Operating Cost for System	Operating Cost for System	CARES Act & Grant Contribution	Net Cost
Starr (Green)	\$195,121	\$ -	\$ -	\$ -
Mid Valley (Purple)	63,019	-	-	-
Circulator (Yellow)	-	99,547	76,244	23,303
Total	\$258,140	\$99,547	\$76,244	\$23,303

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Spring 2021 Semester

LRGVDC offered to fund all costs for Green Line 1, Green Line – Roma, and Purple Line for the Spring semester only. The proposed interlocal agreement for the Spring 2021 semester includes the following terms:

- LRGVDC will continue Green Line 1 service.
- LRGVDC will continue Green Line Route 60 (Roma) service
- LRGVDC will eliminate Green Line 2 service.
- LRGVDC will continue the Purple Line Service with modified and reduced routes.
- STC will maintain and continue operating the Yellow Line service and federal/state grant contributions will be received from LRGVDC to assist with the cost.

The estimated total costs for LRGVDC and South Texas College for the Spring 2021 semester was as follows:

	LRGVDC	South Texas College		
Transportation Routes	Operating Cost for System - Approximate	Operating Cost for System	Grant Contribution	Net Cost
Starr (Green)	\$241,334	\$ -	\$ -	\$ -
Mid Valley (Purple)	77,944	-	-	-
Circulator (Yellow)	-	\$146,143	76,662	69,481
Total	\$319,278	\$146,143	\$76,662	\$69,481

The cost for all the routes for Spring 2021 semester exceeded the cost for the Fall 2020 semester due to higher number of service days in the Spring 2021 semester.

The Transportation Plan for Summer 2021 semester was not included in the attached LRGVDC agreement.

Funding Source - Funds for this expenditure were budgeted in the Student Transportation Services budget for FY 2020 - 2021.

Reviewers – The Interlocal Agreement was reviewed by Tom Logan, Director of Valley Metro at the Lower Rio Grande Valley Development Council, Vice President for Finance and Administrative Services, Acting Chief of Police for Department of Public Safety, Comptroller, and by the College's Legal Counsel. The Interlocal Agreement is still pending final approval by the LRGVDC.

Tom Logan from the Lower Rio Grande Development Council (LRGVDC), Mary Elizondo, Vice President of Finance and Administrative Services, Ruben Suarez, Acting Chief of Police for the Department of Public Safety, and Alina Cantu, Public Safety and

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Transportation Services Manager, attended the November 10, 2020 Finance, Audit, and Human Resources Committee Meeting to address any questions by the committee.

Legal counsel and the LRGVDC continued to review the terms of the contract, which has not yet been approved by the LRGVDC Board, and was not available at the time of the publication of the packet for the November 24, 2020 South Texas College Regular Board Meeting. Board approval was requested, contingent upon LRGVDC Board approval of a contract that matches the College's Transportation Services Operation Plan for Spring 2021, including the budget forecast.

The Finance, Audit, and Human Resources Committee recommended Board approval of the Interlocal Agreement between South Texas College and the Lower Rio Grande Valley Development Council (LRGVDC) for the Spring 2021 Semester, a five-month period of January 1, 2021 through May 31, 2021, as presented and contingent upon approval by the LRGVDC.

Upon a motion by Mr. Paul R. Rodriguez and a second by Dr. Alejo Salinas, Jr., the Board of Trustees of South Texas College approved and authorized the Interlocal Agreement between South Texas College and the Lower Rio Grande Valley Development Council (LRGVDC) for the Spring 2021 Semester, a five-month period of January 1, 2021 through May 31, 2021, as presented and contingent upon approval by the LRGVDC. The motion carried.

Update on Status of Regional Center for Public Safety Excellence Indoor Target Range Project

As part of the Regional Center for Public Safety Excellence Master Plan, the College planned to construct a safe, well-managed, state-of-the-art indoor target range to serve as an instructional training facility for students, law enforcement, and the public, in compliance with all current target range standards.

In preparation for the design of the facility, two planning charrettes were held on Wednesday, November 4, 2020 and on Thursday, November 5, 2020 with representatives from local governments and various federal, state, and local law enforcement agencies. Their input was requested to determine how best to meet the needs of the public and the agencies that will use the target range. The range will support training, instruction, and officer/agent qualification needs.

The charrettes were held at the Pecan Campus Cooper Center for Performing Arts and were also hosted on Zoom for those who could not participate in person. PBK Architects and Mark Graham of G2 Solutions conducted the charrettes. Valuable comments and input were provided by the participants.

The charrettes provided information from the participants such as:

- The 50-yard length of the lanes is sufficient for qualification tests

- Multiple range areas would be ideal to serve multiple agencies at once
- There are over 50 local, state, and federal agencies in the area that require annual qualifications for their officers and agents
- There is interest from various agencies to use the proposed facility, and assist in this initiative regarding review of design scope and requirements
- Agencies would also like to utilize a room for defensive training

Next steps for the indoor target range:

- South Texas College, in partnership with PBK Architects and G2 Solutions, will develop and issue a survey to all of the local, state, and federal entities for additional input
- Use survey and charrette input and information to develop an updated schematic plan, and forward it to the agencies for comments
- Determine the scope and cost for the facility
- Develop partnerships with local, state, and federal agencies

General preliminary information for the proposed target range (Project 2019-015C):

Architect

- PBK Architects
- G2 Solutions

Proposed Project Budget

- \$5,000,000

Program Scope

Phase I

- 15,931 square feet
- 1 Floor
- Twelve 50-Yard Lanes with Bullet Trap Area
- Two (2) Classrooms. Each Seating 24, with Operable Dividing Wall
- Lobby Entry with Reception/Check-In
- 3 Offices
- Range Control Room
- Range Staging Area
- Personal Locker Area
- Secured Storage Room
- Weapon Cleaning Room
- Storage Closets
- Restrooms
- Janitor Closet
- Electrical Room

Phase II

- 11,929 square feet
- 1 Floor
- Five 100-Yard Lanes with Bullet Trap Area
- Range Control Room
- Range Staging Area
- Secured Storage Room
- Single-Use Restroom

The Board packet included the charrette presentation consisting of preliminary schematic plans which include the master site plan, floor plans, program test fits with space requirements, building sections of the target range, and exterior views of the building, and a list of the individuals invited to attend the charrettes, both in person and remotely, and the agencies and municipalities they represent.

Mr. Paul R. Rodriguez and Mr. Gary Gurwitz commended the project and the partnerships that supported it.

No action was required from the Board. This item was presented for information and feedback.

Update on Status of Unexpended Plant Fund Construction and Renewals & Replacements Projects

The Facilities Planning and Construction staff provided a design and construction update. This update summarized the status of each capital improvement and renewals & replacements project currently in progress. Mary Elizondo and Rick de la Garza were available to respond to questions and address concerns of the Board.

Consideration and Approval of Checks and Financial Reports

Board action was requested to approve the checks for release and the financial reports for the month of October 2020. The approval was for checks submitted for release in the amount greater than \$125,000.00 and checks in the amount greater than \$25,000.00 that were released as authorized by Board Policy No. 5610.

Mrs. Mary Elizondo, Vice President for Finance and Administrative Services, would provide a review of the Financial Report for the month of **October 2020**, and would respond to questions posed by the Board.

The checks and the financial reports submitted for approval were included in the Board packet under separate cover.

Mrs. Victoria Cantú asked for detailed invoices related to the checks issues to Total Lawn Care, LLC, noting that the cost for cutting grass was high for the month of October. She asked that the invoices be provided by the December Board meeting.

Administration noted that the firm provided more services than cutting grass, and included comprehensive landscaping services.

Mr. Paul R. Rodriguez noted that there had been extensive landscaping done district-wide, including new landscaping and sprinkler systems at the NAH Campus.

Upon a motion by Mr. Paul R. Rodriguez and a second by Dr. Alejo Salinas, Jr., the Board of Trustees approved and authorized the submitted checks for release in an amount over \$125,000.00, the checks that were released as authorized by Board Policy #5610, and the financial reports submitted for the month of October 2020. The motion carried.

Discussion and Action as Necessary on the Engagement of the Association of Community College Trustees to Assist with the Presidential Search

On Tuesday, November 17, 2021, the Board of Trustees of South Texas College accepted the retirement of Dr. Shirley A. Reed, Founding President, effective Monday, January 4, 2021.

At that same meeting, the Chairman of the Board appointed Mr. Paul R. Rodriguez and Ms. Rose Benavidez to serve as Co-Chairs of a Presidential Search Committee to lead the presidential search process.

Mr. Rodriguez recommended the engagement of the Association of Community College Trustees (ACCT) to assist with the presidential search process. ACCT's services were available as outlined in the following proposal, at a cost of \$45,000 plus expenses. The details and draft timeline would be adjusted upon formal engagement of ACCT.

With nearly 50 years of experience and having successfully completed over 500 searches for chief executive officers for community college across the nation, ACCT offers nation-leading expertise and understanding of the best practices to work with the Board throughout the process, including:

- Search Organization and Planning
- Search Committee Development
- Institutional Analysis and Profile Review
- Marketing and Advertising Strategy
- Recruitment of Candidate Pool
- Facilitation of Application Review by Search Committee Members
- Candidate Evaluation and Screening
- Facilitation of Appointment

The College's legal counsel confirmed that the Board had broad discretion to engage these services without requiring a competitive procurement process.

The Board discussed various aspects of the engagement of the organization with Ms. Julie Golder, ACCT's Vice President of Search Services, who joined the Board by conference call. The Board also discussed the development of a sub-committee to take an active role in the search process.

Dr. Alejo Salinas, Jr. recommended holding off on the engagement while other issues were thoroughly discussed.

Dr. Salinas and Mr. Danny Guzman noted that they wished for all trustees be able to review the names of all candidates for the position.

Dr. Shirley Reed noted that it would benefit the College to ensure the confidentiality of applicants until the semi-finalist round, if the College wished to recruit top-tier candidates. She noted that she would not apply for a position if her confidentiality was not protected until the determination of finalists.

No action was taken.

Executive Session:

The South Texas College Board of Trustees convened into Executive Session at 7:38 p.m. in accordance with Chapter 551 of the Texas Government Code for the specific purpose provided in:

- Section 551.071, Consultation with Legal Counsel
 - Section 551.074, Personnel Matters
1. Discussion and Action as Necessary on the Engagement of the Association of Community College Trustees to Assist with the Presidential Search
 2. Review and Action as Necessary Regarding the Employment Contract for the College President

Open Session:

The South Texas College Board of Trustees returned to Open Session at 7:56 p.m. No action was taken in Executive Session.

Discussion and Action as Necessary on the Appointment of an Interim President Effective Monday, January 4, 2021

With the retirement of Dr. Shirley A. Reed, College President, effective January 4, 2021, the Board of Trustees will consider the appointment of an interim President to serve from January 4, 2021 through the start date for the next President of South Texas College.

No action was taken.

Announcements

Announcements

A. Next Meetings:

- Tuesday, December 8, 2020
 - 3:30 p.m. – Education and Workforce Development Committee
 - 4:30 p.m. – Facilities Committee
 - 5:30 p.m. – Finance, Audit, and Human Resources Committee
- Tuesday, December 15, 2020
 - 5:30 p.m. – Regular Board Meeting

B. Other Announcements:

- The College will be closed from Thursday, November 26, 2020 through Sunday, November 29, 2020 in observance of Thanksgiving.
- The South Texas College Virtual December 2020 Commencement is planned for Saturday, December 12, 2020.
- The College will be closed from Thursday, December 17, 2020, through Sunday, January 3, 2020, in observance of Winter Break.

Adjournment

There being no further business to discuss, the Regular Meeting of the South Texas College Board of Trustees adjourned at 7:58 p.m.

I certify the foregoing are the true and correct minutes of the Tuesday, November 24, 2020 Regular Board Meeting of the South Texas College Board of Trustees.

X_____

Board Secretary

**SOUTH TEXAS COLLEGE
BOARD OF TRUSTEES SPECIAL MEETING
Tuesday, December 8, 2020 @ 5:30 p.m.
Ann Richards Administration Building Board Room
Pecan Campus, McAllen, Texas 78501**

Minutes

Call Meeting to Order:

The Special Board Meeting of the South Texas College Board of Trustees was held on Tuesday, December 8, 2020 in the Ann Richards Administration Building Board Room at the Pecan Campus in McAllen, Texas. The meeting commenced at 5:32 p.m. with Ms. Rose Benavidez presiding.

Ms. Benavidez announced that specific precautions had been taken due to the COVID-19 / novel coronavirus outbreak, which had prompted local, state, and federal officials to declare states of emergency and outline recommended safety precautions for the conduct of essential business.

These precautions included:

- Recommendation for public use of the live broadcast in lieu of in-person attendance;
- Trustees were encouraged to attend in person or participate by conference call, as their personal circumstances dictated.

Members present: Ms. Rose Benavidez, Mr. Paul R. Rodriguez, Dr. Alejo Salinas, Jr. and Mr. Danny Guzman were present; Mrs. Victoria Cantú, Mr. Gary Gurwitz, and Mr. Rene Guajardo participated by teleconference.

Members absent: None

Also present: Dr. David Plummer, Mr. Jesus Ramirez, and Mr. Andrew Fish.

Determination of a Quorum

A quorum was present and a notice of the meeting was posted.

Executive Session:

The South Texas College Board of Trustees convened into Executive Session at 5:33 p.m. in accordance with Chapter 551 of the Texas Government Code for the specific purpose provided in:

- Section 551.071, Consultation with Legal Counsel
- Section 551.074, Personnel Matters

1. Discussion and Action as Necessary on the Appointment of an Interim President Effective Monday, January 4, 2021
2. Discussion of Legal Considerations of Presidential Search Protocols

Open Session:

The South Texas College Board of Trustees returned to Open Session at 7:02 p.m. No action was taken in Executive Session.

Discussion and Action as Necessary on the Appointment of an Interim President Effective Monday, January 4, 2021

With the retirement of Dr. Shirley A. Reed, College President, effective January 4, 2021, the Board of Trustees will consider the appointment of an interim President to serve from January 4, 2021 through the start date for the next President of South Texas College.

Upon a motion by Mr. Paul R. Rodriguez and a second by Mr. Danny Guzman, the Board of Trustees of South Texas College approved and authorized the appointment of Dr. David Plummer as interim President effective Monday, January 4, 2021, to serve until the start date for the next President of South Texas College, and with final compensation to be determined at the next Board meeting. The motion carried.

Discussion of Legal Considerations of Presidential Search Protocols

With the retirement of Dr. Shirley A. Reed, College President, it was necessary for the Board of Trustees of South Texas College to conduct a presidential search. The Board would need to determine how to proceed with that search.

Legal Counsel provided a review of the issues related to the search process, and provided guidance for the Board's consideration.

No action was taken.

Adjournment

There being no further business to discuss, the Special Meeting of the South Texas College Board of Trustees adjourned at 7:04 p.m.

I certify the foregoing are the true and correct minutes of the Tuesday, December 8, 2020 Special Board Meeting of the South Texas College Board of Trustees.

X_____

Board Secretary

Review and Action as Necessary on Reimbursement Rates for South Texas College Faculty Teaching Dual Credit Courses

Dr. Rebecca De Leon, Dean for Dual Credit Programs & School District Partnerships reviewed the Proposed Flat Rates for reimbursement for South Texas College faculty teaching dual credit courses.

Dr. De Leon and Dr. Brett J. Millán, Special Assistant to the Office of the Vice President for Academic Affairs, presented this item for an initial discussion at the November 10, 2020 Education and Workforce Development Committee meeting.

Dr. De Leon returned to the Committee on Tuesday, December 8, 2020, to provide further time for review, and to request a Committee recommendation for Board approval to implement the proposed flat rates for the 2021-2022 Academic Year.

South Texas College Dual Credit Partnerships

In Fall 2020, South Texas College's Dual Credit Program supports partnerships with 21 school districts, and at 70 separate high school campuses, across Hidalgo and Starr Counties. With its school district partners, 1,556 dual credit course sections were taught, serving 12,282 dual credit students.

Generally, it is expected that school districts will recruit and hire highly qualified teachers, with appropriate credentials to teach as dual credit faculty. South Texas College evaluates all teachers assigned by districts to teach dual credit courses, and provides approved teachers with training, curriculum, and support to ensure the quality of their courses meets higher education rigor and standards.

Increasingly, districts have offered more classes than they can satisfy with their own teachers, and ask South Texas College to provide faculty to cover courses. Over the years, the number of South Texas College faculty assigned to teach at school district sites has increased.

- In 2010: **103** STC faculty taught **276** sections at high school campuses.
- In 2020: **270** STC faculty taught **620** sections at high school campuses.

South Texas College Dual Credit Faculty Costs

South Texas College is able to afford to waive dual credit tuition and fees by partnering with school districts to provide faculty, while the College provides curriculum, training, and faculty support.

When faculty members teach traditional College courses at South Texas College campuses, students are assessed tuition and fees, which helps provide revenue to offset faculty costs.

When school districts require College faculty to teach their scheduled courses, the College does not generate tuition or fees. This has led to increased faculty costs to the

College. While the College does collect State Contact Hour funding, it is delayed for two years, and does not adequately cover faculty costs.

Faculty Cost Study

During the Spring 2020 semester, the Division of Academic Affairs analyzed dual credit faculty cost reimbursements covering 558 course sections and determined that the College lost \$71,922 in faculty salary costs by assigning faculty to dual credit courses instead of courses at South Texas College campuses.

Proposed Flat Rates

Administration recommends the adoption of a simple Flat Rate System for Academic Year 2021 – 2022. The proposed flat rates provide a rate schedule to all districts, allowing them to budget according to their need for South Texas College faculty to cover dual credit course assignments.

Flat Rate Academic Year 2021-2022	
Hours	Flat Rates
Academic	
3	\$4,500
4	\$5,000
5	\$5,600
6	\$6,000
CTE	
3	\$4,800
4	\$5,500

Total South Texas College faculty costs, as studied by the Division of Academic Affairs, were used as a basis to identify the minimum flat rate needed to sufficiently cover the College's faculty salary expenditures for Dual Credit courses. Rates were formulated according to number of course requests and class length.

Such a model would offer simplified budgeting and billing practices, offering the College and its partners greater cost control and planning capabilities.

The College would continue to regularly review the flat rate schedule, and work on revisions for subsequent years based upon recoupment strategies and effectiveness.

The Education and Workforce Development Committee recommended Board approval to implement the proposed model for the 2021 - 2022 Academic Year.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize implementation of the proposed model for the 2021 - 2022 Academic Year.

The Following Minute Order is proposed for consideration by the Board of Trustees:
The Board of Trustees approves and authorizes implementation of the proposed model for the 2021 - 2022 Academic Year.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President



Dual Credit Programs

Proposed Flat Rates for Reimbursement by Partnering School Districts

**Presentation for
Education and Workforce Development Committee Meeting**
Tuesday, December 8, 2020

Presenter:
Dr. Rebecca De Leon, Dean for Dual Credit Programs & School District Partnerships

Presentation Overview

- Background
- Academic Affairs Faculty Cost Study - Spring 2020
- Proposed Flat Rates
- Benefits of Proposed Flat Rate Structure
- Request for Approval



Background

- For many years, South Texas College was able to recover the salary costs of STC faculty teaching dual credit sections.
- In more recent years, as the number of STC faculty teaching dual sections has increased over time, STC is not fully recovering this cost.
- In Fall 2010, about 25% of dual credit sections were taught by STC Faculty, compared to 40% in Fall 2020.

At this time, the College has outgrown the current process and to ensure fiscal responsibility, the rates should be modified.

Faculty Cost Study

- During the Spring 2020 semester
- Division of Academic Affairs conducted an analysis of the faculty cost reimbursement received from school districts to recover the salaries of faculty who were teaching dual credit sections
- 558 dual credit sections were reviewed
- Results indicated a cost recovery loss of \$71,922

School District Concerns with Current Rate Structure

- Rates charged to ISDs fluctuate between \$3,200 to \$9,716
- Difficult for ISDs to plan budgets for the next fiscal year
- Faculty cost reimbursement rates cannot be calculated until after census date (12th class day)

STC received requests from school districts to consider
a Flat Rate Structure

Proposed Flat Rates Academic Year 2021-2022

Proposed Flat Rate Academic Year 2021-2022	
Hours	Flat Rates
Academic	
3	\$4,500
4	\$5,000
5	\$5,600
6	\$6,000
CTE	
3	\$4,800
4	\$5,500

Benefits of a Flat Rate

- **A flat rate per section for STC Faculty**

- Reimbursement would:**

- Enable ISDs to better project faculty cost for dual credit courses in their budgets
- Increase the efficiency in calculating individual school's reimbursement cost each semester
- Recover a more accurate amount of STC's salary expenditures than the current system



- Request Board Approval to implement the proposed Flat Rates for **2021-2022 Academic Year**



Thank you
for your continued support

Review of Presentation to the Committee:

The Education and Workforce Development Committee received the following presentation on Tuesday, December 15, 2020:

Presentation on the Associate Degree Nursing Program NCLEX-RN Pass Exam Results for 2020

Dr. Jayson Valerio, Dean of Nursing & Allied Health, presented the National Council Licensure Exam (NCLEX) for Registered Nurses (RN) results for South Texas College students in 2020. Dr. Valerio was proud to report an 88.51% First-Time Pass Rate for STC graduates in 2020. Of South Texas College's 235 Associate Degree Nursing (ADN) graduates this year, 208 passed this difficult exam on their first attempt.

The South Texas College ADN Program was established in 1998, with an initial cohort of 53 students admitted in 1999.

The ADN Program received formal accreditation from the Texas Board of Nursing (TBON) in 2001, and was re-approved in 2019 for an additional six-year term. Additionally, the program earned accreditation by the prestigious and rigorous Accreditation Commission for Education in Nursing (ACEN) in 2019.

The NCLEX-RN is required for all nursing graduates who wish to attain licensure as a registered nurse. This is a comprehensive examination, administered by the National Council of State Boards of Nursing, and the resulting licensure is accepted nation-wide. This same test is administered to graduates of Associate, Bachelor, or Master level prelicensure nursing programs. Licensed nurses advancing their academic career, such as through South Texas College's RN-to-BSN Program, are not required to retake the NCLEX-RN because they have previously successfully passed it.

The Texas Board of Nursing (TBON) measures the first-time pass rates for all accredited nursing programs state wide. TBON requires that program graduates attain an 80% pass rate on their first attempt at the NCLEX exam. While students who fail their first attempt are able to re-test for licensure, subsequent success does not affect this TBON measure.

Nursing programs that fail to meet at least an 80% first-time pass rate are sanctioned by TBON, starting with a 1st year warning, and escalating to closure of the program after four consecutive years falling below the 80% rate.

South Texas College's historical first-time NCLEX-RN pass rates since 2016, and a sample of peer institutions for the October 1, 2019 – September 30, 2020 period, are provided within the presentation.

South Texas College is proud of its committed and talented ADN graduates, the next generation of Texas nurses, and thanks our faculty and staff for their leadership, guidance, and support of these great students.

No action is necessary.



Associate Degree Nursing Program NCLEX-RN Exam Results

Presentation for Education & Workforce Development Committee
December 8, 2020

Presenter:

Dr. Jayson Valerio, RN - Dean of Nursing & Allied Health Center

Outline



- Associate Degree Nursing Program Background
- National Council Licensure Exam (NCLEX) for RN
- Facts about NCLEX-RN Exam
- Importance of First-Time NCLEX-RN Pass Rate
- STC First-Time NCLEX-RN Pass Rate for 2020
- First-Time Pass Rates of Peer Institutions

Associate Degree Nursing Program

Background

- **Established in 1998**
- Admitted first class of **53 students in 1999**
- Received **accreditation status in 2001** by the Texas Board of Nursing (BON)
- Received **full re-approval** in 2019 by the Texas Board of Nursing for another six-year term
- **Graduated first class of 48** students in May 2000
- **Accredited** by the Accreditation Commission for Education in Nursing (ACEN) in 2019

National Council Licensure Exam for RN

- **National Council of State Boards of Nursing (NCSBN)** administers the NCLEX-RN exam
- **Passing the NCLEX-RN** is required for an associate degree nursing program graduate to practice as a registered nurse
- **License** is acceptable throughout the United States of America and its territories
- NCSBN reviews and recommends the appropriateness of questions and pass rate **every three years** to keep up-to-date with the demands in nursing

NCLEX-RN Exam

Computer Adaptive Test (CAT)

- Designed to **adjust level of difficulty based on student responses**
- Tests **basic competency** for entry level nurse
- Evaluates **critical thinking, clinical reasoning, and safety skills**
- **COVID-19 Period (Pre and Post)**
 - **Pre:** 6 hour exam with 75 to 265 questions
 - **Post:** 4 hour exam with 75 to 140 questions

FACTS About NCLEX-RN Exam

- Board of Nursing reports NCLEX-RN pass rates for the period of **October 1 to September 30 each year**
- The licensure exam is the **same** for the associate, bachelor, and master level nursing programs
- Texas has **70 Associate, 50 Bachelor, 1 Diploma, and 1 Master** prelicensure nursing programs



Importance of First-Time NCLEX-RN Pass Rate

- Texas BON measures the **first-time test pass rate** for each program. First-time pass rates are important criterion in **evaluating the curriculum effectiveness of nursing programs.**
- Texas BON requires **80% first-time** NCLEX-RN pass rate.
- **What happens if a nursing program falls below 80% first-time NCLEX pass rate?**
 - 1st Year: Warning (Self Study Report)
 - 2nd Year: Initial Warning (BON Survey Visit)
 - 3rd Year: Conditional Warning
 - 4th Year: Closure of the Program
- ❖ Therefore, it is important for the program to maintain its **standards** and **rigor.**

STC NCLEX Pass Rates

- South Texas College produces RN graduates three times per academic year; Fall, Spring and Summer.
- The Spring cohort was affected by the **COVID-19 pandemic.**

South Texas College			
Reporting Period October 1 to September 30	Number of Candidates	Number of Candidates Passed the Test	Pass Rate
2016	149	129	86.58%
2017	234	201	85.90%
2018	222	181	81.53%*
2019	259	229	88.42%
2020	235	208	88.51%

* NCSBN added more NCLEX Prototype Questions with emphasis on culture & spirituality

First-Time Pass Rates of Peer Institutions

October 1, 2019 to September 30, 2020

School	Location	Pass Rate	Number of Candidates Pass/Number of Test Takers
STC	McAllen	88.51%	208/235
Austin CC	Austin	92.34%	253/274
Houston CC	Houston	77.78%	105/135
RGV College	Pharr	95.83%	23/24
TSTC	Harlingen	89.47%	34/38
Delmar	Corpus Christi	84.18%	133/158
Laredo College	Laredo	100%	33/33
Texas A&M	Corpus Christi	84.19%	213/253
UTRGV	Edinburg	92.17%	106/115



Thank you for your Support!



Review and Action as Necessary Regarding the Fiscal Year 2020 Financial Audit

On December 8, 2020, Mr. Aaron Rios, a Partner with Carr, Riggs & Ingram, LLC, reviewed the status of the Comprehensive Annual Financial Report for the Fiscal Years Ended August 31, 2020 and 2019 with the Committee and responded to questions.

Mr. Rios reported an “unmodified” opinion on each area audited.

The external financial auditors presented on the FY 2020 net position, revenues and expenditures, and on tuition, fees, and student enrollment trends.

No action was taken at the Committee meeting.

A draft of the Comprehensive Annual Financial Report for the Fiscal Years Ended August 31, 2020 and 2019 is included under separate cover. This includes the auditor's draft letters, which are pending final review by the firm. The auditor expects to delivery the final letters prior to the December 15, 2020 Regular Board Meeting.

The Fiscal Year 2020 Financial Audit will be presented at the December 15, 2020 Board Meeting for acceptance by the Board.

Recommendation:

It is recommended that the Board of Trustees of South Texas College accept the Fiscal Year 2020 Financial Audit as presented.

The following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees accepts the Fiscal Year 2020 Financial Audit as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Review and Action as Necessary on Award of Proposals, Rescindment of Award, Purchases, and Renewals

Approval of the following award of proposals, rescindment of award, purchases, and renewals is requested..

The Director of Purchasing has reviewed each item, including the procurement procedures and evaluation of all responses, and recommends approval as follows:

A. Award of Proposals

1) Medium Duty Truck (Award)

Award the proposal for a medium duty truck to **Rush Truck Centers of Texas, LP./ dba Rush Truck Center Corpus Christi** (Robstown, TX/Pharr, TX) (New), at a total amount of \$52,729.00.

Purpose – Central Receiving is requesting to purchase a medium duty truck for the daily deliveries of equipment, furniture, and supplies throughout the College district. This vehicle will also be used to relocate surplus items from campuses and centers district-wide to the Central Receiving Warehouse.

Justification and Benefit – The medium duty truck will replace a 2003 cargo truck that has a need for numerous costly repairs, high mileage, reduced reliability, and safety concerns for staff and others on the road. This new truck will conduct daily deliveries to all campuses and centers and will also be available to departments College wide, as needed.
EVALUATED AS HIGH PRIORITY AND SHOULD NOT BE POSTPONED.

This new medium duty truck will replace a 2003 cargo truck with high mileage and in need of the following repairs/replacements: air condition system, alternator, battery, cargo tires, a hole on driver's side floor, seats, cargo door, lift, and shocks.

Background – Proposal documents were advertised on November 4, 2020 and November 11, 2020 and issued to seven (7) local vendors. Two (2) responses were received on November 19, 2020 and reviewed by Central Receiving, Facilities Operations and Maintenance, and the Purchasing Department. One of responses that was received did not meet the required specifications, therefore not evaluated.

Funds for this expenditure are budgeted in the Central Receiving budget for FY 2020 – 2021.

2) Signs, Banners, and Related Products (Award)

Award the proposal for signs, banners, and related products for the period beginning February 1, 2021 through January 31, 2022 with two one-year options to renew, at an estimated amount of \$50,000.00, which is based on prior year expenditures. The vendors are as follows:

- **Ana C. Tobias / Satori Display** (McAllen, TX) (New)
- **FedEx Office and Print Services, Inc.** (Plano, TX)
- **Huntington Sky Production, Ltd./ dba Fastsigns** (McAllen, TX)

- **Imprezos Pro Uniforms, LLC.** (Pharr, TX)

Purpose – The Office of Public Relations and Marketing, Facilities Planning and Construction, Student Services, Department of Public Safety, and various departments are requesting the purchase of signs, banners, and related products for identification purposes and event awareness on an as needed basis only.

Justification and Benefit – The signs, banners, and related products will be used by various departments college wide to promote and market instructional programs, departments, events, and South Texas College in the community and the public schools. **EVALUATED AS HIGH PRIORITY AND SHOULD NOT BE POSTPONED.**

The proposal award to each vendor will be based upon the services they provide, their pricing, and their availability (delivery timeline). It will include hanging banners, event directional yard signs, informational signage, table covers, metal signs, name plates, and office entrance signs.

Background – Proposal documents were advertised on November 4, 2020 and November 11, 2020 and issued to twenty-four (24) vendors. Twelve (12) responses were received on November 19, 2020 and reviewed by Public Relations and Marketing, Student Services, Facilities Planning and Construction, Department of Public Safety, and the Purchasing Department.

Funds for this expenditure are budgeted in the Public Relations and Marketing, Student Services, Facilities Planning and Construction, Department of Public Safety, and various department budgets for FY 2020 – 2021 and FY 2021 – 2022 pending Board approval of the budget.

B. Rescindment of Award

3) Multifunction Copier Equipment and Service (Rescindment)

Rescind the award to Forged Technology Solutions for the use and servicing of multifunction copier equipment as a result of the vendor's decision, prior to finalizing the terms of a lease agreement and maintenance contract, to withdraw its offer as communicated in a letter dated November 9, 2020. The reasons given include the manufacturer's equipment price increases announced after the proposal, STC's response to and conditions for vendor's request to finance the equipment purchases through a third-party lessor, which was not included in the vendor's proposal or approved by the Board, and an inability to agree on guarantees related to the number of machines, certain contract terms, and the monthly number of copies.

C. Purchases and Renewals (C-a. Instructional Item)

4) Instructional Virtual Equipment (Purchase)

Purchase instructional virtual equipment from **Visual Live 3D, LLC.** (Tempe, AZ), a sole source vendor, at a total amount of \$53,400.00.

Purpose – The Construction Supervisor, Heating, Ventilation, and Air Conditioning (HVAC), and Electrician Technology Programs from the Division of Business Public

Safety and Technology (BPST) are requesting to purchase six (6) HoloLens, hardware, and software for student instruction.

Justification and Benefit – The instructional virtual equipment will be available to students in the virtual reality lab at the Technology Campus. It will provide students with an ultimate mixed reality experience and deliver solutions instantly.

The devices use augmented reality to place three-dimensional Building Information Modeling (BIM) files overlaid onto reality. This allows for students in the construction supervisor program to be able to visually see plans in three dimensions before the construction projects are completed. It allows for better coordination between disciples and is an emerging technology which streamlines the flow of information. Additionally, the equipment can be utilized by the Architectural and Engineering Design Technology (AEDT) program to upload and create BIM files and run various augmented reality applications which are currently being used. The equipment can also be used for all other BPST programs wanting to explore augmented reality.

Funds for this expenditure are budgeted in the Carl Perkins grant budget FY 2020 – 2021.

C. Purchases and Renewals (C-b. Non – Instructional Items)

5) Investment Advisory Services (Renewal)

Renew the investment advisory services contract with **Valley View Consulting, LLC.** (Huddleston, VA) for the period beginning April 1, 2021 through March 31, 2022, at an estimated amount of \$67,000.00.

Purpose – The Business Office is requesting to renew the contract for investment advisory services which provides the College with professional advice related to investments, yield rate, risks, accuracy, and completeness of College's investment policy and other important information on as needed basis. They will act as a strategic investment planner for the College and develop an investment portfolio plan that is diversified and consistent with the College's investment policy, objectives and guidelines, and Texas State Law.

Justification and Benefit – In order to properly and safely expand into new type of investments and maximize the yield rate on the College's investment, administration recommended that the services of an investment advisor provide professional guidance regarding the College's investment portfolio.

The firm augments the College's effort to be fiscally responsible and minimize risk in its investment activities. The investment advisor stays abreast of investment markets and provides the investment options to the College for review by the Finance and Human Resources Committee and approval by the Board of Trustees, as applicable.

Background – The Board awarded the contract for investment advisory services at the February 26, 2019 Board of Trustees meeting for two years with two one-year annual renewals. The first renewal period begins April 1, 2021 and ends March 31, 2022.

Award	Board Meeting Date	Original Term	Renewal Term
Original	2/26/19	4/1/19 – 3/31/21	2 – one year options
1 st Renewal	12/15/20		4/1/21 – 3/31/22

The vendor has complied with all the terms and conditions of the contract and services have been satisfactory.

Funds for this expenditure are budgeted in the Investment Advisor budget for FY 2020 – 2021 and FY 2021 – 2022 pending Board approval of the budget.

6) Networking Cabling Services for Building Renovation Projects (Renewal)

Renew the networking cabling services for building renovation projects for the period beginning March 27, 2021 through March 26, 2022, at an estimated amount of \$130,000.00. The vendors are as follows:

- **BridgeNet Communications** (Donna, TX)
- **Telepro Communications** (Mission, TX)

Purpose – Information Technology and Facilities Planning and Construction are requesting networking cabling services for building renovation projects throughout the district. The renovation projects are listed below:

Campus	Project	Amount
Mid Valley Campus	Culinary Arts Bldg A Renovation	\$5,000.00
Pecan Campus	Business and Science Bldg G Classroom	\$1,000.00
Pecan Campus	Pecan Plaza Human Resources Bldg A Renovation	\$3,000.00
Regional Center for Public Safety Excellence	Chiller Installation	\$1,000.00
Sarr County Campus	Building A Data Cabling Infrastructure Replacement	\$40,000.00
Sarr County Campus	Building B Data Cabling Infrastructure Replacement	\$40,000.00
Sarr County Campus	Building C Data Cabling Infrastructure Replacement	\$40,000.00
Total		\$130,000.00

Justification and Benefit – The various renovation projects are scheduled for the upcoming year and due to the scope of work during the building renovations data drops and network cabling will need to be replaced or added. The new drops and network cabling will enhance the network/internet services in the building scheduled for renovation or upgrade.

Background – The Board awarded the contracts for networking cabling services for building renovation projects at the March 26, 2019 Board of Trustees meeting for one year with two one-year annual renewals. The last renewal period begins March 27, 2021 and ends March 26, 2022.

Award	Board Meeting Date	Original Term	Renewal Term
Original	3/26/19	3/27/19 – 3/26/20	2 – one year options
1 st Renewal	2/25/20		3/27/20 – 3/26/21
2 nd Renewal	12/15/20		3/27/21 – 3/26/22

The vendors have complied with all the terms and conditions of the contract and services have been satisfactory.

Funds for this expenditure are budgeted in the various Construction – Renovation Project budgets for FY 2020 – 2021 and FY 2021 – 2022 pending Board approval of the budget.

C. Purchases and Renewals (C-c. Technology Items)

7) Computers and Laptops (Purchase)

Purchase of computers and laptops from the State of Texas Department of Information Resources (DIR) approved vendors, **Dell Marketing, LP.** (Dallas, TX) and **Apple, Inc.** (Dallas, TX), at a total amount of \$87,913.58.

All purchase requests for computers and laptops have been evaluated by the Information Technology and the Chief Information Officer. Information Technology does not have refurbished systems available for new hires. Instructional and/or business needs must be clearly identified/justified for any equipment that is outside standard configuration or does not replace existing office systems. (Ex. mobile devices)

An itemized list with justification is included for your review and information. Information Technology used the following criteria when recommending the purchase of technology:

- Systems being requested meet the South Texas College standard configuration
- The new systems will replace an older model (5+ years and out of warranty)
- Software requirements exceed the system capacity

The purchases can be summarized as follows:

- Staff Computers
 - ⇒ 5 Computers for Educational Technology
 - ⇒ 32 Computers for Renovation of Nursing and Allied Health Student Services
 - ⇒ 15 Computers for Renovation of Starr County Campus Student Services
 - ⇒ 1 Computer for Renovation of Pecan Bldg M Conference Room
- Student Computers
 - ⇒ 6 Computers for Architectural Engineering Design Technology Program
- Staff Laptops
 - ⇒ 1 Laptop for Business Office
 - ⇒ 1 Laptop for Purchasing Department
 - ⇒ 1 Laptop for Bachelors of Nursing Program
 - ⇒ 1 Laptop for Dual Credit Department

- Faculty Laptops
 - ⇒ 1 Laptop for Child Development Program
 - ⇒ 1 Laptop for Medical Health Service Management Program
 - ⇒ 1 Laptop for Psychological Science Program
 - ⇒ 2 Laptops for Environmental Health and Safety
 - ⇒ 1 Laptop for Bachelors of Nursing Program
 - ⇒ 1 Laptop for Computer Science Program
- Student Laptops
 - ⇒ 8 Laptops for Architectural Engineering Design Technology Program

Funds for these expenditures are budgeted in the requesting department budgets for FY 2020 - 2021 as follows: Educational Technology Maintenance and Replacement, Renovation of Nursing and Allied Health Student Services, Renovation of Starr County Campus - Student Services, Renovation of Pecan Bldg. M Conference Room, Carl Perkins Grant, Business Office, Purchasing, Bachelors of Nursing Program, Child Development Program, Medical Health Service Management Program, Psychological Science Program, Environmental Health and Safety, Dual Credit, and Computer Science Program.

8) Datacenter Equipment - Servers and Switches (Purchase)

Purchase datacenter equipment – servers and switches from **Netsync Network Solutions** (Houston, TX), a State of Texas Department of Information Resources (DIR) approved vendor, at a total amount of \$188,456.90.

Purpose – Information Technology is requesting to purchase three (3) servers with storage and two (2) datacenter switches to replace those that have reached end of life and are no longer supported. The servers will host the Banner test applications and databases. The datacenter switches will provide connectivity support to data storage for Banner production (live) applications and databases that support students, faculty and staff daily district wide.

Justification and Benefit – This purchase is necessary to replace end of life servers that are unable to support the testing of application upgrades for Banner and Jagnet. The servers will provide an environment for developers, programmers, and Information Technology personnel to test and improve systems and applications performance, security, and features that support students, faculty, and staff district wide. The switches will replace two (2) current end of life datacenter switches. These switches provide critical data connectivity by delivering data storage to improve capacity, performance, and availability for Banner and Jagnet applications.

Funds for this expenditure are budgeted in Systems and Networking budget for FY 2020 – 2021.

9) Servers (Purchase)

Purchase servers from **Dell Marketing, LP.** (Dallas, TX), a State of Texas Department of Information Resources (DIR) approved vendor, at a total amount of \$27,966.40.

Purpose – Information Technology is requesting to purchase two (2) servers which will replace existing servers that are out of life and no longer supported. These servers will support the College's Department of Public Safety surveillance system.

Justification and Benefit – The servers will replace hardware that has reached end of life and is no longer supported. They will be used to support the College's Department of Public Safety surveillance cameras, applications, and storage demands for video archiving and monitoring throughout the district.

Funds for this expenditure are budgeted in the Systems and Networking budget for FY 2020 – 2021.

Recommendation:

Due to time constraints at the December 8, 2020 meeting, the Finance, Audit, and Human Resources Committee did not make a recommendation on the proposed award of proposals, rescindment of award, purchases, and renewals as listed below:

A. Award of Proposals

- 1) Medium Duty Truck (Award):** award the proposal for a medium duty truck to **Rush Truck Centers of Texas, LP./ dba Rush Truck Center Corpus Christi** (Robstown, TX/Pharr, TX) (New), at a total amount of \$52,729.00;
- 2) Signs, Banners, and Related Products (Award):** award the proposal for signs, banners, and related products for the period beginning February 1, 2021 through January 31, 2022 with two one-year options to renew, at an estimated amount of \$50,000.00, which is based on prior year expenditures. The vendors are as follows:
 - **Ana C. Tobias / Satori Display** (McAllen, TX) (New)
 - **FedEx Office and Print Services, Inc.** (Plano, TX)
 - **Huntington Sky Production, Ltd./ dba Fastsigns** (McAllen, TX)
 - **Imprezos Pro Uniforms, LLC.** (Pharr, TX)

B. Rescindment of Award

- 3) Multifunction Copier Equipment and Service (Rescindment):** rescind the award to Forged Technology Solutions for the use and servicing of multifunction copier equipment as a result of the vendor's decision, prior to finalizing the terms of a lease agreement and maintenance contract, to withdraw its offer as communicated in a letter dated November 9, 2020. The reasons given include the manufacturer's equipment price increases announced after the proposal, STC's response to and conditions for vendor's request to finance the equipment purchases through a third-party lessor, which was not included in the vendor's proposal or approved by the Board, and an inability to agree on guarantees related to the number of machines, certain contract terms, and the monthly number of copies;

C. Purchases and Renewals (C-a. Instructional Item)

- 4) Instructional Virtual Equipment (Purchase):** purchase instructional virtual equipment from **Visual Live 3D, LLC.** (Tempe, AZ), a sole source vendor, at a total amount of \$53,400.00;

C. Purchases and Renewals (C-b. Non-Instructional Items)

- 5) **Investment Advisory Services (Renewal):** renew the investment advisory services contract with **Valley View Consulting, LLC.** (Huddleston, VA) for the period beginning April 1, 2021 through March 31, 2022, at an estimated amount of \$67,000.00;
- 6) **Networking Cabling Services for Building Renovation Projects (Renewal):** renew the networking cabling services for building renovation projects for the period beginning March 27, 2021 through March 26, 2022, at an estimated amount of \$130,000.00. The vendors are as follows:
 - **BridgeNet Communications** (Donna, TX)
 - **Telepro Communications** (Mission, TX)

C. Purchases and Renewals (C-c. Technology Items)

- 7) **Computers and Laptops (Purchase):** purchase of computers and laptops from the State of Texas Department of Information Resources (DIR) approved vendors, **Dell Marketing, LP.** (Dallas, TX) and **Apple, Inc.** (Dallas, TX), at a total amount of \$87,913.58;
- 8) **Datacenter Equipment – Servers and Switches (Purchase):** purchase datacenter equipment – servers and switches from **Netsync Network Solutions** (Houston, TX), a State of Texas Department of Information Resources (DIR) approved vendor, at a total amount of \$188,456.90;
- 9) **Servers (Purchase):** purchase servers from **Dell Marketing, LP.** (Dallas, TX), a State of Texas Department of Information Resources (DIR) approved vendor, at a total amount of \$27,966.40.

Recommend Action - The total for all award of proposals, rescind of award, purchases, and renewals is \$657,465.88.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes the award of proposals, rescindment of an award, purchases, and renewals totaling \$657,465.88.as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Review and Action as Necessary on 2020 Tax Roll/Tax Levy for Hidalgo and Starr Counties

Approval of 2020 Tax Roll/Tax Levy for Hidalgo and Starr Counties is requested.

Purpose – The Hidalgo County Tax Assessor-Collector and the Starr County Tax Assessor-Collector have provided the 2020 Tax Roll Totals for approval by the College's governing body.

Justification - The 2020 Tax Roll/Tax Levy for Hidalgo and Starr Counties requires approval from the governing body in order to be in compliance with Section 26.09 Item (e) of the Property Tax Code, which reads:

"The assessor shall enter the amount of tax determined as provided by this section in the appraisal roll and submit it to the governing body of the unit for approval. The appraisal roll with amounts of tax entered as approved by the governing body constitutes the unit's tax roll."

Background - Mr. Pablo "Paul" Villarreal, Jr., RTA, Assessor-Collector of Hidalgo County, and Ms. Maria Amedia Salinas, TAC, Assessor-Collector of Starr County, have entered in the appraisal roll the amount of tax determined as provided by Section 26.09 Item (e) of the Property Tax Code and have submitted to South Texas College the tax roll/tax levy totaling \$71,090,738.73.

The tax rolls for Tax Year 2019 and 2020 are as follows:

Tax Year	Hidalgo County	Starr County	Total
2020	\$66,982,283.00	\$4,108,455.73	\$71,090,738.73
2019	64,711,985.97	4,010,125.41	68,722,111.38
Increase/(Decrease)	<u>\$ 2,270,297.03</u>	<u>\$98,330.32</u>	<u>\$ 2,368,627.35</u>

Enclosed Documents - The 2020 Tax Roll Totals documents from each county follows in the packet for the Board's information and review.

Due to time constraints at the Dec. 8, 2020 meeting, the Finance, Audit, and Human Resources Committee did not make a recommendation on this item. It is presented with administration's recommendation of approval.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize the 2020 Tax Roll/Tax Levy for Hidalgo and Starr Counties as presented.

The Following Minute Order is proposed for consideration by the Board of Trustees:
The Board of Trustees approves and authorizes the 2020 Tax Roll/Tax Levy for Hidalgo and Starr Counties as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

South Texas College
2020 Tax Roll/Tax Levy
Fiscal Year 2020 - 2021

	Hidalgo County	Starr County	Total
Land	\$ 19,284,636,237.00	\$ 1,836,787,881.00	\$ 21,121,424,118.00
Improvements	26,767,278,575.00	953,841,874.00	27,721,120,449.00
Personal Property	4,857,253,644.00	1,442,255,890.00	6,299,509,534.00
Minerals & Utility Rolls	158,298,551.00	193,617,310.00	351,915,861.00
Gross - Total Market Value	\$ 51,067,467,007.00	\$ 4,426,502,955.00	\$ 55,493,969,962.00
Total Homestead Cap Adjustment	428,551,301.00	44,389,138.00	472,940,439.00
AG Exclusion	4,159,686,498.00	1,200,616,122.00	5,360,302,620.00
Total Assessed	\$ 46,479,229,208.00	\$ 3,181,497,695.00	\$ 49,660,726,903.00
Less Exemptions:			
Abatement	-	778,682,038.00	778,682,038.00
Total Exempt Property	5,797,397,999.00	105,030,071.00	5,902,428,070.00
Vet Full Exemption	288,926,873.00	5,343,235.00	294,270,108.00
Disable Veteran (Part)	42,652,203.00	2,099,221.00	44,751,424.00
House Bill 366	57,492.00	346,010.00	403,502.00
Freeport	393,951,453.00	-	393,951,453.00
Pollution	52,417,649.00	2,443,750.00	54,861,399.00
Community Housing Development Organizations (CHDO) Exemption	12,064,572.00	-	12,064,572.00
Primarily Charitable	299,275.00	-	299,275.00
Solar	308,914.00	-	308,914.00
Total Full Exemptions	57,150,295.00	4,743,440.00	61,893,735.00
Total Partial Exemptions	-	-	-
First Responder Surviving Spouse	891,860.00	-	891,860.00
Total Exemptions	\$ 6,646,118,585.00	\$ 898,687,765.00	\$ 7,544,806,350.00
2020 Taxable Value	39,833,110,623.00	2,282,809,930.00	42,115,920,553.00
2020 Tax Levy	\$ 68,433,284.05	\$ 4,169,488.35	\$ 72,602,772.40
Taxable Value	\$ 39,833,110,623.00	\$ 3,061,491,968.00	42,894,602,591.00
Taxable Value-Abatement (85%)	-	(778,682,038.00)	(778,682,038.00)
2020 Taxable Value	\$ 39,833,110,623.00	\$ 2,282,809,930.00	\$ 42,115,920,553.00
Frozen Taxable	(4,224,855,290.00)		(4,224,855,290.00)
New Imp/Pers with Ceiling		-	
Net Taxable Value	\$ 35,608,255,333.00	\$ 2,127,965,521.00	\$ 37,891,065,263.00
Tax Rate	0.1718	0.1718	0.1718
Tax Rate (Abatement)	-	0.1400	0.1400
Levy (Before Frozen Levy Loss)	\$ 61,174,982.66	\$ 3,903,465.65	\$ 65,078,448.32
Unfrozen Levy Amount	7,258,301.29	266,022.69	7,524,323.98
Levy Loss due to Freeze	(1,535,488.66)	(61,032.62)	(1,596,521.28)
Frozen Levy Amount	5,722,812.63	204,990.07	5,927,802.70
Late AG		-	-
Late Rendition Amount	84,486.36	-	84,486.36
Adjustments	2.17	-	2.17
Rounding	(0.82)	-	(0.82)
Total Levy Amount	\$ 66,982,283.00	\$ 4,108,455.73	\$ 71,090,738.73
Percentages			
M&O 0.1400 / 0.1718 = 81.49%	\$ 54,583,932.60	\$ 3,146,198.11	\$ 57,730,130.70
I&S 0.0318 / 0.1718 = 19.38%	12,398,350.41	962,257.62	13,360,608.03
Total	\$ 66,982,283.00	\$ 4,108,455.73	\$ 71,090,738.73

Office of Tax Assessor-Collector

COUNTY of HIDALGO

Pablo "Paul" Villarreal, Jr. PCC.



October 29, 2020

P.O. Box 178
Edinburg, Texas 78540-0178
Ph. (956) 318-2157
Fax (956) 318-2733
www.hidalgocountytax.org

Shirley A. Reed, President
South Texas College
P.O. Box 9701
McAllen, TX. 78502

Ms. Reed,

Enclosed please find the 2020 Tax Roll Totals for your district.

Be advised these totals do not include totals for accounts currently under protest. Those totals will be added once the protests are resolved.

Please place this item on the agenda of your next meeting for approval by your governing body, as per Section 26.09(e), of the Texas Property Tax Code.

Should you have any questions in regards, do contact our office.

Sincerely,

Pablo (Paul) Villarreal Jr., PCC
Hidalgo County Tax Assessor-Collector

Xc: Hon. Maria Arcilia Duran, CPA
Hidalgo County Auditor



SOUTH TEXAS COLLEGE

ENTITY

The Following information is furnished as requested.

NOTE: IT IS IMPORTANT YOU COMPLETE EACH SECTION SEPARATELY.

Itemized 2020 Tax Rate (per \$100 valuation):

(A) Maintenance and Operation (M and O) \$ 0.1400

(B) Debt Service (I and S) \$ 0.0318

Total TAX RATE (A + B) FOR 2020 \$ 0.1718

Total TAX LEVY FOR 2020 \$ 66,982,283.00

No-New-Revenue Rate 2020 \$ 0.1685

Voter-Approval Rate 2020 \$ 0.1838

Average Residential Value 2020 \$ 112,529

11/05/2020

DATE

Pablo (Paul) Villareal Jr.

SIGNATURE



HIDALGO COUNTY TAX ASSESSOR-COLLECTOR

TITLE

PLEASE RETURN AS SOON AS POSSIBLE TO:

HIDALGO COUNTY APPRAISAL DISTRICT
Attn: Lydia Elizondo, Finance/Personnel Director
PO BOX 208
EDINBURG, TX 78540-0208
FAX: (956) 289-2120

ENTITY

South Texas College

2020

JURISDICTION

55

EXEMPT VALUE (EXXV)

TOTAL PARCELS

340,828

AG EXCLUSION

4,159,686,498

TOTAL MARKET VALUE

51,067,467,007

HS CAPPED AMOUNT

428,551,301

TOTAL EXEMPT PROPERTY

- 11,234,356,384

ABATED AMOUNT

TAXABLE VALUE

= 39,833,110,623

FREEPORT VALUE

393,951,453

TAX RATE PER \$100

* 0.1718

HB366 VALUE

57,492

LEVY (Before Frozen Levy Loss)

= 68,433,284.05

POLLUTION VALUE

52,417,649

LEVY LOSS DUE TO FREEZE

- 1,535,488.66

CHDO EXEMPTION

12,064,572

BPP INTERSTATE ALLOC

+ 0.43

PRO CHARITABLE ORG

1,173,634

LATE RENDITION

+ 84,486.36

PRO CHARITBLE FUNCT

4,397,190

LEVY

= 66,982,282.18

VETERAN FULL EXEMP

288,926,873

TOTAL LEVY (From TC502)

= 66,982,283.00

HOMESTEAD

VARIANCE

+/- -0.82

OVER 65 HOMESTEAD

EXEMPTION

OVER 65 HOMESTEAD

SURVIVING SPOUSE

DISABLED

VETERAN EXEMPTIONS

42,652,203

SURVIVING SPOUSE 1ST

RESPONDER

891,860

PRORATED EXXV

5,710,183,090

PRORATED EXXA

PRO MISC EXEMPTS

32,299,646

PRO YOUTH ASSOC

668,255

SOLAR EXEMPTION

308,914

PRO SCHOOLS

28,392,848

EXEMPT

57,150,295

PRO NON PROFIT

19,064,658

CHARITABLE ORG

299,275

VET CHARITABLE HS DP

PRORATED EXXL

1,218,678

TOTAL EXEMPT PROPERTY

11,234,356,384

CERTIFIED TAX ROLL AS OF OCTOBER 1, 2020

TAX ASSESSMENT ROLLS OF SOUTH TEXAS COLLEGE FOR THE YEAR 2020 SHOW THE FOLLOWING SUMMARIES:

ROLL	NUMBER ACCTS	MARKET VALUE	TAXABLE VALUE	FREEZE LOSS	TOTAL LEVY
REAL PROPERTY	315,850	46,210,213.363	35,530,337.604	1,535,488.66	59,505,631.74
PERSONAL PROPERTY	24,978	4,857,253,644	4,302,773,019	.00	7,476,651.26
MOBILE HOME PROPERTY	0	0	0	.00	.00
MINERAL PROPERTY	0	0	0	.00	.00
OTHER PROPERTY	0	0	0	.00	.00
TOTAL	340,828	51,067,467,007	39,833,110,623	1,535,488.66	66,982,283.00

RATE OF TAXATION ASSESSMENT RATIO 100%
TOTAL TAX RATE 00.171800

PABLO (PAUL) VILLARREAL JR., PCC
TAX ASSESSOR - COLLECTOR HIDALGO COUNTY

BY :

Pablo (Paul) Villarreal Jr.



10/02/2020 07:20 pm
 te502_juris_summary.rep v1.12
 Request Seq.: 3597023 CAD Seq.: 538287
 Tax Collection System - HIDALGO COUNTY
 Certified Roll Jurisdiction Summary
 Processing For Tax Year: 2020 County Code: 108 Tax Unit: ALL

Jurisdiction: 55 SOUTH TEXAS COLLEGE		Tax Rate: 0.1718000		Opt Hom: 0.0000000	
Total Parcels:	340,828	State Hom:	0	Opt O65:	0
Market Value:	51,067,467,007	State O65:	0	Opt Disabled:	0
		Disabled:	0		
AG Exclusion Count:		AG Exclusion Amt:	4,159,686,498		
Timber Exclusion Count:	18,619	Timber Exclusion Amt:	0		
HS Capped Count:	53,285	HS Capped Amt:	428,551,301		
Assessed Value:	46,479,229,208				
Exempt Count/Amt:	317	Pro Charitable Functions Count/Amt:	16		4,397,190
Pro Non Profit Count/Amt:	97	Pro Charitable Org Count/Amt:	14		1,173,634
Pollution Control Count/Amt:	28	Surviving Spouse First Responder Count/Amt:	5		891,360
Hb366 Count/Amt:	224	Charitable Org Count/Amt:	1		299,275
Freeport Count/Amt:	178	Chdo Count/Amt:	24		12,064,572
Prorated-Exxxv Count/Amt:	8,457	Pro Misc Exempts Count/Amt:	25		32,299,646
Prorated-Excl Count/Amt:	3				
100% Exempt Vet Count/Amt:	2,135	Solar Exemption Count/Amt:	11		308,914
Pro Youth Associations Count/Amt:	1	Pro Schools Count/Amt:	18		28,392,848
State Homestead Count:	127,659	State Homestead Amt:	0		
Local Homestead Count:	0	Local Homestead Amt:	0		
State Over 65 Count:	43,855	State Over 65 Amt:	0		
Local Over 65 Count:	0	Local Over 65 Amt:	0		
Surviving Spouse Count:	2,465	Surviving Spouse Amt:	0		
State Disabled Count:	0	State Disabled Amt:	0		
Local Disabled Count:	5,693	Local Disabled Amt:	0		
Total VET Count:	4,017	Total VET Amt:	42,652,203		
*VET Surviving Spouse Count:	229	*VET Surviving Spouse Amt:	2,176,938		
*included in the Total VET Count/Amt					
Partial Exempt Values:	42,652,203				
Taxable Value:	39,833,110,623				
Total Levy Amt:	66,982,283.00				
Late Rendition Penalty Count:	10,687	Late Rendition Penalty Amt:	84,486.36		
BPP Interstate Alloc. Penalty Count:	2	BPP Interstate Alloc. Penalty Amt:	0.43		
Frozen Account Count:	50,301				
Frozen Homestead Value:	4,414,699,522				
Frozen Taxable Value:	4,224,855,290				
Unfrozen Levy Amt:	7,258,301.29				
Frozen Levy Amt:	5,722,812.63				
Frozen Levy Loss Amt:	1,535,488.66				
Total Non-Exempt Parcel Count:	340,511				

COUNTY OF



STARR

AMEIDA SALINAS

Tax Assessor-Collector

STARR COUNTY

RIO GRANDE CITY, TEXAS 78582

COUNTY COURT HOUSE

STARR COUNTY

RIO GRANDE CITY, TEXAS 78582

November 17, 2020

Dr. Shirley A. Reed, President
South Texas College
P.O. Box 9701
McAllen, Texas 78502

Dear Dr. Reed:

Enclosed please find the 2020 Tax Roll totals for your district.

Please place this item on the agenda of your next meeting for approval by your governing body, as per Section 26.09(e), of the Texas Property Tax Code.

Should you have any questions in regards, do contact our office.

Sincerely,

A handwritten signature in blue ink, reading "Maria Ameida Salinas".

Maria Ameida Salinas
Starr County Tax Assessor/Collector



COUNTY OF STARR
MA. AMEIDA SALINAS
TAX ASSESSOR-COLLECTOR

COUNTY OF



STARR

AMEIDA SALINAS

Tax Assessor-Collector

STARR COUNTY

RIO GRANDE CITY, TEXAS 78582

COUNTY COURT HOUSE

STARR COUNTY

RIO GRANDE CITY, TEXAS 78582

11/17/2020

2020 Starr County Tax Levy

Entity	Tax Levy
Starr Co. M&O	\$ 11,241,147.76
Starr Co. FM/FC	\$ 5,298,831.82
Starr Co. Drainage District	\$ 360,260.00
Starr Co. Memorial Hospital	\$ 6,063,567.98
South Texas College	\$ 4,108,455.73
City of Escobares	\$ 177,514.35

A handwritten signature in blue ink, reading "Ameida Salinas", is written over a horizontal line.

Ameida Salinas, Starr County TAC



COUNTY OF STARR
MA. AMEIDA SALINAS
TAX ASSESSOR-COLLECTOR

2020 CERTIFIED TOTALS

Property Count: 83,790

62 - SO TEXAS COLLEGE
ARB Approved Totals

7/15/2020

3:29:29PM

Land		Value			
Homesite:		219,898,352			
Non Homesite:		346,935,381			
Ag Market:		1,269,887,258			
Timber Market:		66,890	Total Land	(+)	1,836,787,881
Improvement		Value			
Homesite:		739,593,477			
Non Homesite:		214,248,397	Total Improvements	(+)	953,841,874
Non Real		Count	Value		
Personal Property:	3,759		1,442,255,890		
Mineral Property:	31,165		193,617,310		
Autos:	0		0		
			Total Non Real	(+)	1,635,873,200
			Market Value	=	4,426,502,955
Ag	Non Exempt	Exempt			
Total Productivity Market:	1,269,937,588	16,560			
Ag Use:	89,319,526	720	Productivity Loss	(-)	1,200,616,122
Timber Use:	1,940	0	Appraised Value	=	3,225,886,833
Productivity Loss:	1,200,616,122	15,840			
			Homestead Cap	(-)	44,389,138
			Assessed Value	=	3,181,497,695
			Total Exemptions Amount (Breakdown on Next Page)	(-)	898,687,765
			Net Taxable	=	2,282,809,930

Freeze	Assessed	Taxable	Actual Tax	Colling	Count		
DP	36,329,905	35,253,626	44,598.44	45,894.83	936		
OV65	121,943,693	119,590,783	160,709.02	165,122.22	3,040		
Total	158,273,598	154,844,409	205,307.46	211,017.05	3,976	Freeze Taxable	(-) 154,844,409
Tax Rate	0.173300						
						Freeze Adjusted Taxable	= 2,127,965,521

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 3,893,071.71 = 2,127,965,521 * (0.173300 / 100) + 205,307.46

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2020 CERTIFIED TOTALS

Property Count: 83,790

62 - SO TEXAS COLLEGE
ARB Approved Totals

7/16/2020

3:30:23PM

Exemption Breakdown

Exemption	Count	Local	State	Total
AB	12	778,682,038	0	778,682,038
DP	1,047	0	0	0
DV1	35	0	171,000	171,000
DV2	18	0	139,980	139,980
DV3	20	0	184,470	184,470
DV4	151	0	1,579,771	1,579,771
DV4S	2	0	24,000	24,000
DVHS	78	0	5,343,235	5,343,235
EX	447	0	4,743,440	4,743,440
EX-XU	1	0	491,150	491,150
EX-XV	1,375	0	104,538,921	104,538,921
EX366	7,251	0	346,010	346,010
HS	12,829	0	0	0
OV65	3,615	0	0	0
OV65S	17	0	0	0
PC	3	2,443,750	0	2,443,750
Totals		781,125,788	117,561,977	898,687,765

Review and Action as Necessary on Appraisal District Allocated Cost Payments for Hidalgo and Starr Counties

Approval to process payments to the Hidalgo County Appraisal District and Starr County Appraisal District for allocated cost, as described below, is requested.

Purpose – The Hidalgo County Appraisal District and the Starr County Appraisal District perform property valuation assessments for taxes imposed during the tax year. The College's allocated cost for property valuation services is provided annually.

Justification - The Hidalgo County Appraisal District and Starr County Appraisal District are considered a sole source and the College and other taxing entities are required to use their services to determine the assessed valuation of properties.

Background - Each year the chief appraiser prepares a proposed budget for the operations of the appraisal district for the following tax year. The County's Appraiser submits copies of the budget to each taxing unit participating in the district and an estimate of the amount of the budget that will be allocated to each taxing unit.

Texas Property Tax Code Chapter 6 Section 6.06 (d) Appraisal District Budget and Financing indicates that the cost is allocated as follows: "Each taxing unit participating in the district is allocated a portion of the amount of the budget equal to the proportion that the total dollar amount of property taxes imposed in the district by the unit for the tax year in which the budget proposal is prepared bears to the sum of the total dollar amount of property taxes imposed in the district by each participating unit for that year."

Each taxing unit pays its allocation in four equal payments.

The Tax Year 2020 estimated allocations, per the District's budgets, are \$696,794.00 for Hidalgo County Appraisal District and \$131,044.82 for Starr County Appraisal District, for a total of \$827,838.82. The first quarterly invoice is due by December 31, 2020 for Starr County and by February 4, 2021 for Hidalgo County.

The Tax Year 2020 allocations changed from the Tax Year 2019 allocations as follows:

Tax Year	Hidalgo County	Starr County	Total
2020	\$696,794.00	\$131,044.82	\$827,838.82
2019	649,780.00	111,265.26	761,045.26
Increase/(Decrease)	<u>\$ 47,014.00</u>	<u>\$ 19,779.56</u>	<u>\$ 66,793.56</u>

The changes are based on the new year budgets of each Appraisal District.

The Hidalgo County Appraisal District Budget increased by \$694,473 from \$9,228,046 to \$9,922,776 and the Starr County Appraisal District Budget increased by \$28,966 from \$1,718,298 to \$1,747,264.

Funding Source – Funds for these expenditures are budgeted in the Hidalgo Appraisal/Collection Fee budget and the Starr Appraisal/Collection Fee budget for FY 2020-2021.

Enclosed Documents – The 2021 allocation payments for Tax Year 2020 follows in the packet for the Board's information and review.

Due to time constraints at the Dec. 8, 2020 meeting, the Finance, Audit, and Human Resources Committee did not make a recommendation on this item. It is presented with administration's recommendation of approval.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize the payments to the Hidalgo County Appraisal District and the Starr County Appraisal District for the allocated cost as stated in the Texas Property Tax Code, Chapter 6, Section 6.06 (e) and as presented.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes the payments to the Hidalgo County Appraisal District and the Starr County Appraisal District for the allocated cost as stated in the Texas Property Tax Code, Chapter 6, Section 6.06 (e) and as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

2021 OFFICIAL ENTITY ASSESSMENT

ENTITY:	2020 Tax Levied	2020 Percent	2020 Official Assessment	2021 Official Assessment
<u>Cities:</u>				
Alamo	\$4,052,229	0.42%	\$ 37,948.00	\$ 42,154.00
Alton	\$2,266,126	0.24%	\$ 21,538.00	\$ 23,574.00
Donna	\$5,591,745	0.59%	\$ 52,932.00	\$ 58,169.00
Edcouch	\$571,220	0.06%	\$ 5,769.00	\$ 5,942.00
Edinburg	\$34,033,591	3.57%	\$ 326,763.00	\$ 354,040.00
Elsa	\$1,628,015	0.17%	\$ 15,953.00	\$ 16,935.00
Granjeno	\$21,952	0.002%	\$ 219.00	\$ 228.00
Hidalgo	\$2,384,287	0.25%	\$ 23,040.00	\$ 24,803.00
La Joya	\$957,155	0.10%	\$ 9,273.00	\$ 9,957.00
La Villa	\$568,646	0.06%	\$ 2,488.00	\$ 5,915.00
McAllen	\$50,905,212	5.34%	\$ 501,216.00	\$ 529,550.00
Mercedes	\$4,993,189	0.52%	\$ 47,594.00	\$ 51,943.00
Mission	\$24,033,922	2.52%	\$ 230,422.00	\$ 250,016.00
Palmview	\$2,788,816	0.29%	\$ 27,553.00	\$ 29,011.00
Penitas	\$1,342,062	0.14%	\$ 13,406.00	\$ 13,961.00
Progreso	\$831,009	0.09%	\$ 7,812.00	\$ 8,645.00
Pharr	\$23,908,466	2.51%	\$ 225,858.00	\$ 248,711.00
San Juan	\$8,178,632	0.86%	\$ 78,258.00	\$ 85,080.00
Sullivan City	\$536,134	0.06%	\$ 5,241.00	\$ 5,578.00
Weslaco	\$13,534,312	1.42%	\$ 130,421.00	\$ 140,793.00
Entity Totals	\$183,126,720	19.20%	\$ 1,662,248.00	\$ 1,905,005.00
<u>Schools:</u>				
Donna	\$18,502,671	1.94%	\$ 184,061.00	\$ 192,477.00
Edcouch-Elsa	\$4,776,664	0.50%	\$ 45,819.00	\$ 49,690.00
Edinburg	\$82,255,219	8.62%	\$ 785,159.00	\$ 855,673.00
Hidalgo	\$7,362,355	0.77%	\$ 72,269.00	\$ 76,588.00
La Joya	\$35,077,606	3.68%	\$ 340,291.00	\$ 364,900.00
La Villa	\$1,673,868	0.18%	\$ 10,703.00	\$ 17,412.00
Lyford	\$122,079	0.01%	\$ 1,477.00	\$ 1,270.00
McAllen	\$88,388,374	9.27%	\$ 878,096.00	\$ 919,474.00
Mercedes	\$8,293,942	0.87%	\$ 73,991.00	\$ 86,280.00
Mission	\$28,040,951	2.94%	\$ 276,180.00	\$ 291,701.00
Monte Alto	\$1,775,228	0.19%	\$ 16,712.00	\$ 18,467.00
PSJA	\$63,835,097	6.69%	\$ 608,636.00	\$ 664,055.00
Progreso	\$2,406,438	0.25%	\$ 23,409.00	\$ 25,033.00
Sharyland	\$44,000,759	4.61%	\$ 436,021.00	\$ 457,725.00
So Tx College	\$66,982,283	7.02%	\$ 649,780.00	\$ 696,794.00
South Texas ISD	\$19,815,889	2.08%	\$ 190,237.00	\$ 206,138.00
Valley View	\$9,507,799	1.00%	\$ 87,478.00	\$ 98,906.00
Weslaco	\$25,670,034	2.69%	\$ 255,257.00	\$ 267,037.00
Entity Total	\$508,487,258	53.31%	\$ 5,081,515.00	\$ 5,289,620.00
GRAND TOTALS	\$953,869,353	100%	\$ 9,228,046.00	\$ 9,922,776.00
BUDGET TOTAL			\$ 9,228,046.00	\$ 9,922,776.00

2021 OFFICIAL ENTITY ASSESSMENT

ENTITY:	2020 Tax Levied	2020 Percent	2020 Official Assessment	2021 Official Assessment
Hidalgo County	\$220,338,129	23.10%	\$ 2,119,348.00	\$ 2,292,102.00
Drainage Dist.#1	\$39,386,092	4.13%	\$ 385,165.00	\$ 409,720.00
Entity Totals	\$259,724,222	27.57%	\$ 2,459,967.00	\$ 2,701,822.00

Fire Districts:

EMS District #1	\$195,631	0.02%	\$ 1,863.00	\$ 2,035.00
EMS District #2	\$348,905	0.04%	\$ 3,233.00	\$ 3,630.00
EMS District #3	\$492,239	0.05%	\$ 5,001.00	\$ 5,120.00
EMS District #4	\$234,010	0.02%	\$ 2,261.00	\$ 2,434.00
Entity Totals	\$1,270,784	0.13%	\$ 12,587.00	\$ 13,219.00

Irrigation Districts:

Donna #1	674,669	0.07%	\$ 6,533.00	\$ 7,018.00
Delta Lake	524,457	0.05%	\$ 4,736.00	\$ 5,456.00
Kennedy Co GCD	1,092	0.0001%	\$ 11.00	\$ 11.00
Brush Country GCD	509	0.00005%	\$ 6.00	\$ 5.00
Red Sands GCD	59,642	0.01%	\$ 609.00	\$ 620.00
Entity Totals	\$1,260,369	0.14%	\$ 11,729.00	\$ 13,110.00



Starr County Appraisal District

100 N. FM 3167, STE 300
Rio Grande City, Texas 78582
Phone: 956-487-5613 Fax: 956-487-8555

BOARD OF DIRECTORS

Raul Pena III, Chairman
Daria "Dr. B" Babineaux, Secretary
Eloy Garza, Member
Eleazar Velasquez, Member
Clarissa B. Alvarez, Member

Rosalva Guerra
Chief Appraiser

November 12, 2020

Dr. Shirley Reed, President
South Texas College
3201 W. Pecan
McAllen, Texas 78501

Dear Dr. Reed:

In accordance with section 6.06 of the Texas Property Code, I am hereby submitting a payment schedule for 2021 based on the 2021 budget and your tax levy for 2020 – 2021.

Total allocation for the year 2021 is	<u>\$131,044.82</u>
First quarter installment for 2021 due 12/31/2020	\$32,761.20
Second quarter installment for 2021 due 3/31/2021	\$32,761.20
Third quarter installment for 2021 due 6/30/2021	\$32,761.21
Fourth quarter installment for 2021 due 9/30/2021	\$32,761.21

Please remit all payment s to Starr County Appraisal District, 100 N. FM 3167 STE 300, Rio Grande City, Texas 78582. If you may have any questions, please feel free to contact me at the office. Your full cooperation in this matter is greatly appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read "Rosalva Guerra", is written over a horizontal line.

Rosalva Guerra, RPA, CTA, CCA
Starr County Appraisal District Chief Appraiser

RG: mrl
xc: Mr. Jesus Ramirez, Attorney
xc: Ms. Rose Benavides, Chairperson
xc: Ms. Maricarmen Ramirez, Accts. Payable
xc: Ms. Yvette M. Ortiz, Business Office

Review and Action as Necessary to Revise Policy #4216: *Freedom from Discrimination, Harassment, Sexual Misconduct, and Retaliation*

Approval to revise Policy #4216: *Freedom from Discrimination, Harassment, Sexual Misconduct, and Retaliation* is requested.

Purpose – The proposed revisions to the policy are necessary to update some statements in the policy.

Justification – The request for the revisions to this policy is necessary for the following reasons:

- To incorporate edits to strengthen compliance with the Federal Title IX Regulations, 34 C.F. R. 106, and Texas State Law, Texas Education Code Chapter 51 (Senate Bill 212 or Subchapter E-2 and House Bill 1735 or Subchapter E-3), as recommended by Legal Counsel.
- To revise as necessary due to the resignation of staff in the Office of Institutional Equity.
- To remove duplicative and contradictory language included in other policies to strengthen consistency.
- To incorporate minor edits to clarify information to strengthen the flow of the overall policy.

This policy serves as an interim policy, pending any revisions in the law resulting from a change in the U. S. government administration.

Background – Policy #4216: *Harassment, Discrimination, and Sexual Misconduct*, was approved by the Board of Trustees on May 26, 2015, and was amended in December 2015, April 2016, April 2018, August and December 2019, and July 28, 2020.

Reviewers – The revised policy has been reviewed by the President's Cabinet, Administrative Staff, Planning and Development Council Staff, and by STC Legal Counsel, Mr. Jose Guerrero.

Enclosed Documents - The revised policy, along with a copy showing all the markups follows in the packet for the Board's information and review.

The additions to the policies are highlighted in yellow and the deletions are designated with a red strikeout.

Mr. Jose Guerrero, Legal Counsel, will be present at the Board meeting to review the Policy and address any questions by the trustees.

Due to time constraints at the Dec. 8, 2020 meeting, the Finance, Audit, and Human Resources Committee did not make a recommendation on this item. It is presented with administration's recommendation of approval.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize the proposed revisions to Policy #4216: *Freedom from Discrimination, Harassment, Sexual Misconduct, and Retaliation*, as presented and which supersedes any previously adopted Board policy.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes the proposed revisions to Policy #4216: *Freedom from Discrimination, Harassment, Sexual Misconduct, and Retaliation*, as presented and which supersedes any previously adopted Board policy.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
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I. Purpose

The purpose of this policy is to ensure compliance with the anti-discrimination provisions Title IX of the Education Amendments Act of 1972 and its implementing regulations (hereinafter "Title IX") and to ensure compliance with Subchapters E-2 and E-3 of Chapter 51 of the Texas Education Code (hereinafter "Chapter 51"). The purpose of this policy is also to adopt and publish a grievance and disciplinary procedures to ensure a prompt, fair, and equitable resolution of complaints arising under this policy for all parties involved.

II. Definitions

As used herein, the following terms shall have the meaning assigned:

"Complainant" means a student or employee means who is alleged to be the victim of conduct that could constitute sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation for engaging in a protected activity.

"Confidential Employee/Student Advisor" means an employee or a student designated by the College as being confidential resource to whom reports of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation may be made and who are not obligated to report complaints of such incidents to the Title IX Coordinator or a Deputy Title IX Coordinator, but are required to communicate details of such incidents in a manner that does not reveal the identity of the alleged victim.

"Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator or a Deputy Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence or stalking against a Respondent and requesting that the College investigate the allegations in the complaint. A document filed by the complainant as a formal complaint includes an electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College. When the Title IX Coordinator or a Deputy Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator or a Deputy Title IX Coordinator is not a complainant or otherwise a party in the process.

"Mandatory/Responsible Reporter" means an employee of the College who is obligated by policy to share knowledge, notice, and/or reports of conduct constituting sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence and/or retaliation with the Title IX Coordinator or the Deputy Title IX Coordinator. All employees of the College are mandatory reporters except employees designated as being Confidential.

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“Protected Activity” means exercising a right under this policy such as (1) making a report or filing a formal complaint; or (2) cooperating with or participating in an investigation; or (3) participating in a disciplinary process or a judicial proceeding relating to a Report or a Formal Complaint made by a student or employee under this policy; or (4) opposing, in good faith, any conduct that would be in violation of this policy. This does not apply to a student or employee who participates in an investigation, disciplinary process, or judicial proceeding relating to a Report or Formal Complaint alleging that the student or employee is the Respondent.

“Report” means a document (i) filed by a witness to an alleged incident of sexual harassment, sexual assault, dating violence, domestic violence, stalking, alleging sexual harassment, sexual assault, dating violence or stalking; or (ii) filed with a Confidential Employee or a Student Advocate by a complainant who desires to withhold disclosure of his or her identity and only confidentially discuss the alleged sexual harassment, sexual assault, dating violence or stalking in confidence without the complaint being investigated by the College.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator or a Deputy Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

“Title IX Coordinator” is at least one official designated by the College to ensure compliance with Title IX, the College's Title IX program, and Chapter 51. References to the Title IX Coordinator throughout this policy may also encompass a designee or Deputy Title IX Coordinator of the Coordinator for specific tasks.

Title **Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited** 4216

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III. Title IX Prohibits Discrimination on the Basis of Sex

South Texas College (hereinafter the “College”) does not discriminate or tolerate discrimination against any employee, applicant for employment, student, or applicant for admission on the basis of in the education program or activity that it operates, and it is prohibited by Title IX and its implementing regulations from discriminating in such a manner. This non-discrimination requirement in its education program or activity extends to student recruitment and admission and to employment of personnel. Any inquiries from students (including parents, guardians, or conservators of minor students), employees, or the general public about the application of Title IX and its implementing regulations to the College may be referred to the College’s Title IX Coordinator or Deputy Title IX Coordinator, to the Assistant Secretary of the U.S. Department of Education, or to both. A violation of this policy by any person is subject to disciplinary action up to and including expulsion from the College or termination from employment.

IV. Title IX Prohibits Sex Discrimination / Sexual Harassment

A. Sex Discrimination

Under Title IX, sex discrimination involves exclusion from or different treatment on the basis of sex in such College activities as recruitment, admission, financial aid, work-study, athletics, counseling, or employment. Sex discrimination may also take the form of sexual harassment which can encompass sexual assault, dating violence, domestic violence, or stalking. South Texas College is committed to eradicating all forms of sex-based discrimination including sexual harassment and prohibits its employees and students from engaging in such conduct. Sexual Harassment can occur in any sex or gender configuration without regard to gender identity, gender expression or sexual orientation and may include off-campus or online conduct. Any person who violates this policy is subject to disciplinary action up to and including expulsion from the College or termination from employment.

B. Sexual Harassment

Under Title IX, sexual harassment is considered a form of sex-based discrimination. The Title IX implementing regulations define sexual harassment as conduct on the basis of sex that satisfies one or more of the following:

1. **Quid Pro Quo harassment.** This occurs when an employee of the College conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
2. **Unwelcome conduct.** This is conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity; or

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3. **“Sexual assault”** as defined in 20 U.S.C. 1092(f)(6)(A)(v), **“dating violence”** as defined in 34 U.S.C. 12291(a)(10), **“domestic violence”** as defined in 34 U.S.C. 12291(a)(8), or **“stalking”** as defined in 34 U.S.C. 12291(a)(30).

V. Sexual Harassment and other Prohibited Behavior under Chapter 51

Subchapters E-2 and E-3 of Chapter 51, Texas Education Code (hereinafter “Chapter 51”) require that the College adopt a policy prohibiting sexual harassment, sexual assault, dating violence, and stalking that is applicable to each student enrolled at and each employee of the College.

A. Sexual Harassment

Chapter 51 defines sexual harassment, as follows:

1. **Sexual Harassment** - means unwelcome, sex-based verbal or physical conduct that:
 - a) In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
 - b) In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

B. Other Prohibited Behavior under Chapter 51

Chapter 51 also prohibits the following behavior (hereinafter “Prohibited Behavior”):

1. **Sexual Assault** - means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
2. **Dating Violence** - means physical violence or verbal abuse committed by a person.
 - a. against a victim with whom the person is or has been in a social relationship of a romantic or intimate nature;
 - b. is intended to result in physical harm, bodily injury, assault, mental anguish, mental pain, emotional distress, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault; and
 - c. where the existence of such a relationship shall be determined based on a consideration of the following factors:

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- i. The length of the relationship.
- ii. The type of relationship.
- iii. The frequency of interaction between the persons involved in the relationship.

3. Stalking - means engaging in any act or course of conduct that is directed at a specific person that would cause a reasonable person to:

- a. fear for his or her safety or the safety of others; or
- b. suffer substantial emotional distress.

4. Retaliation – means an adverse action in the employment or education context taken against any student, employee, applicant for admission or for employment on the basis that the individual engaged in any Protected Activity.

In the employment context, the most obvious types of retaliation include denial of a promotion or a pay raise, denial of job benefits, demotion, suspension and discharge. Other types of adverse actions include intimidation, threats, reprimands, negative evaluations, and harassment.

In the education context, some obvious types of retaliation include, but not limited to, receiving a failing grade or being denied an opportunity drop a class, enroll in a class, or participate in any extra-curricular activity.

VI. Sexual Violence and Consent, Coercion, & Incapacitation

Sexual violence is a form of sexual harassment or sexual assault that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Consent

Consent is knowing, voluntary, and clear permission, by word or action, to engage in mutually agreed upon sexual activity. It is the responsibility of each party to make certain that the other has consented before engaging in the activity. Consent can be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated and the activity should cease immediately or within a reasonable time. Resistance to engaging in sexual activity is a clear demonstration of non-consent as is knowing that the other person is incapacitated and unable to provide consent.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. In Texas, the age of consent to engage in sexual activity is 17 years of age. Sexual activity with someone

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without clear consent constitutes a violation of this policy.

Incapacitation

Incapacitation means a mental state where a person lacks the capacity to give knowing/informed consent. Incapacitation may be due to a person's use of drugs or alcohol; due to an intellectual, mental or physical disability; due to a person's lack of consciousness, or due to a person being underage. A person who is under seventeen (17) years of age is legally incapable of consenting to sexual activity. A person who engages in sexual activity with someone whom the individual knows, or reasonably should know, is incapable of knowingly consenting to the sexual activity violates this policy. Intoxication of the individual alleged to have violated this policy is not a defense.

VII. Consensual Romantic or Sexual Relationships Prohibited

The College prohibits employees from entering consensual romantic or sexual relationships with each other if one is the direct or indirect supervisor of the other. The College prohibits faculty members and students from entering consensual romantic or sexual relationships with each other if one is the instructor of the other.

Employees in a supervisory subordinate relationship are prohibited from explicitly or implicitly suggesting or recommending or agreeing that either employee transfer or be transferred to another position or leave employment with the intention of circumventing this policy.

Individuals in an instructor-student relationship are prohibited from explicitly or implicitly suggesting or recommending or agreeing that the student enrolled in the faculty member's class drop the class or withdraw from enrollment in the College or that the faculty member withdraw from the class or from employment with the College with the intention of circumventing this policy.

The prohibition on consensual relationships shall apply for the duration of the supervisor-subordinate or instructor-student relationship and for a period of one calendar year after such relationship has ended.

VIII. Victim's Rights Statement

All victims have a right to a prompt and equitable resolution of reports of violations of this policy. South Texas College encourages victims of sexual assault, dating violence, domestic violence or stalking, to go to a hospital for treatment and preservation of evidence as soon as practicable after the incident.

IX. False Complaints

Any person who knowingly files a false complaint alleging a violation of this policy or with the intent to harm or deceive is subject to disciplinary action up to and including dismissal or expulsion from the College. Pursuant to Texas law, an employee who commits such an offense must be terminated from employment with the College.

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X. Protocol for Reporting Incidents of Sexual Harassment and Prohibited Behavior

A. Formal Complaints

Formal complaints or reports concerning alleged incidents of sexual harassment, sexual assault, dating violence, or stalking shall be made in accordance the protocols set forth herein. A formal complaint filed with the Title IX Coordinator, or the Deputy Title IX Coordinator, a Mandatory Reporter or with a Responsible Employee, or a report filed with a designated Confidential Employee or with a designated Student Advocate, may be filed in person, by mail, or by electronic mail, by using the contact information listed for each in this policy. A formal complaint filed by a complainant means a written document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

B. Designation of Title IX Coordinator

The following employee serves as the Title IX Coordinator:

Maria G. Elizondo
Vice President for Finance and Administration
Services, Title IX Coordinator
3201 W. Pecan Blvd., X 224
McAllen, TX 78501
(956) 872-3558
TitleIX@southtexascollege.edu

The Title IX Coordinator has the primary responsibility for coordinating College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees the grievance process and all resolutions of complaints under this policy and these procedures.

C. Mandatory Reporting of Sexual Harassment or of Prohibited Behavior

All employees of South Texas College, unless designated a Confidential Employee, are considered Mandatory Reporters under Title IX and Chapter 51. Mandatory Reporters who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College at the time of the incident shall promptly report the incident to the Title IX Coordinator or Deputy Title IX Coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to

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the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident for all actual or suspected instances of sexual harassment. The Mandatory Reporter must promptly share with a Title IX Coordinator or Deputy Title IX Coordinator all known details of a report made to the Mandatory Reporter in the course of their employment. Mandatory Reporters are required to report an incident regardless of the when or where the incident occurred.

When a mandatory reporter receives a report of an incident, they must:

1. Advise the individual of the employee's obligation to report any information the individual reveals to the Title IX coordinator or Deputy Title IX Coordinator;
2. Explain to the individual of their option to ask that the institution consider maintaining the confidentiality of that information, but that the institution may not be able to guarantee confidentiality, and
3. Offer the individual the option to instead share this information with counselor, ombuds, clergy, victim's advocacy groups, medical providers, attorneys, or other resources who may provide higher levels of confidentiality.

D. Failure to Report or False Report; Offenses

A Mandatory Reporter person who is required to make a report commits an offense if the person knowingly fails to make the report; or with the intent to harm or deceive, knowingly makes a report that is false. An offense is a Class B misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the actor intended to conceal the incident that the actor was required to report. If it is determined, in accordance with the College's disciplinary procedure, that an employee committed an offense for failing to make a report or for making a false report, the employee's employment with the College shall be terminated.

E. Exceptions to Mandatory Reporting – Designation of Confidential Employees

In an effort to encourage employees and students to report violations of this policy and to receive confidential assistance and supportive services without having to disclose their identity, the College designates the following employees as "Confidential Employees":

1. Counselor
2. Ombuds

Any student or employee who is a victim of, or a witness to an alleged incident of sexual harassment, sexual assault, dating violence, or stalking who desires to report the alleged incident but also desires to preserve the confidentiality of his or her identity and of the alleged incident and not have the incident investigated by the Title

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A “Confidential Employee” is required to inform reporting employees and students that:

- The confidentiality privilege belongs to the student and not to the Confidential Employee; therefore, only the student may waive the privilege.
- The confidentiality privilege is not absolute, it applies only with respect to making reports to the Title IX Coordinator or a Deputy Title IX Coordinator;
- In a case involving a minor student, the Confidential Employee may have a legal obligation to break the privilege and report sexual (or other abuse) of the minor to law enforcement authorities and/or to child protective services.
- In a criminal investigation arising from a complaint of sexual assault, domestic violence, dating violence, or stalking, a Confidential Employees may have a legal obligation to break the confidentiality and report a criminal act or testify in a civil or criminal proceeding if compelled to do so by a court or other tribunal of competent jurisdiction.
- Discussing any matter concerning sexual harassment or prohibited behavior with a “confidential employee” may delay an investigation into the matter but will not preclude a student or employee from, subsequently, filing a formal complaint with a mandatory reporting employee or the Title IX Coordinator or a Deputy Title IX Coordinator.
- The employee or student has a right to file a formal complaint with the Title IX Coordinator or a Deputy Title IX Coordinator;
- The employee or student has a right to file a criminal complaint with campus or local law enforcement authorities,
- The College has available campus resources for counseling, medical, and academic support,
- Confidential employees are available to assist in filing complaints, and
- Anti-retaliation and safety protections are in place.

All members of the South Texas College community, including students, employees, applicants, vendors, guests and visitors are encouraged to report incidents of prohibited conduct, online, in person, by mail, by telephone, or by electronic mail, or by any other means that results in receipt of the person's verbal or written report. Such a report may be made at any time (24/7) and may be made anonymously. There is no time limit to

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file reports but the actions the College can take to resolve complaints may be limited if significant time has passed.

Online reports can be made at: <https://www.southtexascollege.edu/report/index.html>

G. Actual Knowledge by College Required for Title IX and Chapter 51 Cases

Actual knowledge to the College means a report made to an “Official with Authority” to institute corrective measures on behalf of the College. The Title IX Coordinator is an official with such authority. Other Officials with Authority to institute corrective measures include: College President, Vice Presidents, Deputy Title IX Coordinator, Director of Human Resources or Dean of Student Affairs.

H. Confidentiality

In addition to expectation of confidentiality as explained in section B above, pursuant to Texas state law, the identity of an alleged victim, a reporting party, or an alleged Respondent, to an incident of sexual harassment, sexual assault, dating violence or stalking, is confidential and is not subject to disclosure unless waived in writing by the person. The identity may be disclosed only as required by law, as permitted by the Family Educational Rights and Privacy Act or to carry out the purposes of Title IX or relevant state laws including: alleged perpetrator(s) if required by law, persons tasked by the College to conduct an investigation, hearing or other proceeding arising under this policy; law enforcement officers who must conduct a criminal investigation of the report; or a health care provider in an emergency situation, as determined by the College. A disclosure under this section is not a voluntary disclosure for purposes of Section 552.007, Government Code. Information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking disclosed to a health care provider or other medical provider employed by the College is confidential and may be shared by the medical provider only with the victim's consent. However, the medical provider must provide aggregate data or other nonidentifying information regarding those incidents to the Title IX Coordinator.

I. Reporting to Law Enforcement

Nothing in this policy is intended to limit the right of any person to file a criminal complaint with the law enforcement authorities in conjunction with a complaint under this policy. Complaints may also be filed with other local law enforcement authorities or with South Texas College’s Department of Public Safety at (956) 872-4444 at or call 911 (for emergency services). Victims of a crime may choose to report the crime to law enforcement and may request that the College assist with such reporting, but they are not required to do so.

Employees and students with existing protective or restraining orders are encouraged to provide a copy to the Department of Public Safety.

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J. State and Federal Reporting

Complaints may also be filed with the following federal and state agencies. Nothing in this policy shall be construed as extending the time period provided by law for an employee to file any charge or complaint of discrimination with outside agencies.

For Students:

Office of Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Telephone: 214-661-9600/TDD#: 1-800-521-2172
OCR.Dallas@ed.gov

Office for Civil Rights, National Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: (800) 241-3481
Fax: (202) 453-6012
OCR@ed.gov
Or online at: <https://ocrcas.ed.gov/welcome-to-the-ocr-complaint-assessment-system>

For Employees:

U.S. Equal Employment Opportunity Commission
San Antonio EEOC Field Office
Legacy Oaks, Building A
5410 Fredericksburg Road, Ste. 200
San Antonio, TX 78229
Telephone: (800) 669-4000

Online information available at: <https://www.eeoc.gov/how-file-charge-employment-discrimination>

Texas Workforce Commission
Civil Rights Division
101 E. 15th Street, Room 144-T
Austin, TX 78778-0001
Telephone: (512) 463-2642

Online information available at: <https://www.twc.texas.gov/jobseekers/how-submit-employment-discrimination-complaint>

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XI. College's Response to Sexual Harassment and Prohibited Behavior

A. General Response

If the College has actual knowledge of Sexual Harassment or of Prohibited Behavior without a Formal Complaint, it will respond promptly in a manner that is not deliberately indifferent. In its response, the College will treat Complainants and Respondents equitably by offering Supportive Measures, as defined herein, to a Complainant, and by following a grievance process that complies with §106.45 of the Title IX implementing regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent. In instances of actual knowledge of sexual harassment of prohibited behavior, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Department may not deem a recipient to have satisfied the recipient's duty to not be deliberately indifferent under this part based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

B. Response to a Formal Complaint.

In response to a Formal Complaint, the College will follow a grievance resolution process that complies with §106.45 of the Title IX implementing regulations.

C. Grievance Resolution Process

1. Initial Assessment of Formal Complaints

Any person may report Sexual Harassment or Prohibited Behavior (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Harassment or Prohibited Behavior.

Formal Complaints alleging Sexual Harassment or Prohibited Behavior shall be submitted to the Title IX Coordinator or Deputy Title IX Coordinator. The Title IX Coordinator or a Deputy Title IX Coordinator shall evaluate each Formal Complaint to determine if the complaint alleges Sexual Harassment or Prohibited Behavior.

Formal Complaints alleging Sexual Harassment or Prohibited Behavior will be coordinated by the Title IX Coordinator or a Deputy Title IX Coordinator. Formal Complaints will be investigated by investigators, resolved through Informal Resolution by persons designated to facilitate an informal resolution process, if agreed to by all parties, in writing, or resolved by decision-makers after a Live Hearing incorporating examination of witnesses and cross-examination of the parties by the parties' respective Advisors. In addition to the Title IX Coordinator or a Deputy Title IX Coordinator, investigators, decision-makers, and persons designated to facilitate an informal resolution process as required by §106.45(iii)

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of the Title IX implementing regulations to include training on the definition of Sexual Harassment, the scope of the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

2. Formal, Complaint Signed by Complainant or Title IX Coordinator Required

In cases involving allegations of Sexual Harassment or Prohibited Behavior, a Formal Complaint signed by the Complainant is required for an Informal Resolution or to begin an investigation leading to a Live Hearing. A Complainant may withdraw a complaint at any time.

In Title IX cases where the College receives an anonymous report, or where a Complainant withdraws a Formal Complaint, or where a Complainant refuses to further participate in the process, the Title IX Coordinator may sign a formal complaint commencing the grievance resolution process in order to ensure that matters which pose a threat to the educational, employment, or other opportunities provided by the College, are addressed. If a Complainant alleging to be a victim of an incident of sexual harassment, sexual assault, dating violence, family violence, stalking, or retaliation reported to the Title IX Coordinator requests that the alleged incident not be investigated, the Title IX Coordinator may have the alleged incident investigated in a manner that complies with the confidentiality requirements of this policy. In determining whether to have the alleged incident investigated, the Title IX Coordinator or a Deputy Title IX Coordinator shall consider:

- (1) the seriousness of the alleged incident;
- (2) whether the Title IX Coordinator or a Deputy Title IX Coordinator has received other reports of sexual harassment, sexual assault, dating violence, stalking, or retaliation committed by the alleged Respondent(s);
- (3) whether the alleged incident poses a risk of harm to others; and
- (4) any other factors the Title IX Coordinator or a Deputy Title IX Coordinator determines relevant.

If the Title IX Coordinator decides not to have an alleged incident of sexual harassment, sexual assault, dating violence, stalking or retaliation investigated based on the Complainant's request not to investigate, the Title IX Coordinator shall take any steps deemed necessary to protect the health and safety of the College community in relation to the alleged incident. The Title IX Coordinator or a Deputy Title IX Coordinator shall inform an alleged victim of an incident of sexual harassment, sexual assault, dating violence, stalking, or retaliation who

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requests that the Title IX Coordinator or a Deputy Title IX Coordinator not to investigate the alleged incident of the whether or not the alleged incident will be investigated.

3. Optional Risk Assessment/Emergency Removal

Upon receiving a report of conduct that may violate Title IX or Section 51.281, the Title IX Coordinator or Deputy Title IX Coordinator may refer a party for an individualized risk assessment by the College's Behavioral Intervention Team (BIT). The BIT may act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator or a Deputy Title IX Coordinator in conjunction with the Behavioral Intervention Team (also known as BIT/BAT/TAT/CARE, etc.) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When the student Respondent does not timely request this, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator or a Deputy Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator or a Deputy Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration of the emergency removal. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

4. Supportive Measures

Alleged victims of Sexual Harassment or of Prohibited Behavior will be offered

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Supportive Measures before a Formal Complaint or during the pendency of the grievance resolution process, including, but not limited to: protection from retaliation, interim no-contact orders, academic support (such as dropping courses without academic penalty), alternative work arrangements, campus safety escorts, referrals to counseling, community-based service providers, or any other action deemed appropriate. To the greatest extent practicable, referrals to counseling will be offered by a counselor who does not provide counseling to any other person involved in the incident. The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Student financial aid counseling
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support or other course/program- related adjustments
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus

5. Provision of Advisors

Complainants and Respondents have the right to an Advisor of their choice to assist them in proceedings involving a Formal Complaint alleging Sexual Harassment or Prohibited Behavior. An Advisor may be an attorney; a faculty member, a staff member, a family member, a friend or any other support person. The College may establish restrictions regarding the extent to which the Advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. A Complainant or Respondent who desires more than one Advisor must make such a request as early as possible within the resolution process and if more than one Advisor is allowed for one party, the other party will be allowed the same number of Advisors. No more than two Advisors per party will be allowed unless justification in writing is provided to the College. Parties may choose not to use an advisor in any stage of the grievance resolution process except that parties **must** have an Advisor who **must** conduct cross-examination of other

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witnesses if a Live Hearing is conducted. If a party does not have an Advisor present at the Live Hearing, the Title IX Coordinator or a Deputy Title IX Coordinator will appoint an advisor who will conduct the cross-examination on behalf of that party.

Advisors must be willing and available to serve as an advisor. Advisors will be provided information about the grievance resolution process. Advisors who are otherwise Mandatory Reporters will be temporarily exempt from mandatory reporting solely for the matter in which they serve as an Advisor.

6. Notice of Allegations and Investigation

Before commencement of the grievance resolution process of a Formal Complaint alleging Sexual Harassment or Prohibited Behavior, notice of the allegations must be provided to an alleged respondent for a Title IX matter. Such notice may not be provided if the Complainant is only seeking supportive measures without the filing of a Formal Complaint or if a Complainant withdraws their complaint prior to commencement of the grievance resolution process with no impact upon the alleged Respondent.

The grievance resolution process for Formal Complaints alleging Sexual Harassment or Prohibited Behavior, will be in accordance with grievance procedure set forth in 34 C.F.R. § 106.45.

The grievance resolution process for complaints alleging sex discrimination other than Sexual Harassment or Prohibited Behavior, will be the non-adversarial procedure set forth in Policy 4904.

7. Informal Resolution

Upon receipt of a Formal Complaint alleging Sexual Harassment or Prohibited Behavior, or any time after receiving a report of conduct in violation of this policy, the Title IX Coordinator or a Deputy Title IX Coordinator may facilitate an informal resolution amenable to all parties involved as follows:

1. By providing supportive measures to the Complainant that remedy the situation;
2. When the Respondent agrees to responsibility for a violation and accepts a sanction amenable to all parties; or
3. When the parties agree to a mediation.

The Complainant and the Respondent must voluntarily agree to the informal resolution in writing and no party will be pressured to participate. The parties may choose to stop the Informal Resolution process at any time and request another form of resolution. However, a Live Hearing is required for complaints alleging Sexual Harassment and other Prohibited Behavior if an Informal Resolution cannot be reached.

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8. Investigations

Investigations will be conducted in accordance with all applicable laws, regulations and policies. Formal Complaints alleging Sexual Harassment or Prohibited Behavior will be investigated by investigators who have received training in compliance with Title IX regulations. Investigations may involve interviews with parties or witnesses; obtaining available, relevant evidence; or identifying sources of expert information, as necessary.

A 10-day review period will be provided to Complainants and Respondents to review a draft investigation report including relevant evidence and for the opportunity to provide additional feedback, evidence, or witnesses. After this 10-day period, the investigator will update the investigative report, if necessary, and the Title IX Coordinator or Deputy Title IX Coordinator will provide the parties with a final investigative report at least ten (10) days prior to a Live Hearing.

9. Live Hearings

After an investigation is complete and if an Informal Resolution does not resolve the matter, the case will be referred for a Live Hearing.

a. Policy applicable to all Hearings

Hearings conducted under this policy will be heard by a Hearing Officer or a Panel of three (3) decision makers determined at the discretion of the Title IX Coordinator or a Deputy Title IX Coordinator.

All Live Hearings are subject to the preponderance of the evidence standard of proof.

b. Formal, Live Hearings for Title IX and Chapter 51.281 Complaint

A formal live hearing will occur no less than ten (10) business days after a final investigative report is issued to the parties, unless all parties, advisors and staff involved agree to an expedited hearing. Hearings must be live and must be recorded.

The Hearing Officer or Panel will make a determination on all of the evidence available.

More information about the procedure for all hearings is available by contacting the Title IX Coordinator or Deputy Title IX Coordinator or here: https://www.southtexascollege.edu/about/pdf/Complaint_and_Grievance_Procedures.pdf

10. Notice of Outcome and Sanctions

a. For Title IX Hearings

Once a hearing has been conducted, the Hearing Officer or Panel members will deliberate and issue a finding of responsibility for each alleged violation in a written deliberation statement that will include the determination, rationale, the evidence relied upon in support of the determination, any evidence not relied upon, credibility assessments and recommendations for sanctions.

The written deliberation statement will then be shared with the Title IX Coordinator or a Deputy Title IX Coordinator who will work with the Hearing Office to prepare a Notice of Outcome, including any applicable sanctions, to be provided to the Parties.

b. For non-Title IX Hearings

The Hearing Officer or Panel will deliberate and issue a finding of responsibility for each alleged violation, rationale for the decision, and recommended sanctions. Either the Hearing Officer finalize the Notice of Outcome to be issued to the Parties.

c. Disciplinary Actions and Sanctions

For a list of sanctions that may be imposed upon responsible parties who are students, please refer to the Student Handbook/Code of Conduct or here: https://www.southtexascollege.edu/pdf/Student_Handbook.pdf

For a list of disciplinary actions that may be imposed upon responsible parties who are employees, please refer to the Employee Handbook or here: <https://admin.southtexascollege.edu/president/policies/pdf/4000/4911.pdf>

11. Promptness of Resolution

All allegations of Sexual Harassment or Prohibited Behavior will be acted upon promptly by the Title IX Coordinator or a Deputy Title IX Coordinator after the Title IX Coordinator or a Deputy Title IX Coordinator has actual knowledge of the allegation or a Formal Complaint has been filed with the Title IX Coordinator or a Deputy Title IX Coordinator. Complaints can take 60 to 90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the Title IX Coordinator or a Deputy Title IX Coordinator will respond promptly in a manner that is not deliberately indifferent. Any time the general timeframes for resolution will be delayed, the Title IX Coordinator or a Deputy Title IX Coordinator will provide written notice to the victim/Complainant and Respondent of the delay,

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the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

12. Appeals

Parties may appeal the Notice of Outcome for any type of hearing within ten (10) business days of receipt of the Notice of Outcome. Appeals are limited to the following bases:

1. Procedural irregularity;
2. New evidence that was not reasonably available at the time the determination was made; or
3. A conflict of interest or bias on the part of any person involved with the administration of the hearing.

13. Prevention and Outreach Program

The College shall develop and implement a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking which:

- (1) Addresses a range of strategies to prevent sexual harassment, sexual assault, dating violence, and stalking, including a victim empowerment program, a public awareness campaign, primary prevention, bystander intervention, and risk reduction; and
- (2) Provides to students information regarding the protocol for reporting incidents of sexual harassment, sexual assault, dating violence, and stalking including the name, office location, and contact information of the institution's Title IX coordinator or a Deputy Title IX Coordinator, by:
 - (a) e-mailing the information to each student at the beginning of each semester or other academic term; and
 - (b) including the information in the orientation required

As part of the protocol for responding to reports of sexual harassment, sexual assault, dating violence, and stalking the College shall:

- (1) to the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, or stalking and any other person who reports such an incident are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and
- (2) notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating

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violence, or stalking to drop a course in which both parties are enrolled without any academic penalty.

14. Trauma-Informed Investigation Training

Each peace officer employed by the College shall within one (1) calendar year of the adoption of this policy by the College or within one (1) calendar year of the peace officer's employment with the College, whichever date is later, shall complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

15. Amnesty for Students Reporting Certain Incidents

The College may not take any disciplinary action against a student enrolled at the College who in good faith reports to the College being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the College's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any.

The College may investigate to determine whether a report of an incident of Sexual harassment, sexual assault, dating violence, or stalking was made in good faith.

A determination that a student is entitled to amnesty under this section is final and may not be revoked.

This subsection does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, domestic violence, stalking or retaliation.

This section may not be construed to limit the College's ability to provide amnesty from application of the College's institution's policies in circumstances not described by this subsection.

16. Memoranda of Understanding Required

To facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking at the College, the College shall enter into a memorandum of understanding with one or more:

- a. local law enforcement agencies;
- b. sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and
- c. hospitals or other medical resource providers.

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17. Orientation for New Students on Sexual Harassment and Prohibited Behavior

South Texas College shall require each entering freshman or undergraduate transfer student to attend an orientation on the institution's sexual harassment, sexual assault, dating violence, and stalking policy before or during the first semester or term in which the student is enrolled at the institution. The College shall establish the format and content of the orientation. The orientation:

1. may be provided online; and
2. must include the statements regarding:
 - a. the importance of a victim of sexual harassment, sexual assault, dating violence, or stalking doing to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;
 - b. the right of a victim of sexual harassment, sexual assault, dating violence, or stalking to report the incident to the institution and to receive a prompt and equitable resolution of the report; and
 - c. the right of a victim of a crime to choose whether to report the crime to law enforcement, to be enforcement, or to decline to report the crime to law enforcement;

18. Administrative Reporting Requirements

Not less than once every three months, the Title IX coordinator or a Deputy Title IX Coordinator shall submit to the College President a written report on the reports received regarding Sexual Harassment or Prohibited Behavior, including information regarding:

- a. the investigation of those reports;
- b. the disposition, if any, of any disciplinary processes arising from those reports; and
- c. the reports for which the College determined not to initiate a disciplinary process, if any.

The College's Title IX Coordinator or Deputy Title IX coordinator shall immediately report to the College President an incident reported to the Title IX Coordinator or a Deputy Title IX Coordinator if the coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

At least once during each fall or spring semester, the College President shall submit to the South Texas College's governing body and post on the College's Internet website a report concerning the reports received from the Title IX Coordinator or a Deputy Title IX Coordinator unless for any semester in which the College has fewer than 1,500 enrolled students, the College President shall submit and post a report required under this Section for that semester only if more than five reports were received during that semester. The report:

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- a. may not identify any person; and
- b. must include:
 - the number of reports received under Section III;
 - the number of investigations conducted as a result of those reports;
 - the disposition, if any, of any disciplinary processes arising from those reports;
 - the number of those reports for which the College determined not to initiate a disciplinary process, if any; and
 - any disciplinary actions

XII. Periodic Review of Policy

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

XIII. History

Origination Date Approved by Board	May 26, 2015
Date Reviewed and Approved by Board	December 15, 2015 April 26, 2016 April 24, 2018 August 27, 2019 December 10, 2019 July 28, 2020

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I. Purpose

~~South Texas College respects the equal dignity and worth of every member of its community. The College is dedicated to fostering an environment free from sex discrimination, harassment, sexual misconduct and retaliation.~~ The purpose of this policy is to ensure compliance with the anti-discrimination provisions Title IX of the Education Amendments Act of 1972 and its implementing regulations (hereinafter "Title IX") and to ensure compliance with Subchapters E-2 and E-3 of Chapter 51 of the Texas Education Code (hereinafter "Chapter 51"). ~~and has developed this policy, and accompanying~~ The purpose of this policy is also to adopt and publish a grievance and disciplinary procedures, ~~in order~~ to ensure a prompt, fair, and equitable resolution of complaints arising under this policy for all parties involved. ~~This policy applies to all types of discrimination covered in the College's Non-Discrimination Notice.~~

II. Definitions

As used herein, the following terms shall have the meaning assigned:

"Complainant" means a student or employee means who is alleged to be the victim of conduct that could constitute sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation for engaging in a protected activity.

"Confidential Employee/Student Advisor" means an employee or a student designated by the College as being confidential resource to whom reports of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation may be made and who are not obligated to report complaints of such incidents to the Title IX Coordinator or a Deputy Title IX Coordinator, but are required to communicate details of such incidents in a manner that does not reveal the identity of the alleged victim.

"Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator or a Deputy Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence or stalking against a Respondent and requesting that the College investigate the allegations in the complaint. A document filed by the complainant as a formal complaint includes an electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College. When the Title IX Coordinator or a Deputy Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator or a Deputy Title IX Coordinator is not a complainant or otherwise a party in the process.

"Mandatory/Responsible Reporter" means an employee of the College who is obligated by policy to share knowledge, notice, and/or reports of conduct constituting sex

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discrimination, sexual harassment, sexual assault, domestic violence, dating violence and/or retaliation with the Title IX Coordinator or the Deputy Title IX Coordinator. All employees of the College are mandatory reporters except employees designated as being Confidential.

“Protected Activity” means exercising a right under this policy such as (1) making a report or filing a formal complaint; or (2) cooperating with or participating in an investigation; or (3) participating in a disciplinary process or a judicial proceeding relating to a Report or a Formal Complaint made by a student or employee under this policy; or (4) opposing, in good faith, any conduct that would be in violation of this policy. This does not apply to a student or employee who participates in an investigation, disciplinary process, or judicial proceeding relating to a Report or Formal Complaint alleging that the student or employee is the Respondent.

“Report” means a document (i) filed by a witness to an alleged incident of sexual harassment, sexual assault, dating violence, domestic violence, stalking, alleging sexual harassment, sexual assault, dating violence or stalking; or (ii) filed with a Confidential Employee or a Student Advocate by a complainant who desires to withhold disclosure of his or her identity and only confidentially discuss the alleged sexual harassment, sexual assault, dating violence or stalking in confidence without the complaint being investigated by the College.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator or a Deputy Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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“Title IX Coordinator” is at least one official designated by the College to ensure compliance with Title IX, the College’s Title IX program, and Chapter 51. References to the Title IX Coordinator throughout this policy may also encompass a designee or Deputy Title IX Coordinator of the Coordinator for specific tasks.

III. ~~Non-Title IX Prohibits~~ Discrimination on the Basis of Sex

South Texas College (*hereinafter the “College”*) does not discriminate or tolerate discrimination against any employee, applicant for employment, student, or applicant for admission on the basis of ~~race, color, national origin, ethnicity, religion, age, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, parental status, disabilities, genetic information, veteran status, or any other protected category under applicable local, state, or federal law~~ in the education program or activity that it operates, and it is prohibited by Title IX and its implementing regulations from discriminating in such a manner. This non-discrimination requirement in its education program or activity extends to student recruitment and admission and to employment of personnel. Any inquiries from students (including parents, guardians, or conservators of minor students), employees, or the general public about the application of Title IX and its implementing regulations to the College may be referred to the College’s Title IX Coordinator or Deputy Title IX Coordinator, to the Assistant Secretary of the U.S. Department of Education, or to both. ~~Any member of the College community whose acts deny, deprive, or limit any other member’s access to employment or educational programs or activities violates this policy.~~ A violation of this policy by any person is subject to disciplinary action up to and including expulsion from the College or termination from employment.

~~III. Discriminatory Harassment~~

~~Harassment can take many forms and can affect both educational and employment opportunities. Harassment is unwelcome, physical, verbal, or nonverbal conduct, and may include off-campus or online conduct. Some examples of harassment are: name calling, graphic images, written statements, and other unwelcome conduct that may be humiliating, physically threatening or harmful. When such conduct creates a hostile environment and limits or denies an individual’s educational or employment access, benefits, or opportunities, it is a violation of this policy subject to disciplinary action or termination, unless it is determined to be constitutionally protected expression. The College reserves the right to address any offensive conduct with supportive measures, respectful conversation, education, remedial actions, or other informal resolutions, whenever appropriate and especially if a substantial in-program disruption has occurred.~~

IV. Title IX Prohibits Sex Discrimination / Sexual Harassment, Sexual Misconduct

A. Sex Discrimination

Under Title IX, sex discrimination involves exclusion from or different treatment on the basis of sex in such College activities as recruitment, admission, financial aid, work-study, athletics, counseling, or employment. Sex discrimination may also take the form

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of sexual harassment which can encompass sexual assault, dating violence, domestic violence, or stalking. South Texas College is committed to eradicating all forms of sex-based discrimination *including sexual harassment and prohibits its employees and students from engaging in such conduct.* ~~In addition to Sexual -based discriminatory Harassment subject to section III above, sex-based discriminatory harassment may also include acts of sexual misconduct. Sexual misconduct can occur in any sex or gender configuration without regard to gender identity, gender expression or sexual orientation. and this policy shall be applied without regard to such. This policy is made in accordance with federal and state laws and regulations (such as Title IX) and may include off-campus or online conduct. Any person who violates this policy is subject to disciplinary action up to and including expulsion from the College or termination from employment. The following acts are covered by this policy:~~

~~1. Sexual Harassment defined by Federal Law (Title IX) means:~~

- ~~a) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;~~
- ~~b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or~~
- ~~c) Sexual assault, dating violence, domestic violence, or stalking (as defined in the Clery Act).~~

~~2. Sexual Harassment defined by Texas State Law means unwelcome, sex-based verbal or physical conduct that:~~

- ~~d) In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or~~
- ~~e) In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.~~
- ~~f) Dating violence, sexual assault, or stalking (as defined by the Clery Act).~~

~~3. Sexual Assault, Dating Violence, Domestic Violence and Stalking~~

~~These include offenses that meet the definition of rape, fondling, incest or statutory rape, stalking and intimate partner violence as used in the Federal Bureau of Investigation's Uniform Crime Reporting Program. For more detailed definitions, please request more information from the Title IX Coordinator.~~

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B. Sexual Harassment

Under Title IX, sexual harassment is considered a form of sex-based discrimination. The Title IX implementing regulations define sexual harassment as conduct on the basis of sex that satisfies one or more of the following:

- 1. **Quid Pro Quo harassment.** This occurs when an employee of the College conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;*
- 2. **Unwelcome conduct.** This is conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or*
- 3. **"Sexual assault"** as defined in 20 U.S.C. 1092(f)(6)(A)(v), **"dating violence"** as defined in 34 U.S.C. 12291(a) (10), **"domestic violence"** as defined in 34 U.S.C. 12291(a)(8), or **"stalking"** as defined in 34 U.S.C. 12291(a)(30).*

V. Sexual Harassment and other Prohibited Behavior under Chapter 51

Subchapters E-2 and E-3 of Chapter 51, Texas Education Code (hereinafter "Chapter 51") require that the College adopt a policy prohibiting sexual harassment, sexual assault, dating violence, and stalking that is applicable to each student enrolled at and each employee of the College.

A. Sexual Harassment

Chapter 51 defines sexual harassment, as follows:

- 1. **Sexual Harassment** - means unwelcome, sex-based verbal or physical conduct that:*
 - a) In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or*
 - b) In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.*

B. Other Prohibited Behavior under Chapter 51

Chapter 51 also prohibits the following behavior (hereinafter "Prohibited Behavior"):

- 1. **Sexual Assault** - means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.*

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2. *Dating Violence* - means physical violence or verbal abuse committed by a person

- a. against a victim with whom the person is or has been in a social relationship of a romantic or intimate nature;
- b. is intended to result in physical harm, bodily injury, assault, mental anguish, mental pain, emotional distress, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault; and
- c. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

3. *Stalking* - means engaging in any act or course of conduct that is directed at a specific person that would cause a reasonable person to:

- a. fear for his or her safety or the safety of others; or
- b. suffer substantial emotional distress.

4. *Retaliation* – means an adverse action in the employment or education context taken against any student, employee, applicant for admission or for employment on the basis that the individual engage in any Protected Activity.

In the employment context, the most obvious types of retaliation include denial of a promotion or a pay raise, denial of job benefits, demotion, suspension and discharge. Other types of adverse actions include intimidation, threats, reprimands, negative evaluations, and harassment.

In the education context, some obvious types of retaliation include, but not limited to, receiving a failing grade or being denied an opportunity drop a class, enroll in a class, or participate in any extra-curricular activity.

VI. Sexual Violence and Consent, Coercion, & Incapacitation

Sexual violence is a form of sexual harassment or sexual assault that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

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Consent

Consent is knowing, voluntary, and clear permission, by word or action, to engage in mutually agreed upon sexual activity. It is the responsibility of each party to make certain that the other has consented before engaging in the activity. Consent can be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated and the activity should cease immediately or within a reasonable time. Resistance *to engaging in sexual activity* is a clear demonstration of non-consent as is knowing that the other person is incapacitated and unable to provide consent.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. In Texas, the age of consent *to engage in sexual activity* is 17 *years of age*. Sexual activity with someone without clear consent constitutes a violation of this policy.

~~Coercion~~

~~Coercion is unreasonable pressure for sexual activity. When someone makes clear they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive and is a violation of this policy.~~

Incapacitation

Incapacitation ~~is defined as~~ *means* a *mental* state where ~~someone~~ *a person* ~~cannot make rational, reasonable decisions because they~~ lacks the capacity to give knowing/informed consent. Incapacitation may be due to a person's use of drugs or alcohol; due to an intellectual, mental or physical disability; ~~or~~ due to *their state of sleep or a person's lack of unconsciousness, or due to a person being underage. A person who is under seventeen (17) years of age is legally incapable of consenting to sexual activity.* A person who engages in sexual activity with someone whom the individual knows, or reasonably should know, is incapable of knowingly *giving* ~~consenting to the sexual activity~~ violates this policy. Intoxication of the individual alleged to have violated this policy is not a defense.

~~5. Sexual Exploitation~~

~~Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to the benefit or advantage anyone other than the one being exploited. Some examples of sexual exploitation include, but are not limited to:~~

- ~~ii. Taking pictures, video or audio recordings of another in a sexual act, nudity, or in any other sexually related activity.~~
- ~~iii. Disseminating pictures of a sexual nature without the photographed~~

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~~person's consent.~~

~~iv. Exposing one's genitals or breasts in non-consensual circumstances or inducing another to expose their genitals or breasts.~~

~~v. Engaging in consensual sexual activity without informing the other person of a known sexually transmitted disease or infection.~~

~~vi. Causing or attempting to cause the incapacitation of another person for the purpose of compromising that person's ability to consent to sexual activity.~~

~~vii. Invasion of sexual privacy.~~

~~viii. Engaging in sex trafficking.~~

~~ix. Knowingly soliciting a minor for sexual activity.~~

~~x. Creation, possession or dissemination of child pornography.~~

~~xi. Sexually-based intimidation, hazing and/or bullying.~~

VII. ~~Policy on~~ Consensual Romantic or Sexual Relationships Prohibited

The College prohibits employees ~~in supervisory roles~~ from entering consensual romantic or sexual relationships *with each other if one is the direct or indirect supervisor of the other.* ~~any subordinate employee under the supervisor's direct or indirect supervision and The College prohibits faculty members and students from entering consensual romantic or sexual relationships with each other if one is the instructor of the other. any student enrolled in the faculty member's class. Employees with direct teaching, supervisory, advisory, or evaluative responsibility over other employees, students and/or student employees recognize and respect the ethical and professional boundaries that must exist in relationships with students or employees of the College.~~

Employees in *a* ~~supervisory-subordinate relationship~~ ~~roles~~ are prohibited from explicitly or implicitly suggesting or recommending *or agreeing* ~~to a subordinate employee that the either employee transfer or be transferred to another position or that the subordinate employee leave employment with the intention of circumventing this policy.~~

~~A faculty member is~~ *Individuals in an instructor-student relationship are* prohibited from explicitly or implicitly suggesting or recommending *or agreeing to a* ~~that the~~ student enrolled in the faculty member's class ~~to drop the class or withdraw from enrollment in the College or that the faculty member withdraw from the class or from employment with the College~~ with the intention of circumventing this policy.

The prohibition on consensual relationships shall apply for the duration of the supervisor-subordinate or instructor-student relationship and for a period of one calendar year after such relationship has ended.

VIII. Victim's Rights Statement

All victims have a right to a prompt and equitable resolution of reports of violations of this policy. South Texas College encourages victims of sexual assault, dating violence, domestic

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violence or stalking, to go to a hospital for treatment and preservation of evidence as soon as practicable after the incident.

~~V. Retaliation~~

~~It is prohibited for any person to take any adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, or to interfere with any privilege provided under Title IX. Retaliation of any form is a separate violation of this policy. Acts of alleged retaliation should be reported immediately in order for the College to attempt to eliminate the adverse action~~

IX. False Complaints

Any person who *knowingly* files a false complaint *alleging a violation of this policy knowingly* or with the intent to harm or deceive is subject to disciplinary action up to and including dismissal or expulsion from the College. Pursuant to Texas law, an employee who commits such an offense must be terminated from employment with the College.

X. *Protocol for Reporting Incidents of Sexual Harassment and Prohibited Behavior*

A. *Formal Complaints*

Formal complaints or reports concerning alleged incidents of sexual harassment, sexual assault, dating violence, or stalking shall be made in accordance the protocols set forth herein. A formal complaint filed with the Title IX Coordinator, or the Deputy Title IX Coordinator, a Mandatory Reporter or with a Responsible Employee, or a report filed with a designated Confidential Employee or with a designated Student Advocate, may be filed in person, by mail, or by electronic mail, by using the contact information listed for each in this policy. A formal complaint filed by a complainant means a written document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

B. *Designation of Title IX Coordinator*

The following employee serves as the Title IX Coordinator:

*Maria G. Elizondo
Vice President for Finance and Administration
Services, Title IX Coordinator
3201 W. Pecan Blvd., X224
McAllen, TX 78501
(956) 872-3558
TitleIX@southtexascollege.edu*

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The Title IX Coordinator has the primary responsibility for coordinating College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees the grievance process and all resolutions of complaints under this policy and these procedures.

C. Mandatory Reporting of Sexual Harassment *or of Prohibited Behavior*

All employees of South Texas College, unless ~~subject to an exception described below~~ designated a Confidential Employee, are ~~hereby~~ considered Mandatory Reporters under Title IX and Chapter 51. Mandatory Reporters who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College at the time of the incident shall promptly report the incident to the Title IX Coordinator or Deputy Title IX Coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident for all actual or suspected instances of sexual harassment. The Mandatory Reporter must promptly share with a Title IX Coordinator or Deputy Title IX Coordinator all known details of a report made to the Mandatory Reporter in the course of their employment. Mandatory Reporters are required to report an incident regardless of the when or where the incident occurred.

~~NOTE: Pursuant to Texas state law, an offense for failure to report is a Class B misdemeanor. However, if it is shown that the actor intended to conceal the incident that the actor was required to report the offense is a Class A misdemeanor. In such cases, the College shall terminate the employment of an employee who commits such an offense.~~

When a mandatory reporter receives a report of an incident, they must:

1. Advise the individual of the employee's obligation to report any information the individual reveals to the Title IX coordinator *or Deputy Title IX Coordinator*;
2. Explain to the individual of their option to ask that the institution consider maintaining the confidentiality of that information, but that the institution may not be able to guarantee confidentiality, and
3. Offer the individual the option to instead share this information with counselor, ombuds, clergy, victim's advocacy groups, medical providers, attorneys, or other resources who may provide higher levels of

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confidentiality.

D. Failure to Report or False Report; Offenses

A Mandatory Reporter person who is required to make a report commits an offense if the person knowingly fails to make the report; or with the intent to harm or deceive, knowingly makes a report that is false. An offense is a Class B misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the actor intended to conceal the incident that the actor was required to report. If it is determined, in accordance with the College's disciplinary procedure, that an employee committed an offense for failing to make a report or for making a false report, the employee's employment with the College shall be terminated.

E. Exceptions to Mandatory Reporting – Designation of Confidential Employees

~~Counselors, ombuds, medical providers, or advisors (as described below in section VII. E) are considered “confidential employees” as persons with whom students may speak confidentially concerning any matter, including sexual harassment, sexual assault, dating violence, or stalking. Confidential employees will not share information with the Title IX Coordinator and will only share statistical data as required by law. When making reports of incidents of sexual harassment, sexual assault, dating violence or stalking, the confidential employee shall state only the type of incident reported and may not include any information that would violate a student's expectation of privacy.~~

In an effort to encourage employees and students to report violations of this policy and to receive confidential assistance and supportive services without having to disclose their identity, the College designates the following employees as “Confidential Employees”:

- 1. Counselors*
- 2. Ombuds*

Any student or employee who is a victim of, or a witness to an alleged incident of sexual harassment, sexual assault, dating violence, or stalking who desires to report the alleged incident but also desires to preserve the confidentiality of his or her identity and of the alleged incident and not have the incident investigated by the Title IX Coordinator or a Deputy Title IX Coordinator should report the alleged incident to a Confidential Employee. A designated Confidential Employee may not disclose any communication made by a student unless the student consents to the disclosure or the employee is required to make the disclosure under state or federal law. Reports made to a Confidential Employee shall be forwarded to the Title IX Coordinator or a Deputy Title IX Coordinator in a manner that does not disclose the reporting student's identity and only discloses information which the College needs to collect on the incident for reporting and statistical purposes.

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A “Confidential Employee” is required to inform reporting employees and students that:

- *The confidentiality privilege belongs to the student and not to the Confidential Employee; therefore, only the student may waive the privilege.*
- *The confidentiality privilege is not absolute, it applies only with respect to making reports to the Title IX Coordinator or a Deputy Title IX Coordinator;*
- *In a case involving a minor student, the Confidential Employee may have a legal obligation to break the privilege and report sexual (or other abuse) of the minor to law enforcement authorities and/or to child protective services.*
- *In a criminal investigation arising from a complaint of sexual assault, domestic violence, dating violence, or stalking, a Confidential Employees may have a legal obligation to break the confidentiality and report a criminal act or testify in a civil or criminal proceeding if compelled to do so by a court or other tribunal of competent jurisdiction.*
- *Discussing any matter concerning sexual harassment or prohibited behavior with a “confidential employee” may delay an investigation into the matter but will not preclude a student or employee from, subsequently, filing a formal complaint with a mandatory reporting employee or the Title IX Coordinator or a Deputy Title IX Coordinator.*
- *The employee or student has a right to file a formal complaint with the Title IX Coordinator or a Deputy Title IX Coordinator;*
- *The employee or student has a right to file a criminal complaint with campus or local law enforcement authorities,*
- *The College has available campus resources for counseling, medical, and academic support,*
- *Confidential employees are available to assist in filing complaints, and*
- *Anti-retaliation and safety protections are in place.*

F. Additional Reporting

All members of the South Texas College community, including students, employees, applicants, vendors, guests and visitors are encouraged to report incidents of prohibited conduct, online, in person, by mail, by telephone, or by electronic mail, or by any other means that results in receipt of the person’s verbal or written report. Such a report may

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be made at any time (24/7) and may be made anonymously. There is no time limit to file reports but the actions the College can take to resolve complaints may be limited if significant time has passed.

~~The following person has been designated as the Title IX Coordinator to handle inquiries regarding these non-discrimination policies and/or laws:~~

~~Lisa Y. Guerra, Esq.
Institutional Equity Officer, Title IX Coordinator
3201 W. Pecan Blvd., A106
McAllen, TX 787501
(956) 872-2379
TitleIX@southtexascollege.edu~~

Online reports can be made at: <https://www.southtexascollege.edu/report/index.html>

G. Actual Knowledge by College Required for Title IX and Chapter 51 Cases

Actual knowledge to the College means a report made to an “Official with Authority” to institute corrective measures on behalf of the College. The Title IX Coordinator is an official with such authority. Other Officials with Authority to institute corrective measures include: College President, Vice-Presidents, ~~Institutional Equity Officer~~, Deputy Title IX Coordinator, Director of Human Resources or Dean of Student Affairs.

H. Confidentiality

In addition to expectation of confidentiality as explained in section B above, pursuant to Texas state law, the identity of an alleged victim, a reporting party, or an alleged Respondent, to an incident of sexual harassment, sexual assault, dating violence or stalking, is confidential and is not subject to disclosure unless waived in writing by the person. The identity may be disclosed only as required by law, as permitted by the Family Educational Rights and Privacy Act or to carry out the purposes of Title IX or relevant state laws including: alleged perpetrator(s) if required by law, persons tasked by the College to conduct an investigation, hearing or other proceeding arising under this policy; law enforcement officers who must conduct a criminal investigation of the report; or a health care provider in an emergency situation, as determined by the College. *A disclosure under this section is not a voluntary disclosure for purposes of Section 552.007, Government Code. Information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking disclosed to a health care provider or other medical provider employed by the College is confidential and may be shared by the medical provider only with the victim's consent. However, the medical provider must provide aggregate data or other nonidentifying information regarding those incidents to the Title IX Coordinator.*

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I. Reporting to Law Enforcement

Nothing in this policy is intended to limit the right of any person to file a criminal complaint with the law enforcement authorities in conjunction with a complaint under this policy. Complaints may also be filed with other local law enforcement authorities or with South Texas College's Department of Public Safety at (956) 872-4444 at or call 911 (for emergency services). Victims of a crime may choose to report the crime to law enforcement and may request that the College assist with such reporting, but they are not required to do so.

Employees and students with existing protective or restraining orders are encouraged to provide a copy to the Department of Public Safety.

J. State and Federal Reporting

Complaints may also be filed with the following federal and state agencies. Nothing in this policy shall be construed as extending the time period provided by law for an employee to file any charge or complaint of discrimination with outside agencies.

For Students:

Office of Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Telephone: 214-661-9600/TDD#: 1-800-521-2172
OCR.Dallas@ed.gov

Office for Civil Rights, National Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: (800) 241-3481
Fax: (202) 453-6012
OCR@ed.gov
Or online at: <https://ocrcas.ed.gov/welcome-to-the-ocr-complaint-assessment-system>

For Employees:

U.S. Equal Employment Opportunity Commission
San Antonio EEOC Field Office
Legacy Oaks, Building A
5410 Fredericksburg Road, Ste. 200
San Antonio, TX 78229
Telephone: (800) 669-4000

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Online information available at: <https://www.eeoc.gov/how-file-charge-employment-discrimination>

Texas Workforce Commission
Civil Rights Division
101 E. 15th Street, Room 144-T
Austin, TX 78778-0001
Telephone: (512) 463-2642

Online information available at: <https://www.twc.texas.gov/jobseekers/how-submit-employment-discrimination-complaint>

XI. College's Response to Sexual Harassment and Prohibited Behavior

A. General Response

If the College has actual knowledge of Sexual Harassment or of Prohibited Behavior without a Formal Complaint, it will respond promptly in a manner that is not deliberately indifferent. In its response, the College will treat Complainants and Respondents equitably by offering Supportive Measures, as defined herein, to a Complainant, and by following a grievance process that complies with §106.45 of the Title IX implementing regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent. In instances of actual knowledge of sexual harassment or prohibited behavior, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Department may not deem a recipient to have satisfied the recipient's duty to not be deliberately indifferent under this part based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

B. Response to a Formal Complaint.

In response to a Formal Complaint, the College will follow a grievance resolution process that complies with §106.45 of the Title IX implementing regulations.

C. Grievance Resolution Process

1. Initial ~~Assignment~~ Assessment of Formal Complaints

Any person may report Sexual Harassment or Prohibited Behavior (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Harassment or Prohibited Behavior).

Formal Complaints alleging Sexual Harassment or Prohibited Behavior shall be

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~~submitted to will be received by the Office of Institutional Equity and categorized appropriately based on the alleged violations Title IX Coordinator or Deputy Title IX Coordinator. The Title IX Coordinator or a Deputy Title IX Coordinator shall evaluate each Formal Complaint to determine if the complaint alleges Sexual Harassment or Prohibited Behavior. and categorized appropriately based on the alleged violations. Complaints will fall into the following categories: Complaints will fall into the following categories:~~

- ~~• Sexual Misconduct or sex-based discrimination~~
- ~~• Discriminatory Harassment (other than sex-based discrimination)~~
- ~~• Student Conduct~~
- ~~• Constitutionally protected expression~~
- ~~• Other non-discriminatory complaints (such as personal injury, workers' compensation or other incidents not based on discrimination or infringement of rights)~~

~~Cases involving student conduct or constitutionally protected expression are governed by the Student Code of Conduct and will be forwarded to the Office of Student Rights and Responsibilities. Cases involving employees that do not involve discrimination, harassment or retaliation will be forwarded to the Office of Human Resources.~~

~~All other cases will be coordinated by the Office of Institutional Equity and will be resolved by Informal Resolution, Mediation, Informal Hearing, or a Live Hearing, as agreed to by all parties or as required by law.~~

~~Cases involving Formal Complaints alleging Sexual Harassment or Prohibited Behavior sexual misconduct in violation of section IV above that are governed by Title IX regulations will be coordinated by the Title IX Coordinator or a Deputy Title IX Coordinator. Formal Complaints will be investigated by investigators, and may be resolved by through Informal Resolution following a formal complaint by persons designated to facilitate an informal resolution process, if agreed to by all parties, in writing, or resolved by decision-makers by after a Live Hearing incorporating examination of witnesses and cross-examination of the parties by the parties' respective Advisors. Title IX cases will be handled by staff who have received training in compliance with Title IX regulations and who are free from bias or conflicts of interest against any party or witness. In addition to the Title IX Coordinator and its designees or a Deputy Title IX Coordinator, investigators, decision-makers, and persons designated to facilitate an informal resolution process as required by §106.45(iii) of the Title IX implementing regulations to include training on the definition of Sexual Harassment, the scope of the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the~~

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facts at issue, conflicts of interest, and bias.

2. Formal, ~~Signed~~ Complaint ~~Required for Title IX cases~~ *Signed by Complainant or Title IX Coordinator* **Required**

In cases ~~of discrimination involving sex-based discrimination subject to the provisions of Title IX,~~ *involving allegations of Sexual Harassment or Prohibited Behavior*, a Formal Complaint signed by the Complainant is required for an Informal Resolution or to begin an investigation leading to a Live Hearing. A Complainant may withdraw a complaint at any time.

In Title IX cases where the College receives an anonymous report, or where a Complainant withdraws ~~their~~ *a Formal C*omplaint, or where a Complainant refuses to further participate in the process, the Title IX Coordinator may sign a formal complaint commencing the grievance resolution process in order to ensure that matters which pose a threat to the educational, employment, or other opportunities provided by the College, are addressed. *If a Complainant alleging to be a victim of an incident of sexual harassment, sexual assault, dating violence, family violence, stalking, or retaliation reported to the Title IX Coordinator requests that the alleged incident not be investigated, the Title IX Coordinator may have the alleged incident investigated in a manner that complies with the confidentiality requirements of this policy. In determining whether to have the alleged incident investigated, the Title IX Coordinator or a Deputy Title IX Coordinator shall consider:*

- (1) the seriousness of the alleged incident;*
- (2) whether the Title IX Coordinator or a Deputy Title IX Coordinator has received other reports of sexual harassment, sexual assault, dating violence, stalking, or retaliation committed by the alleged Respondent(s);*
- (3) whether the alleged incident poses a risk of harm to others; and*
- (4) any other factors the Title IX Coordinator or a Deputy Title IX Coordinator determines relevant.*

If the Title IX Coordinator decides not to have an alleged incident of sexual harassment, sexual assault, dating violence, stalking or retaliation investigated based on the Complainant's request not to investigate, the Title IX Coordinator shall take any steps deemed necessary to protect the health and safety of the College community in relation to the alleged incident. The Title IX Coordinator or a Deputy Title IX Coordinator shall inform an alleged victim of an incident of sexual harassment, sexual assault, dating violence, stalking, or retaliation who requests that the Title IX Coordinator or a Deputy Title IX Coordinator not

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to investigate the alleged incident of the whether or not the alleged incident will be investigated.

3. Optional Risk Assessment/~~Emergency Removal~~

Upon receiving a report of conduct that may violate ~~this policy~~ Title IX or Section 51.281, the Title IX Coordinator or ~~Deputy Title IX Coordinator~~ ~~their~~ ~~designee~~ may refer a party for an individualized risk assessment by the College's Behavioral Intervention Team (BIT). *The BIT may act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator or a Deputy Title IX Coordinator in conjunction with the Behavioral Intervention Team (also known as BIT/BAT/TAT/CARE, etc.) using its standard objective violence risk assessment procedures.*

In all cases in which an emergency removal is imposed, the student Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When the student Respondent does not timely request this, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator or a Deputy Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator or a Deputy Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration of the emergency removal. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

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4. Supportive Measures

~~The College will~~ *Alleged victims of Sexual Harassment or of Prohibited Behavior will be* offered ~~Supportive Measures to protect all those reported to be victims of any form of sexual misconduct before a Formal Complaint or~~ during the pendency of the grievance resolution process, including, but not limited to: protection from retaliation, interim no-contact orders, academic support (such as dropping courses without academic penalty), alternative work arrangements, campus safety escorts, referrals to counseling, community-based service providers, or any other action deemed appropriate. To the greatest extent practicable, referrals to counseling will be offered by a counselor who does not provide counseling to any other person involved in the incident. *The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.*

These actions may include, but are not limited to:

- *Referral to counseling, medical, and/or other healthcare services*
- *Referral to community-based service providers*
- *Student financial aid counseling*
- *Altering work arrangements for employees or student-employees*
- *Safety planning*
- *Providing campus safety escorts*
- *Providing transportation accommodations*
- *Implementing contact limitations (no contact orders) between the parties*
- *Academic support or other course/program- related adjustments*
- *Timely warnings*
- *Class schedule modifications, withdrawals, or leaves of absence*
- *Increased security and monitoring of certain areas of the campus*

5. Provision of Advisors

~~All parties~~ *Complainants and Respondents* have the right to an Advisor of their choice to assist them in ~~Title IX matters~~ proceedings involving a Formal Complaint alleging Sexual Harassment or Prohibited Behavior. ~~Advisors may be allowed for other cases as well subject to these policies. An~~ Advisors may be ~~an~~ attorneys, ~~a~~ faculty member, a staff member, a family member, a friend or any other support person. *The College may establish restrictions regarding the extent to which the Advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.* ~~Parties~~ *A Complainant or Respondent* who desires more than one Advisor must ~~make such a~~ request ~~so~~ as early as possible within the resolution process and if more than one Advisor is allowed for one party, the other party will be allowed the same number of

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Advisors. No more than two Advisors per party will be allowed unless justification in writing is provided to the College. Parties may choose not to use an advisor in any stage of the grievance resolution process except that parties **must** have an Advisor who **must** conduct cross-examination of other witnesses if a Live Hearing is conducted ~~in a Title IX case. If no advisor is selected by a party before a~~ *If a party does not have an Advisor present at the* Live Hearing, the Title IX Coordinator ~~or a Deputy Title IX Coordinator~~ will appoint an advisor who will conduct the cross-examination *on behalf of that party.*

Advisors must be willing and available to serve as an advisor. Advisors will be provided information about the grievance resolution process. Advisors who are otherwise **Mandatory Reporters** ~~(as described in section VII. A.) above~~ will be temporarily exempt from mandatory reporting solely for the matter in which they serve as an **Advisor**.

6. Notice of Allegations and Investigation

Before commencement of the grievance resolution process *of a Formal Complaint alleging Sexual Harassment or Prohibited Behavior*, notice of the allegations must be provided to an alleged respondent for a Title IX matter. Such notice may not be provided if the **Complainant** is only seeking supportive measures without the filing of a **Formal Complaint** or if a **Complainant** withdraws their complaint prior to commencement of the grievance resolution process with no impact upon the alleged **Respondent**.

The grievance resolution process for Formal Complaints alleging Sexual Harassment or Prohibited Behavior, will be in accordance with grievance procedure set forth in 34 C.F.R. §106.45.

The grievance resolution process for complaints alleging sex discrimination other than Sexual Harassment or Prohibited Behavior, will be the non-adversarial procedure set forth in Policy 4904. ~~In non-Title IX cases, notice of alleged violations will be provided to the alleged respondent before disciplinary action or other sanctions are assessed.~~

7. Informal Resolution

Upon receipt of a **Formal Complaint** ~~for Title IX cases~~ *alleging Sexual Harassment or Prohibited Behavior*, or any time after receiving a report of a **conduct in violation** ~~in all other cases~~ of this policy, the Title IX Coordinator ~~or a Deputy Title IX Coordinator~~ ~~Institutional Equity Officer~~ may facilitate an informal resolution amenable to all parties involved as follows:

1. By providing supportive measures to the Complainant that remedy the situation;

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2. When the Respondent agrees to responsibility for a violation and accepts a sanction amenable to all parties; or
3. When the parties agree to a mediation.

~~All parties~~ *The Complainant and the Respondent* must voluntarily agree to the informal resolution in writing and no party will be pressured to participate. The parties may choose to stop the Informal Resolution process at any time and request another form of resolution. However, a Live Hearing is required for *complaints alleging Sexual Harassment and other Prohibited Behavior* for Title IX matters if an Informal Resolution cannot be reached. ~~An Informal Hearing will be conducted for all other non-Title IX cases that are not resolved by other means.~~

8. Investigations

Investigations will be conducted in accordance with all applicable laws, regulations and policies. ~~Title IX cases~~ *Formal Complaints alleging Sexual Harassment or Prohibited Behavior* will be investigated by investigators who have received training in compliance with Title IX regulations. Investigations may involve interviews with parties or witnesses; obtaining available, relevant evidence; or identifying sources of expert information, as necessary.

~~For Title IX cases,~~ A 10-day review period will be provided to ~~parties~~ *Complainants and Respondents* to review a draft investigation report including relevant evidence and for the opportunity to provide additional feedback, evidence, or witnesses. After this 10-day period, the investigator will update the investigative report, if necessary, and the Title IX Coordinator or *Deputy Title IX Coordinator* ~~their designee~~ will provide the parties with a final investigative report at least ten (10) days prior to a Live Hearing.

9. Live Hearings

~~Once~~ *After* an investigation is complete and if an Informal Resolution does not resolve the matter, the case will be referred for a *Live Hearing*.

a. Policy applicable to all Hearings

Hearings conducted under this policy will be heard by a Hearing Officer or a Panel of three (3) ~~members~~ *decision-makers* determined at the discretion of the Title IX Coordinator or a *Deputy Title IX Coordinator*, ~~or the Institutional Equity Officer~~.

All *Live Hearings* are subject to the preponderance of the evidence standard of proof.

b. Formal, Live Hearings for Title IX and *Chapter 51.281 Complaint Cases*

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A formal **live** hearing will occur no less than ten (10) business days after a final investigative report is issued to the parties, unless all parties, advisors and staff involved agree to an expedited hearing. ~~Title IX~~ **H**earings must be live and must be recorded.

~~Informal Hearings for non-Title IX Cases~~

~~Informal Hearings will not be recorded and may only involve one party if the other party does not choose to attend. If both parties do not attend an informal hearing,~~

The Hearing Officer or Panel will make a determination on all of the evidence available.

More information about the procedure for all hearings is available by contacting the Title IX Coordinator or **Deputy Title IX Coordinator** ~~their designee, the Office of Institutional Equity~~ or here:

https://www.southtexascollege.edu/about/pdf/Complaint_and_Grievance_Procedure.pdf

10. Notice of Outcome and Sanctions

a. For Title IX Hearings

Once a hearing has been conducted, the Hearing Officer or Panel members will deliberate and issue a finding of responsibility for each alleged violation in a written deliberation statement that will include the determination, rationale, the evidence relied upon in support of the determination, any evidence not relied upon, credibility assessments and recommendations for sanctions.

The written deliberation statement will then be shared with the Title IX Coordinator **or a Deputy Title IX Coordinator** who will work with the Hearing Office to prepare a Notice of Outcome, including any applicable sanctions, to be provided to the Parties.

b. For non-Title IX Hearings

The Hearing Officer or Panel will deliberate and issue a finding of responsibility for each alleged violation, rationale for the decision, and recommended sanctions. Either the Hearing Officer ~~or the Institutional Equity Officer~~ will finalize the Notice of Outcome to be issued to the Parties.

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c. Disciplinary Actions and Sanctions

For a list of sanctions that may be imposed upon responsible parties who are students, please refer to the Student Handbook/Code of Conduct or here: https://www.southtexascollege.edu/pdf/Student_Handbook.pdf

For a list of disciplinary actions that may be imposed upon responsible parties who are employees, please refer to the Employee Handbook or here: <https://admin.southtexascollege.edu/president/policies/pdf/4000/4911.pdf>

11. Promptness of Resolution

All allegations of Sexual Harassment or Prohibited Behavior will be acted upon promptly by the Title IX Coordinator or a Deputy Title IX Coordinator after the Title IX Coordinator or a Deputy Title IX Coordinator has actual knowledge of the allegation or a Formal Complaint has been filed with the Title IX Coordinator or a Deputy Title IX Coordinator. Complaints can take 60 to 90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the Title IX Coordinator or a Deputy Title IX Coordinator will respond promptly in a manner that is not deliberately indifferent. Any time the general timeframes for resolution will be delayed, the Title IX Coordinator or a Deputy Title IX Coordinator will provide written notice to the victim/Complainant and Respondent of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

12. Appeals

Parties may appeal the Notice of Outcome for any type of hearing within ten (10) business days of receipt of the Notice of Outcome. Appeals are limited to the following bases:

1. Procedural irregularity;
2. New evidence that was not reasonably available at the time the determination was made; or
3. A conflict of interest or bias on the part of any person involved with the administration of the hearing.

13. Prevention and Outreach Program

The College shall develop and implement a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking which:

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(1) Addresses a range of strategies to prevent sexual harassment, sexual assault, dating violence, and stalking, including a victim empowerment program, a public awareness campaign, primary prevention, bystander intervention, and risk reduction; and

(2) Provides to students information regarding the protocol for reporting incidents of sexual harassment, sexual assault, dating violence, and stalking including the name, office location, and contact information of the institution's Title IX coordinator or a Deputy Title IX Coordinator, by:

(a) e-mailing the information to each student at the beginning of each semester or other academic term; and

(b) including the information in the orientation required

As part of the protocol for responding to reports of sexual harassment, sexual assault, dating violence, and stalking the College shall:

(1) to the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, or stalking and any other person who reports such an incident are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and

(2) notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, or stalking to drop a course in which both parties are enrolled without any academic penalty.

14. Trauma-Informed Investigation Training

Each peace officer employed by the College shall within one (1) calendar year of the adoption of this policy by the College or within one (1) calendar year of the peace officer's employment with the College, whichever date is later, shall complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

15. Amnesty for Students Reporting Certain Incidents

The College may not take any disciplinary action against a student enrolled at the College who in good faith reports to the College being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the College's code of conduct occurring at or near the time of the incident, regardless of the location at which the

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incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any.

The College may investigate to determine whether a report of an incident of Sexual harassment, sexual assault, dating violence, or stalking was made in good faith.

A determination that a student is entitled to amnesty under this section is final and may not be revoked.

This subsection does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, domestic violence, stalking or retaliation.

This section may not be construed to limit the College's ability to provide amnesty from application of the College's institution's policies in circumstances not described by this subsection.

16. Memoranda of Understanding Required

To facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking at the College, the College shall enter into a memorandum of understanding with one or more:

- a. local law enforcement agencies;*
- b. sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and*
- c. hospitals or other medical resource providers.*

17. Orientation for New Students on Sexual Harassment and Prohibited Behavior

South Texas College shall require each entering freshman or undergraduate transfer student to attend an orientation on the institution's sexual harassment, sexual assault, dating violence, and stalking policy before or during the first semester or term in which the student is enrolled at the institution. The College shall establish the format and content of the orientation. The orientation:

- 1. may be provided online; and*
- 2. must include the statements regarding:*
 - a. the importance of a victim of sexual harassment, sexual assault, dating violence, or stalking doing to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;*

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- b. *the right of a victim of sexual harassment, sexual assault, dating violence, or stalking to report the incident to the institution and to receive a prompt and equitable resolution of the report; and*
- c. *the right of a victim of a crime to choose whether to report the crime to law enforcement, to be enforcement, or to decline to report the crime to law enforcement;*

18. Administrative Reporting Requirements

Not less than once every three months, the Title IX coordinator or a Deputy Title IX Coordinator shall submit to the College President a written report on the reports received regarding Sexual Harassment or Prohibited Behavior, including information regarding:

- a. *the investigation of those reports;*
- b. *the disposition, if any, of any disciplinary processes arising from those reports; and*
- c. *the reports for which the College determined not to initiate a disciplinary process, if any.*

The College's Title IX Coordinator or Deputy Title IX coordinator shall immediately report to the College President an incident reported to the Title IX Coordinator or a Deputy Title IX Coordinator if the coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

At least once during each fall or spring semester, the College President shall submit to the South Texas College's governing body and post on the College's Internet website a report concerning the reports received from the Title IX Coordinator or a Deputy Title IX Coordinator unless for any semester in which the College has fewer than 1,500 enrolled students, the College President shall submit and post a report required under this Section for that semester only if more than five reports were received during that semester. The report:

- a. *may not identify any person; and*
- b. *must include:*
 - *the number of reports received under Section III;*
 - *the number of investigations conducted as a result of those reports;*
 - *the disposition, if any, of any disciplinary processes arising from those reports;*
 - *the number of those reports for which the College determined not to initiate a disciplinary process, if any; and*
 - *any disciplinary actions*

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~~XII. Applicable Laws and Regulations~~

~~This policy governs complaints or grievances by any member of the college community in accordance with following laws and regulations:~~

~~Title IX of the Education Amendments Act of 1972 (Title IX)~~

~~As required by Title IX (34 C.F.R. §106.8(b)), South Texas College does not discriminate on the basis of sex in any educational program or activity which it operates. This extends to applicants for admission or employment.~~

~~Title VI of the Civil Rights Act of 1964 (Title VI)~~

~~Title VI is a federal law that prohibits education institutions from discriminating against a member of the community based on race, national origin or color.~~

~~Title VII of the Civil Rights Act of 1964 (Title VII)~~

~~Title VII is a federal law that prohibits employers from discriminating against employees on the basis of sex (including gender identity and sexual orientation), race, color, national origin, and religion.~~

~~Section 504 of the Rehabilitation Act of 1973/American with Disabilities Act of 1990~~

~~The College complies with Section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act and does not discriminate on the basis of a disability in the areas of admissions, employment, or applicants for admission or employment.~~

~~Age Discrimination in Employment Act of 1967 (ADEA)~~

~~The ADEA protects individuals who are 40 years of age and older from discrimination with respect to any term, condition, or privilege of employment, such as hiring, promotion, demotion, firing, pay, or fringe benefits.~~

~~Chapter 21 of the Texas Labor Code (Texas Commission on Human Rights Act of 1983)~~

~~The Texas Human Rights Act protects individuals from discrimination because of a person's race, color, disability, religion, sex, national origin, or age.~~

~~Senate Bill 212 (Texas Education Code Section 51.282)~~

~~Senate Bill 212 mandates that all employees who witness or receive information about an incident of sexual misconduct involving a current student or employee to promptly report the incident including all relevant information to the Title IX coordinator or their designee.~~

~~House Bill 1735 (Texas Education Code Section 51.282)~~

~~House Bill 1735 requires the College's sexual harassment policy to include definitions of prohibited behavior, sanctions for violations, protocols for reporting and responding to reports of sexual harassment, interim measures to support victims, and language about victims' rights. Some of the bill's other requirements include trauma-informed training for~~

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~~police officers, continuation of the grievance process even upon withdrawal or graduation of a party, and development of a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence and stalking.~~

~~If you have questions about your rights under any of these laws or for more information, please contact:~~

~~Lisa Y. Guerra, Esq.
Title IX Coordinator Institutional Equity Officer,
South Texas College
3201 W. Pecan Blvd., A106
McAllen, TX 78501
(956) 872-2379
OIE@southtexascollege.edu~~

XII. Periodic Review of Policy

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

XIII. History

Origination Date Approved by Board	May 26, 2015
Date Reviewed and Approved by Board	December 15, 2015 April 26, 2016 April 24, 2018 August 27, 2019 December 10, 2019 July 28, 2020

Review and Action as Necessary to Revise Policy #4316: *Leave Without Pay*

Approval to revise Policy #4316: *Leave Without Pay* is requested.

Purpose – The proposed revisions to the policy are necessary to update some statements in the policy.

Justification – The request for the revisions to this policy is necessary for the following reasons:

- Establish the leave without pay approval requirements.

Background – South Texas College adopted Policy #4316: Leave Without Pay on November 9, 1995.

Reviewers – The revised policy has been reviewed by the President's Cabinet, Administrative Staff, Planning and Development Council Staff, and by STC Legal Counsel, Mr. Jose Guerrero.

Enclosed Documents - The revised policy and the Leave Without Pay Request Form follows in the packet for the Board's information and review.

The additions to the policies are highlighted in yellow and the deletions are designated with a red strikeout.

Mr. Jose Guerrero, Legal Counsel, will be present at the Board meeting to review the Policy and address any questions by the Board.

Due to time constraints at the Dec. 8, 2020 meeting, the Finance, Audit, and Human Resources Committee did not make a recommendation on this item. It is presented with administration's recommendation of approval.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize the proposed revisions to Policy #4316: *Leave Without Pay* as presented and which supersedes any previously adopted Board policy.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes the proposed revisions to Policy #4316: *Leave Without Pay* as presented and which supersedes any previously adopted Board policy.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

MANUAL OF POLICY

Title	Leave Without Pay	4316
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I. Purpose

A leave without pay for up to 120 consecutive business days during a consecutive twelve (12) month period, except as otherwise provided, may be approved by the President for good cause and when in the best interest of the College and in accordance with this policy.

II. Policy

Leave without pay may be granted for up to *120 consecutive business days during a consecutive twelve* (12) months *period to full-time regular employees for medical or other personal reasons* subject to the following provisions:

1. Except for disciplinary suspension, parental leave, family and medical leave, workers' compensation and military situations, all accumulated paid leave entitlement must be exhausted before granting leave without pay, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave under sick leave provisions.
2. Except in cases of an employee returning to employment from military leave without pay, any full calendar month in which an employee is on leave without pay will not be counted in the calculation of total service for vacation pay.
3. Employees will not accrue vacation or sick leave during the period of leave without pay.
4. *Employees will continue to earn credit for years of service while on leave without pay. Faculty will not earn service credit for faculty classification process.*

~~The President is authorized to approve leaves of absences without pay for a period up to and including 12 months when it appears justifiable and beneficial to the individual and the College.~~

During a leave without pay, the College will continue to pay the employer portion of the employee's health insurance and the employee will be responsible for paying their premiums to the Employees Retirement System of Texas accordingly.

Request of Leave Without Pay Process

Leave without pay shall be requested by completing the Leave Without Pay Form at least 60 days prior to commencement of the leave or as soon as practicable prior to the commencement

MANUAL OF POLICY

Title	Leave Without Pay	4316
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of the leave in the event of an unforeseeable absence. The form must be submitted to the immediate supervisor and must include the following:

- 1. In the case of a personal reason for the requested leave without pay, the employee shall submit appropriate documentation to substantiate the request. In the case of a medical reason, an appropriate and sufficient medical certification must be submitted directly to the Office of Human Resources.*
- 2. The commencing and ending dates of the requested leave.*

The immediate supervisor shall evaluate the request based on the following criteria:

- 1. The ability of the department to function efficiently and effectively during the employee's leave, including the nature of the employee's position;*
- 2. The provisions required to accomplish the employee's work, including the practicality of reassigning duties for the time period;*
- 3. Whether the request is for a qualifying personal reason; and*
- 4. The employee's acknowledgment of intent to return to work.*

The employee's immediate supervisor shall evaluate the leave without pay request in consultation with the Office of Human Resources and recommend whether the request shall be granted or denied based on the criteria and shall state the reasons of the decision. In the case of a request for leave for a medical reason, the Office of Human Resources shall evaluate the request to determine if it is for a qualifying medical reason. The immediate supervisor will submit a recommendation to grant or deny a request for leave without pay to the immediate supervisor's chain of command, including the Director/Dean, appropriate Vice President, and the Office of Human Resources. The appropriate Vice President shall submit the recommendation to the President who shall approve, deny, or modify the requested leave without pay.

The approved or denied Leave Without Pay Request Form will be submitted to the Office of Human Resources for processing. The Office of Human Resources shall, promptly, deliver a copy of the approval or denial of leave without pay to the employee requesting the leave without pay and to the employee's immediate supervisor.

MANUAL OF POLICY

Title Leave Without Pay **4316**
Legal Authority Approval of the Board of Trustees **Page 3 of 3**
Date Approved by Board *Board Minute Order dated December 15, 2020*

Procedures

The Director of Human Resources or Designee shall administer and monitor leave without pay policy compliance and procedures.

III. History

<i>Origination Date Approved by Board</i>	<i>November 9, 1995</i>
<i>Dates Reviewed and Approved by Board</i>	<i>December 15, 2020</i>

South Texas College Leave Without Pay Request Form

Leave without pay (LWOP) may be granted for medical or other personal reasons subject to the provisions per College Policy 4316 Leave Without Pay. The LWOP may be granted for up to 120 consecutive business days during a consecutive twelve (12) month period.

Employees requesting leave without pay must complete this form at least 60 days prior to the commencement of leave or as soon as practicable prior to the commencement of the leave in the event of an unforeseeable absence. Please note:

- Employee must have exhausted all accumulated paid leave entitlement.
- All leave without pay must be approved in advance by Human Resources and the chain of command (the employee's supervisor, Director or Dean, Vice President, and the College President).
- If the dates of requested leave change, a new Leave Without Pay Request form must be submitted for approval.
- Employees on LWOP are responsible for payment of insurance premiums with ERS.
- Employee on LWOP will not accrue sick or vacation leave.
- Employees must confirm return date with the Office of Human Resources at least one week in advance.

This form should not be used to request leave under the Family and Medical Leave Act (FMLA) or to request leave as an accommodation under the Americans with Disabilities Act (ADA). Employees should consult with HR to request leave under the FMLA or ADA.

To be completed by the Employee:

Date of Request: _____

Employee Name: _____

Job Title: _____ Department: _____

Employee status: () Full time () Part time

Requested leave dates (mm/dd/yy): _____ to _____.

Reason for the Leave Without Pay: _____

I have read and fully understand the information contained in Policy 4316 Leave Without Pay.

Employee signature

Date

Leave Without Pay Request Form

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To be completed by Director of Human Resources or designee:

Verified Medical Certification: ____ Yes ____ No

Recommendation: ____ Approve ____ Not approve

Director of HR or designee Signature: _____ Date: _____

To be completed by the Employee's Supervisor:

Leave request is: ____ Approve ____ Not approve

If not approved, provide an explanation: _____

_____.

Supervisor Signature: _____ Date: _____

To be completed by the Employee's Director/Dean:

Leave request is: ____ Approve ____ Not approve

If not approved, provide an explanation: _____

_____.

Director/Dean Signature: _____ Date: _____

To be completed by Vice President:

Leave request is: ____ Approve ____ Not approve

If not approved, provide an explanation: _____

_____.

Vice President's Signature: _____ Date: _____

To be completed by President:

Leave request is: ____ Approve ____ Not approve

If not approved, provide an explanation: _____

_____.

President's Signature: _____ Date: _____

Review and Discussion on the College's Action Plan Regarding the Change of Guidance from the Department of Education on the Use of Coronavirus Aid, Relief, and Economic Security (CARES) Act Institutional Funds

Mary Elizondo, Vice President for Finance and Administrative Services, will present on the College's action plan regarding the change of guidance from the Department of Education on the use of Coronavirus Aid, Relief, and Economic Security (CARES) Act Institutional Funds for your review and discussion.

On June 23, 2020, the South Texas College Board of Trustees ratified the acceptance and use of the Higher Education Emergency Relief Funds (HEERF) authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act allocations received by the College.

As reviewed with the Board of Trustees on June 23, 2020, the College received Federal CARES Act funds in three formula allocations as follows:

US Department of Education (DOE), Higher Education Emergency Relief Fund (HEERF) Emergency Financial Aid Grants under the CARES (Coronavirus Aid, Relief, and Economic Security) Act:

CARES Act Student Funds – Section 18004(a)(1) 50%	\$10,011,199
CARES Act Institutional Funds–Section 18004(a)(1) 50%	<u>\$10,011,199</u>
Total CARES Act Section 18004(a)(1)	<u>\$20,022,398</u>
CARES Act Minority Serving Institutions – Section 18004(a)(2)	<u>\$ 1,255,089</u>
Grand Total	<u>\$21,277,487</u>

College staff sought and gained guidance and approval of the proper use of the **CARES Act Institutional Funds** from the Department of Education on multiple occasions prior to August 31, 2020.

On August 25, 2020, College staff requested and gained approval from the Board of Trustees to record a budget amendment necessary for posting the entries necessary to record the use of the funds.

As a result of the guidance obtained, the College used the CARES Act Institutional Funds totaling \$10,011,199 in FY 2019 – 2020 as follows:

1. Faculty Salaries and Benefits	\$8,798,672.66
2. Staff Salaries and Benefits	\$ 914,593.00
3. Personal Protective Equipment (PPE)	\$ 146,894.79
4. Other Equipment and Software	\$ 151,038.55

The expenses identified above were incurred during the period of March 16, 2020 to August 31, 2020, in Fiscal Year 2019 – 2020.

On August 31, 2020, the College drew down and received one hundred percent (\$10,011,199) of the CARES Act Institutional Funds.

On October 14, 2020, College personnel learned during a webinar held by the Department of Education on new guidance regarding the use of the CARES Act Institutional Funds that the previous guidance issued by the Department of Education and relied upon by the College may be reversed.

On November 25, 2020, after discussion with Department of Education personnel and the College's external auditors, an email correspondence was received from a Division Director at the US Department of Education indicating that "Generally the cost of existing faculty or staff members' salaries and benefits is not an allowable use of 18004(a)(1) funds. Even if those faculty or staff may be working in different settings (electronically) or through different modalities, their salaries and benefits cannot be paid using 18004(a)(1) funds, since they would have otherwise been paid by the institution had the COVID-19 pandemic not occurred. If the institution needed to hire new staff for the reduced classes or to help faculty succeed in the online environment, those new staff's salaries could be an allowable use"

On December 9, 2020, the College received a response from the Department of Education on questions posed related to the use of the CARES Act Institutional Funds. In addition, guidance was provided regarding refunding the Department of Education for CARES Act Institutional Funds drawn down for expenses deemed not eligible, such as faculty salaries and benefits. As a result, the College must refund \$6,607,106.84, (Faculty salaries and benefits \$6,857,106.84, less \$250,000 of Faculty Hybrid Course Stipends paid in FY 21), which may be re-drawn once eligible expenses are incurred. As a result of the change in guidance from the Department of Education, the action steps necessary are detailed in Exhibit A.

On December 9, 2020, the College's Executive Director for Resource Development, Management and Compliance, submitted questions to the Department of Education Program Contact, and as of December 11, 2020, responses have not been received. The questions posed related to the revised use of funds per the Department of Education guidance and as presented to the Finance, Audit, and Human Resources on December 8, 2020.

Based on the response received from the Department of Education and as reviewed with the Finance, Audit, and Human Resources Committee on December 9, 2020, the proposed use of CARES Act Institutional Funds is revised as follows:

FY 2019 – 2020

- Include salaries and benefits expenditures for the employees not allowed to come onto campus during the period of April 1, 2020 through April 30, 2020 due to the County's Judge's Shelter-at-Home Order. These employees were not able to work from home due to nature of work duties, lack of computer equipment, or lack of access to the College's computer system, but were available to work if contacted and asked to come onto campus. These employees were not furloughed and were paid their regular salary and benefits as follows:

⇒ Non-Exempt employees	\$ 2,725,202.44
⇒ Direct Wage employees	<u>130,956.38</u>
⇒ Total	<u><u>\$ 2,856,158.82</u></u>

- Maintain the expenses as follows:

⇒ Personal Protective Equipment (PPE)	\$
146,894.79	
⇒ Other Equipment and Software	<u>151,038.55</u>
⇒ Total expenses	<u>\$ 297,933.34</u>

FY 2019 – 2020 CARES Act Institutional Funds Total \$ 3,154,092.16

FY 2020 – 2021 (Estimated)

- Maintain the expenses as follows:

⇒ Faculty Hybrid Course Stipends	\$ 500,000.00
⇒ Student Emergency Aid for Spring 21	<u>6,357,106.84</u>

FY 2020 – 2021 CARES Act Institutional Funds Total \$ 6,857,106.84

Grand Total Expenditures FY 2019-2020 and FY 2020-2021 \$10,011,199.00

The FY 2019 – 2020 expenses were incurred and are associated with the significant changes to the delivery of instruction due to the Coronavirus. In addition, the salaries and benefits expenses were incurred to continue to pay, to the greatest extent practicable, the College employees during the period of disruptions or closures related to the Coronavirus.

The estimated FY 2020 - 2021 expenses are associated with the significant changes to the delivery of instruction due to the Coronavirus and additional emergency aid disbursements to students as a result of the Coronavirus.

The student emergency aid funds will be distributed to students enrolled in the Spring 2021 semester on a first come, first served basis at \$600 each starting immediately through the first week of the semester. The remaining funds will be disbursed in equal amounts to all qualifying students after the census date. All funds will be disbursed by the May 5, 2021, deadline. Strong student communication efforts will include emails, postcards, letters, publications, and general announcements.

Enclosed Documents – Exhibit A, Action Plan – CARES Act Institutional Funds follows in the packet for the Committee's review and information.

Mrs. Mary Elizondo, Vice President for Finance and Administrative Services, will present the action plan regarding the change of guidance from the Department of Education on the use of Coronavirus Aid, Relief, and Economic Security (CARES) Act Institutional Funds at the December 15, 2020 Regular Board Meeting and will address any questions by the Board.

No action is required from the Board. This item is presented for information and feedback to staff.

Action Plan – CARES Act Institutional Funds**Reverse the Entries Posted in FY 2019 – 2020**

The College will reverse the faculty and staff salaries and benefits expenses previously funded by the CARES Act Institutional Funds in the amount of \$9,713,265.66. Post entries for staff salary and benefits per Department of Education guidance, as discussed with the Finance, Audit, and Human Resources Committee on December 8, 2020.

Record a Payable to the Department of Education in FY 2019 – 2020

The College will record a payable, due to the Department of Education in the amount of \$6,857,106.84, to be reflected on the FY 2020 Comprehensive Annual Financial Report since the funds would not be used in FY 2020.

Gain Approval from Board to Revise the FY 2019 – 2020 Budget Amendments

At the August 25, 2020 Board meeting, the Board approved a budget amendment for FY 2019 - 2020 necessary to account for the use of the CARES Act Institutional Funds

The College must revise the Fiscal Year 2019 - 2020 Budget Amendment for the Unrestricted, Auxiliary and Restricted Funds for the CARES Act Institutional portion of the budget amendment.

At the December 9, 2020, Finance, Audit, and Human Resources Committee, the Board approved a revised budget amendment to FY 2019 – 2020 necessary to account for the revised use of CARES Act Institutional funds.

Refund Funds to the Department of Education

The College requested and received one hundred percent of the CARES Act Institutional Funds on August 31, 2020. Guidance was provided by the Department of Education regarding refunding the Department of Education for CARES Act Institutional Funds drawn down for expenses deemed not eligible, such as faculty salaries and benefits. As a result, the College must refund approximately \$6,607,106.84, (Faculty salaries and benefits \$6,857,106.84, less \$250,000 of Faculty Hybrid Course Stipends paid in FY 21), which may be re-drawn once eligible expenses are incurred.

Interest Earning to DOE

The College also sought guidance from the Department of Education on whether it is required to calculate and pay interest earned from September 1, 2020, to when new expenses are incurred for the remaining funds or to when the funds are returned. Per the Department of Education, imputed interest is not collected.

Identify Revised Use of Institutional Funds for FY 2020 – 2021

Administration recommends the revised use of CARES Act Funds as follows:

FY 2019 – 2020

- Include salaries and benefits expenditures for the employees not allowed to come onto campus during the period of April 1, 2020 through April 30, 2020 due to the County's Judge's Shelter-at-Home Order. These employees were not able to work from home due to nature of work duties, lack of computer equipment, or lack of access to the College's computer system, but were available to work if contacted and asked to come onto campus. These employees were not furloughed and were paid their regular salary and benefits as follows:

⇒ Non-Exempt employees	\$ 2,725,202.44
⇒ Direct Wage employees	<u>130,956.38</u>
⇒ Total	<u>\$ 2,856,158.82</u>

- Maintain the expenses as follows:

⇒ Personal Protective Equipment (PPE)	\$ 146,894.79
⇒ Other Equipment and Software	<u>151,038.55</u>
⇒ Total expenses	<u>\$ 297,933.34</u>

FY 2019 – 2020 CARES Act Institutional Funds Total	<u>\$ 3,154,092.16</u>
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FY 2020 – 2021 (Estimated)

- Use expenses as follows:

⇒ Faculty Hybrid Course Stipends	\$ 500,000.00
⇒ Student Emergency Aid for Spring 21	<u>6,357,106.84</u>

FY 2020 – 2021 CARES Act Institutional Funds Total	<u>\$ 6,857,106.84</u>
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Grand Total Expenditures FY 2019-2020 and FY 2020-2021 \$10,011,199.00

The FY 2019 – 2020 expenses were incurred and are associated with the significant changes to the delivery of instruction due to the Coronavirus. In addition, the salaries and benefits expenses were incurred to continue to pay, to the greatest extent practicable, the College employees during the period of disruptions or closures related to the Coronavirus.

The estimated FY 2020 - 2021 expenses are associated with the significant changes to the delivery of instruction due to the Coronavirus and additional emergency aid disbursements to students as a result of the Coronavirus.

The student emergency aid funds will be distributed to students enrolled in the Spring 2021 semester on a first come, first served basis at \$600 each starting immediately through the first week of the semester. The remaining funds will be disbursed in equal amounts to all qualifying students after the census date. All funds will be disbursed by the May 5, 2021, deadline. Strong student communication efforts will include emails, postcards, letters, publications, and general announcements.

Discussion and Action as Necessary on Unrestricted Fund, Restricted Fund, and Auxiliary Fund Budget Amendments for FY 2019 – 2020 Due to Change of Guidance from the Department of Education on the Use of the Coronavirus Aid, Relief, and Economic Security (CARES) Act Institutional Funds

Approval of the proposed Unrestricted Fund, Restricted Fund, and Auxiliary Fund Budget Amendments for FY 2019 – 2020 due to change of guidance from the Department of Education on the use of the Coronavirus Aid, Relief, and Economic Security (CARES) Act Institutional Funds will be requested at the December 15, 2020 Board meeting.

Purpose - The proposed budget amendments are necessary since the College learned that the US Department of Education revised prior guidance which specifically supported the use of Coronavirus Aid, Relief, and Economic Security (CARES) Act funding costs for faculty or staff members who were already employed by the College before the COVID-19 pandemic.

The US Department of Education has recently determined that the institutional funds from the Higher Education Emergency Relief Fund (HEERF) under the Coronavirus Aid, Relief, and Economic Security CARES Act may not be used to cover these faculty and staff costs.

After additional research and discussion with the College's external auditor, College staff is proposing to modify the use of the CARES Act Institutional Funds to include salaries and benefit expenditures for employees that were unable to work during the College's closure due to the County's judge Shelter-at-Home Order.

Justification – Acting under prior US Department of Education guidance, on August 25, 2020, the Board approved amendments to the Unrestricted Fund, Restricted Fund, and Auxiliary Fund Budgets for FY 2019 – 2020, so that restricted CARES Act funding could cover costs identified as eligible by the federal government at that time.

The proposed new budget amendments are necessary to correct the College's budgets based upon recent new guidance from the US Department of Education, as follows:

Unrestricted Fund Budget for FY 2019 – 2020 (Detailed in Exhibit A):

- Increase the Unrestricted Fund expenditure budget to cover salary, benefits, and operating costs totaling \$9,978,140.62, which were previously reclassified to the Restricted Fund as costs to be covered by CARES Act funding.
- Decrease the Unrestricted Fund Salary Budget by \$2,076,425, the Benefits Budget by \$686,991.65, and the Operating Expenditure Budget by \$297,933.34 to reflect institutional costs for employees that were unable to work during the College's closure due to the County's judge Shelter-at-Home Order.
- Decrease the Unrestricted Fund Balance Reserve Budget by \$6,916,790.01, to record this reclassification of incurred costs covered by CARES Act funding.

- After this reduction of Unrestricted Fund Balance Reserve, the College will remain compliant with Policy #5350: *Unrestricted Fund Balance*, which requires that the College maintain an unrestricted fund balance sufficient to cover no less than four months of budgeted expenditures.

Restricted Fund Budget for FY 2019 – 2020 (Detailed in Exhibit B):

- Decrease the Restricted Fund budget by \$10,011,199, due to the reclassification of costs to the Unrestricted Fund Budget (\$9,978,140.62) and the Auxiliary Fund Budget (\$33,058.38), as described in Exhibits A and C.
- Increase the Restricted Fund Revenue and the Expenditure Budget by \$3,154,092.16 to reflect institutional costs that for employees that were unable to work during the College's closure due to the County's judge Shelter-at-Home Order.

Auxiliary Fund Budget for FY 2019 – 2020 (Detailed in Exhibit C):

- Increase the Auxiliary Fund expenditure budget to cover salary and benefits costs totaling \$33,058.38, which were previously reclassified to the Restricted Fund as costs to be covered by CARES Act funding.
- Decrease the Auxiliary Fund Salary Budget by \$70,096.16 and the Benefits Budget by \$22,646.01 to reflect institutional costs for employees that were unable to work during the College's closure due to the County's judge Shelter-at-Home Order.
- Increase the Auxiliary Fund Balance Reserve Budget by \$59,683.17, to record this reclassification of incurred costs.
- This change to the Auxiliary Fund Balance Reserve does not trigger any policy or other compliance concerns.

The proposed budget amendments follow in the packet for the Committee's information and review.

Mrs. Mary Elizondo, Vice President for Finance and Administrative Services, will present the Proposed Unrestricted Fund, Restricted Fund, and Auxiliary Fund Budget Amendments for FY 2019 – 2020.

On December 8, 2020, the Finance, Audit, and Human Resources Committee recommended Board approval of:

- the Unrestricted Fund Budget Amendment for FY 2019 – 2020 resulting in a net \$0 change to that budget;
- the Restricted Fund Budget Amendment for FY 2019 – 2020 resulting in a net \$6,857,106.84 decrease to that budget; and,
- the Auxiliary Fund Budget Amendment for FY 2019 – 2020 resulting in a net \$0 change to that budget;

due to the proposal of the College's staff to modify the use of the CARES Act Institutional Funds to include salaries and benefit expenditures for employees that were unable to

work during the College's closure due to the County's judge Shelter-at-Home Order, as presented.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize:

- the Unrestricted Fund Budget Amendment for FY 2019 – 2020 resulting in a net \$0 change to that budget;
- the Restricted Fund Budget Amendment for FY 2019 – 2020 resulting in a net \$6,857,106.84 decrease to that budget; and,
- the Auxiliary Fund Budget Amendment for FY 2019 – 2020 resulting in a net \$0 change to that budget;

due to the proposal of the College's staff to modify the use of the CARES Act Institutional Funds to include salaries and benefit expenditures for employees that were unable to work during the College's closure due to the County's judge Shelter-at-Home Order, as presented.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes:

- the Unrestricted Fund Budget Amendment for FY 2019 – 2020 resulting in a net \$0 change to that budget;
- the Restricted Fund Budget Amendment for FY 2019 – 2020 resulting in a net \$6,857,106.84 decrease to that budget; and,
- the Auxiliary Fund Budget Amendment for FY 2019 – 2020 resulting in a net \$0 change to that budget;

due to the proposal of the College's staff to modify the use of the CARES Act Institutional Funds to include salaries and benefit expenditures for employees that were unable to work during the College's closure due to the County's judge Shelter-at-Home Order, as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

South Texas College Unrestricted Fund

Fiscal Year Ending August 31, 2020
AMENDED

Revenue and Carryover Allocations Summary*

Revenue and Carryover Allocations	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Proposed Amended Budget
Total State Appropriations	\$ 48,445,377	\$ -	\$ -	\$ 48,445,377
Total Tuition	37,736,025	-	-	37,736,025
Total Fees	28,870,091	-	-	28,870,091
Total Other Revenues	8,762,488	-	-	8,762,488
Total M&O Property Taxes	51,707,955	-	-	51,707,955
Total Carryover Allocations	6,455,238	-	-	6,455,238
Total Revenues and Carryover Allocations	\$ 181,977,174	\$ -	\$ -	\$ 181,977,174

Expenditures and Transfers & Reserves Summary*

Expenditures/Transfers & Reserves	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Proposed Amended Budget
Total Salaries	\$ 97,230,493	\$ 7,820,563	\$ (2,076,425)	\$ 102,974,631
Total Benefits	27,183,804	2,072,049	(686,992)	28,568,861
Total Operating	36,173,724	85,528	(297,933)	35,961,319
Total Travel	2,440,672	-	-	2,440,672
Total Capital Outlay	2,773,792	-	-	2,773,792
Total Expenditures	\$ 165,802,485	\$ 9,978,140	\$ (3,061,350)	\$ 172,719,275
Transfers & Reserves				
Transfer to Unexpended Plant Fund	3,000,000	-	-	3,000,000
Transfer to Renewals & Replacements Plant Fund	-	-	-	-
Transfer to Office of ITED	949,704	-	-	949,704
Fund Balance Reserve	10,224,985	(9,978,140)	3,061,350	3,308,195
Contingency Fund	2,000,000	-	-	2,000,000
Total Transfers & Reserves	16,174,689	(9,978,140)	3,061,350	9,257,899
Total Expenditures/Transfers & Reserves	\$ 181,977,174	\$ -	\$ -	\$ 181,977,174

* Rounded

South Texas College

Restricted Fund

Fiscal Year Ending August 31, 2020
AMENDED

Revenue Summary*

Revenue Source	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Proposed Amended Budget
Total Restricted Revenue	\$ 95,415,543	\$ (10,011,199)	\$ 3,154,092	\$ 88,558,436
Total Revenues	\$ 95,415,543	\$ (10,011,199)	\$ 3,154,092	\$ 88,558,436

Expenditures Summary*

Expenditures	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Proposed Amended Budget
Total Salaries	\$ 10,214,090	\$ (7,843,669)	\$ 2,146,521	\$ 4,516,942
Total Benefits	2,882,054	(2,082,002)	709,638	1,509,690
Total Operating	2,779,792	(85,528)	297,933	2,992,197
Total Travel	102,259	-	-	102,259
Total Capital Outlay	616,250	-	-	616,250
Total Scholarships	78,821,098	-	-	78,821,098
Total Expenditures	\$ 95,415,543	\$ (10,011,199)	\$ 3,154,092	\$ 88,558,436

* Rounded

South Texas College Auxiliary Fund

Fiscal Year Ending August 31, 2020
AMENDED

Revenues and Fund Balance Allocations*

Revenues and Fund Balance Allocations	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Amended Budget
Bookstore	\$ 313,173	\$ -	\$ -	\$ 313,173
Interest Income	24,000	-	-	24,000
Food Services	711,707	-	-	711,707
General Conferences	135,000	-	-	135,000
Mid-Valley Child Care & Development Center	238,142	-	-	238,142
Non Public Fund	744,149	-	-	744,149
Professional Development Conferences	80,000	-	-	80,000
Self-Sustaining Conferences	85,455	-	-	85,455
Student Activity Fee	1,453,265	-	-	1,453,265
Student Copier	1,200	-	-	1,200
Vending Machines	119,011	-	-	119,011
Fund Balance - Micro Grant Scholarships	100,000	-	-	100,000
Total Revenues and Fund Balance Allocations	\$ 4,005,102	\$ -	\$ -	\$ 4,005,102

Expenditures and Transfers & Reserves Summary*

Expenditures/Reserves	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Amended Budget
Total Salaries	\$ 1,245,310	\$ 23,106	\$ (70,096)	\$ 1,198,320
Total Benefits	423,697	9,953	(22,646)	411,004
Total Operating	2,149,713	-	-	2,149,713
Total Travel	44,823	-	-	44,823
Total Institutional Scholarships	108,500	-	-	108,500
Total Fund Balance Reserve	33,059	(33,059)	92,742	92,742
Total Expenditures & Reserves	\$ 4,005,102	\$ -	\$ -	\$ 4,005,102

* Rounded

South Texas College

Budget Amendments for FY 2019 – 2020

Due to Change of Guidance from the Department of Education on the Use of the Institutional Funds from the Higher Education Emergency Relief Fund (HEERF) under the Coronavirus Aid, Relief, and Economic Security (CARES) Act



Proposed Budget Amendments

The Proposed Budget Amendments are necessary for the following reasons:

1. The US Department of Education revised prior guidance which specifically supported the use of CARES Act Institutional Funds for funding costs of faculty and staff members who were already employed by the College before the COVID-19 pandemic.
2. The US Department of Education determined that the CARES Act Institutional Funds may not be used to cover faculty and staff costs as identified by the College and as previously approved by the HEERF Help Desk.

Proposed Budget Amendments - *Continued*

The Proposed Budget Amendments are necessary for the following reasons:

3. The budget amendments approved by the Board of Trustees to account for the proposed use of the CARES Act Institutional Funds must now be corrected accordingly to account for the use of funds per the revised guidance.
4. The expenses in the proposed amendment were incurred and are associated with the significant changes to the delivery of instruction due to COVID-19. In addition, the salaries and benefits expenses were incurred to continue to pay, to the greatest extent practicable, the College employees during the period of disruptions or closures related to COVID-19.

Proposed Budget Amendment Summary - Unrestricted Fund

Revenue and Carryover Allocations Summary*

Revenue and Carryover Allocations	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Proposed Amended Budget
Total State Appropriations	\$ 48,445,377	\$ -	\$ -	\$ 48,445,377
Total Tuition	37,736,025	-	-	37,736,025
Total Fees	28,870,091	-	-	28,870,091
Total Other Revenues	8,762,488	-	-	8,762,488
Total M&O Property Taxes	51,707,955	-	-	51,707,955
Total Carryover Allocations	6,455,238	-	-	6,455,238
Total Revenues and Carryover Allocations	\$ 181,977,174	\$ -	\$ -	\$ 181,977,174

Expenditures and Transfers & Reserves Summary*

Expenditures/Transfers & Reserves	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Proposed Amended Budget
Total Salaries	\$ 97,230,493	\$ 7,820,563	\$ (2,076,425)	\$ 102,974,631
Total Benefits	27,183,804	2,072,049	(686,992)	28,568,861
Total Operating	36,173,724	85,528	(297,933)	35,961,319
Total Travel	2,440,672	-	-	2,440,672
Total Capital Outlay	2,773,792	-	-	2,773,792
Total Expenditures	\$ 165,802,485	\$ 9,978,140	\$ (3,061,350)	\$ 172,719,275
Transfers & Reserves				
Transfer to Unexpended Plant Fund	3,000,000	-	-	3,000,000
Transfer to Renewals & Replacements Plant Fund	-	-	-	-
Transfer to Office of ITED	949,704	-	-	949,704
Fund Balance Reserve	10,224,985	(9,978,140)	3,061,350	3,308,195
Contingency Fund	2,000,000	-	-	2,000,000
Total Transfers & Reserves	16,174,689	(9,978,140)	3,061,350	9,257,899
Total Expenditures/Transfers & Reserves	\$ 181,977,174	\$ -	\$ -	\$ 181,977,174

* Rounded

Proposed Budget Amendment Summary - Auxiliary Fund

Revenues and Fund Balance Allocations*

Revenues and Fund Balance Allocations	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Amended Budget
Bookstore	\$ 313,173	\$ -	\$ -	\$ 313,173
Interest Income	24,000	-	-	24,000
Food Services	711,707	-	-	711,707
General Conferences	135,000	-	-	135,000
Mid-Valley Child Care & Development Center	238,142	-	-	238,142
Non Public Fund	744,149	-	-	744,149
Professional Development Conferences	80,000	-	-	80,000
Self-Sustaining Conferences	85,455	-	-	85,455
Student Activity Fee	1,453,265	-	-	1,453,265
Student Copier	1,200	-	-	1,200
Vending Machines	119,011	-	-	119,011
Fund Balance - Micro Grant Scholarships	100,000	-	-	100,000
Total Revenues and Fund Balance Allocations	\$ 4,005,102	\$ -	\$ -	\$ 4,005,102

Expenditures and Transfers & Reserves Summary*

Expenditures/Reserves	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Amended Budget
Total Salaries	\$ 1,245,310	\$ 23,106	\$ (70,096)	\$ 1,198,320
Total Benefits	423,697	9,953	(22,646)	411,004
Total Operating	2,149,713	-	-	2,149,713
Total Travel	44,823	-	-	44,823
Total Institutional Scholarships	108,500	-	-	108,500
Total Fund Balance Reserve	33,059	(33,059)	92,742	92,742
Total Expenditures & Reserves	\$ 4,005,102	\$ -	\$ -	\$ 4,005,102

* Rounded

Proposed Budget Amendment Summary - Restricted Fund

Revenue Summary*

Revenue Source	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Proposed Amended Budget
Total Restricted Revenue	\$ 95,415,543	\$ (10,011,199)	\$ 3,154,092	\$ 88,558,436
Total Revenues	\$ 95,415,543	\$ (10,011,199)	\$ 3,154,092	\$ 88,558,436

Expenditures Summary*

Expenditures	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Proposed Amended Budget
Total Salaries	\$ 10,214,090	\$ (7,843,669)	\$ 2,146,521	\$ 4,516,942
Total Benefits	2,882,054	(2,082,002)	709,638	1,509,690
Total Operating	2,779,792	(85,528)	297,933	2,992,197
Total Travel	102,259	-	-	102,259
Total Capital Outlay	616,250	-	-	616,250
Total Scholarships	78,821,098	-	-	78,821,098
Total Expenditures	\$ 95,415,543	\$ (10,011,199)	\$ 3,154,092	\$ 88,558,436

* Rounded

Thank You

Questions?



Discussion and Action as Necessary on Proposed Auxiliary Fund Budget Amendment for FY 2020 – 2021 to Allocate \$50,000 from the Auxiliary Fund Balance to Increase the Micro Grant Scholarship Fund in the Spring 2021 Semester

Approval of a proposed Auxiliary Fund budget amendment for FY 2020 – 2021 to allocate \$50,000 from the Auxiliary Fund Balance to Increase the Micro Grant Scholarship Fund in the Spring 2021 Semester, is requested.

The proposed budget amendment is necessary for the following reasons:

- To allocate \$50,000 from the Auxiliary Fund Balance to increase the Carryover Fund Balance - Micro Grant Scholarship Fund Allocation, and
- To increase the STC Student Assistance Micro Grant Scholarship Fund expenditure budget to support student enrollment in the Spring 2021 semester.

The budget amendment is proposed as follows:

Budget Amendment – Allocate \$50,000 from the Auxiliary Fund Balance to Increase the Micro Grant Scholarship Fund in the Spring 2021 Semester

The proposed budget amendment will increase the total budgeted revenues and fund balance allocations and expenditures for fiscal year 2020 – 2021 as follows:

**Fiscal Year 2020 – 2021
Summary of Proposed Amendment – Revenues and Fund Balance Allocations and Expenditures**

Classification	Original Budget	Increase/ (Decrease)	Amended Budget
Revenues and Fund Balance Allocations			
Carryover Fund Balance - Micro Scholarships	\$100,000	\$50,000	\$150,000
Total Revenue and Fund Balance Allocations Increase	\$100,000	\$50,000	\$150,000
Expenditures			
Institutional Scholarships	\$108,500	\$50,000	\$158,500
Total Expenditures Increase	\$108,500	\$50,000	\$158,500

A. Carryover Fund Balance – Micro Scholarships Fund Balance Allocation Budget Increase

- The Carryover Fund Balance – Micro Scholarship fund balance allocation budget will be increased by \$50,000 to increase the STC Student Assistance Micro Grant Scholarship Fund funded from the Auxiliary Fund Balance. The addition of the revenue is needed to fund the STC Student Assistance Micro

Grant Scholarships that will be awarded by the College for the Spring 2021 semester.

B. Institutional Scholarship Expenditure Budget Increase

- The scholarship expenditure budget will be increased by \$50,000 from \$108,500 to \$158,500.

**Fiscal Year 2020 – 2021
Auxiliary Fund Scholarship Expenditures**

Institutional Scholarship Expenditures	Increase/ (Decrease)
STC Student Assistance Micro Grant Scholarship	\$50,000

The fund balance for the Auxiliary Fund will decrease by \$50,000 due to the allocation of funds to increase the Micro Grant Scholarship Fund.

As a result of the proposed budget amendment, the total budgeted revenues and fund balance allocations and expenditures for fiscal year 2020 – 2021 will increase as follows:

**Fiscal Year 2020 – 2021
Budgeted Revenues and Fund Balance Allocations and Expenditures**

Fund	FY 2021 Original Budget	FY 2021 Proposed Amended Budget	Increase/ (Decrease)
Auxiliary Fund	\$3,738,722	\$3,788,722	\$50,000

The budget amendment follows in the packet for your information and review.

Mrs. Mary Elizondo, Vice President for Finance and Administrative Services will present the Proposed Budget Amendment for FY 2020 – 2021.

Due to time constraints at the Dec. 8, 2020 meeting, the Finance, Audit, and Human Resources Committee did not make a recommendation on this item. It is presented with administration's recommendation of approval.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize the proposed Auxiliary Fund budget amendment for FY 2020 – 2021 to allocate \$50,000 from the Auxiliary Fund Balance to Increase the Micro Grant Scholarship Fund in the Spring 2021 Semester, as presented.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes the proposed Auxiliary Fund budget amendment for FY 2020 – 2021 to allocate \$50,000 from the Auxiliary Fund Balance to Increase the Micro Grant Scholarship Fund in the Spring 2021 Semester, as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Discussion and Action as Necessary for Legal Services

Mr. Jesus Ramirez, Legal Counsel, has notified the College of his intention of discontinuing providing legal services to the College. He will continue serving as Legal Counsel to the College until a replacement is secured. Mr. Ramirez will be at the Board Meeting to discuss the process.

Under Board Policy #2200: *Legal Counsel*, the Board is able to designate legal counsel as necessary to protect the College and provide advice and representation in legal matters. The policy follows in the packet for the Board's information and review.

South Texas College continues to grow and expand and in doing so must maintain adequate legal coverage in today's rapidly changing environment. Legal services allow the College to manage legal risk, identify legal issues, and develop plans and programs to manage and address legal problems that may arise. The scope and volume of legal work has increased alongside the College's growth and increased accountability from state and federal agencies. Legal services include:

- Attending Board and Committee meetings
- Providing legal counsel and guidance to Board of Trustees and administrative staff on such matters as:
 - ⇒ Employment law (Review of practices regarding federal laws on discrimination, retaliation, equal opportunity, veteran's employment preference, human resources development, Title IX federal regulations)
 - ⇒ Personnel matters
 - ⇒ Development, review, and recommendation for updates of policies, including personnel policies
 - ⇒ Procurement procedures and contracts (interpretation of procurement law and review of certain contracts, development of a standardized contract form for most services the College solicits to be included as part of the RFP or RFQ document) and contract compliance
 - ⇒ Elections
 - ⇒ Texas Open Meetings Act
 - ⇒ Texas Public Information Act
 - ⇒ Construction contracts
 - ⇒ Litigation representation
 - ⇒ Tax Abatement Agreements
 - ⇒ IRS examinations
 - ⇒ Policy Drafting and Advising
 - ⇒ Legal Counsel Advising
 - ⇒ Public Information Responses
 - ⇒ Real Estate
 - ⇒ General higher education matters including, but not limited to, tort and civil liabilities.
- Other work as authorized by the Board

Mr. Ramirez has served as Legal Counsel since January 2001, as member of a firm or as a sole practitioner.

In addition, Mr. Jose Guerrero, from Guerrero Law Firm, has also provided legal services to the College, since January 2001, offering legal services and representation, specifically related to personnel matters.

Consideration on procurement of legal counsel services, including, but are not limited to, are as follows:

- Method of procurement
- Services to be provided
- Maintain the services of the existing legal counsel, Mr. Jose Guerrero, for personnel matters

Due to time constraints at the Dec. 8, 2020 meeting, the Finance, Audit, and Human Resources Committee did not make a recommendation on this item.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize action as necessary regarding the procurement of legal services.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes action as necessary regarding the procurement of legal services.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

MANUAL OF POLICY

Title	Legal Counsel	2200
Legal Authority	Approval of the Board of Trustees	Page 1 of 1
Date Approved by Board	As Amended by Board Minute Order dated May 30, 2019	

I. Purpose

The purpose of the policy is to provide the roles and responsibilities for the engagement of legal counsel services for the College.

II. Policy

The Board of Trustees shall retain an attorney(s), as necessary, to serve in the capacity of legal counsel for the College and to represent and advise the Board and Administration on legal matters referred for legal counsel.

The attorney(s) shall be reasonably compensated and shall serve at the pleasure of the Board. The attorney(s) shall be available to handle all legal matters for the Board and the administration of the College, and shall be responsible to the Board. Services to be performed and reasonable compensation to be paid by the Board shall be set forth in a written contract/letter of engagement between the Board and the attorney(s).

Staff requests for legal advice from the College's legal counsel shall be submitted through the College President or designee.

The attorney(s) shall attend Board meetings when requested by the Board or by the President and shall be available for consultation with members of the Board, the President, and individual staff members designated by the President, and shall undertake to represent the Board and the College in all matters referred by the Board and the President.

In the event that engaged legal counsel recuses them self from representing the College on any matter, the President is authorized to engage legal counsel for that specific matter, in accordance with Purchasing Policies.

In addition, the President is authorized to engage legal counsel services for specialized legal needs or any other legal needs, after consultation with contracted legal counsel, and in accordance with Purchasing Policies.

III. History

Origination Date Approved by Board:
November 9, 1995

Date Amended and Approved by Board:
November 24, 2015
May 30, 2019

Discussion and Action as Necessary on Distribution Method of Popular Annual Financial Report (PAFR)

Approval of distribution method of the Popular Annual Financial Report (PAFR) is requested.

The Business Office completed the Popular Annual Financial Report (PAFR) for the first time. The report is not a required document, but it is considered a best practice, and it meets an important need of presenting the highlights of the financial statements in a user-friendly format that simplifies complex data for those without an accounting background. It is a summarized version of the College's Comprehensive Annual Financial Report (CAFR) for the last fiscal year.

Myriam Lopez, Comptroller, and Katarina Bugariu, Associate Comptroller, will present the Popular Annual Financial Report (PAFR).

Purpose – The Popular Annual Financial Report (PAFR) is provided for the Committee's review and feedback on the distribution method.

Background –The Government Finance Officers Association (GFOA) established the Popular Annual Financial Reporting Awards Program (PAFR Program) in 1991 to encourage and assist state and local governments to extract information from their comprehensive annual financial report to produce high quality popular annual financial reports specifically designed to be readily accessible and easily understandable to the general public and other interested parties without a background in public finance and then to recognize individual governments that are successful in achieving that goal.

The Eligibility Requirements and the Judging Process are as follows:

- Eligibility Requirements - The program is open to submissions from any type of government at either the state or local level that makes available to the general public a popular annual financial report in either an electronic or hardcopy format. Submissions must be received within six (6) months of the end of the fiscal year.

Governments that wish to participate in the PAFR program must comply with the following:

- 1) submit the Comprehensive Annual Financial Report (CAFR) to the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the current fiscal year
 - 2) ultimately receive the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the current fiscal year
- Judging Process – The judges evaluation form comprises five categories that are given varying weights of importance toward the overall final grade reader appeal (10%), understandability (25%), distribution methods (7.5%) and other

(e.g., creativity, notable achievement) (7.5%). The remaining 50% of the score is based upon overall quality and usefulness of the report, taking into consideration the four previous categories.

Distribution – The target audience for this report is members of our community, donors, grantors, vendors and partners. Management is proposing to print 600 copies, and provide 25 copies to each member of the Board of Trustees to distribute as necessary, and the rest of the copies will be distributed by the College executive team and administrators, and submitted to grantors and other stakeholders.

Enclosed Documents – The Draft of the Popular Annual Financial Report (PAFR) for the Fiscal Year Ended August 31, 2020 and a PowerPoint follows in the packet for the Board's information and review.

Mary Elizondo, Vice President Finance and Administrative Services, **Myriam Lopez, Comptroller, and Katarina Bugariu, Associate Comptroller**, will be present at the Board meeting to address any questions by the Board.

Due to time constraints at the Dec. 8, 2020 meeting, the Finance, Audit, and Human Resources Committee did not make a recommendation on this item. It is presented with administration's recommendation of approval of a distribution method, as presented.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize the distribution method of the Popular Annual Financial Report (PAFR) as presented.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes the distribution method of the Popular Annual Financial Report (PAFR) as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

POPULAR ANNUAL FINANCIAL REPORT (PAFR)

Myriam Lopez , Comptroller
Katarina Bugariu, Associate Comptroller



BACKGROUND

Government Finance Officers Association (GFOA) established the Popular Annual Financial Reporting Awards Program (PAFR Program) in 1991

The report is not a required document, but it is considered a best practice

It is a summarized version of the College's Comprehensive Annual Financial Report (CAFR) for the last fiscal year

PURPOSE

- ▶ The purpose of the PAFR is to summarize and simplify information comprised in the Comprehensive Annual Financial Report (CAFR).
- ▶ The PAFR is intended to be a supplement to the CAFR, not a replacement
- ▶ The PAFR is not audited and excludes many material disclosures, financial statements, schedules, and notes to the financial statements found in the District's CAFR.

THE ELIGIBILITY REQUIREMENTS

- ▶ Governments that wish to participate in the PAFR program must comply with the following:
 - ▶ Submit the Comprehensive Annual Financial Report (CAFR) to the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the current fiscal year
 - ▶ Ultimately receive the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the current fiscal year

JUDGING PROCESS

- ▶ The judges evaluation form comprises of five categories that are given varying weights of importance toward the overall final grade
 - ▶ reader appeal (10%)
 - ▶ understandability (25%),
 - ▶ distribution methods (7.5%)
 - ▶ other (e.g., creativity, notable achievement) (7.5%)
 - ▶ overall quality and usefulness of the report, taking into consideration the four previous categories (50%)

DISTRIBUTION

- ▶ The target audience for this report is members of our community, donors, grantors, vendors and partners.
- ▶ Management is proposing to print 600 copies
 - ▶ 25 copies to each member of the Board of Trustees to distribute as necessary
 - ▶ Remaining copies will be distributed by the College executive team and administrators, and submitted to grantors and other stakeholders.
 - ▶ Also available on-line

THANK YOU!

Questions or
Feedback ?





SOUTH TEXAS
COLLEGE

POPULAR ANNUAL

Financial Report

FISCAL YEAR ENDED AUGUST 31, 2020



SOUTH TEXAS
COLLEGE

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LETTER FROM THE PRESIDENT

This year has been a year like no other, given the stresses of the COVID-19 pandemic on the economy and our personal lives. I applaud all the innovation and “outside the box” thinking that all of our faculty and staff have done to provide instruction, services and support to our students. I think that this will make us a much better and more resilient institution going forward, and remain the premier institution we are today.

I am excited to present South Texas College District’s Popular Annual Financial Report (PAFR) for the fiscal year ended August 31, 2020. The financial information within this report is derived in large part from the District’s independently audited financial statements of our 2020 Comprehensive Annual Financial Report (CAFR), which is prepared in conformance with Generally Accepted Accounting Principles (GAAP). The PAFR presents highlights of the District’s financial results for the past fiscal year and is designed to be transparent and easily understandable for individuals who are not finance or accounting professionals. Within this report, you will find an analysis of where the District’s financial resources come from and where the dollars are spent in a format that is easy to understand.

This is the first time South Texas College District has prepared the PAFR. The PAFR is not a required document, however, it is considered a best practice by the Government Finance Officers Association (GFOA), and we are proud to present one . Thank you for taking the time to read this report.

Respectfully,

Shirley A. Reed, M.B.A., Ed.D.
President

BOARD OF TRUSTEES



Paul R. Rodriguez - Chairman
CEO of Valley Land Title Co.

Rose Benavidez - Vice Chair
President of Starr County Industrial Foundation

Roy de León - Secretary
Branch Retail Executive, BBVA Compass Bank

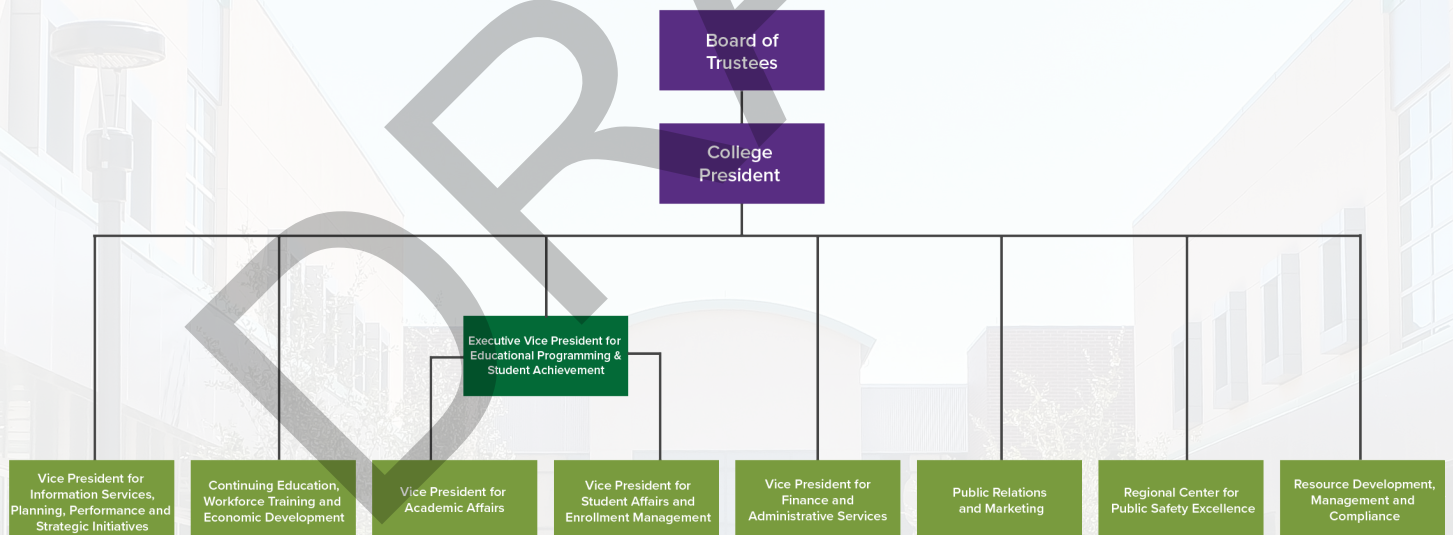
Victoria Cantú - Member
CEO of Children's Education Station, LLC

Gary Gurwitz - Member
Managing Partner, Atlas, Hall & Rodriguez, L.L.P.

Dr. Alejo Salinas, Jr. - Member
Retired Superintendent, Superintendent Emeritus, Hidalgo ISD

Rene Guajardo - Member
Human Resources Director at Mercedes Independent School District

ORGANIZATIONAL CHART



MISSION, VISION, & CORE VALUES

Vision Statement

South Texas College will be a global model in educational innovation serving as a catalyst to drive regional prosperity, economic development, and the social mobility of those we serve.

Mission Statement

South Texas College is a public institution of higher education that provides educational opportunities through excellence in teaching and learning, workforce development, cultural enrichment, community service, and regional and global collaborations.

Core Values

Student Success: We are committed to the personal, academic, and career goals of each student.

Excellence: We are committed to excellence and innovation in teaching, learning, and services.

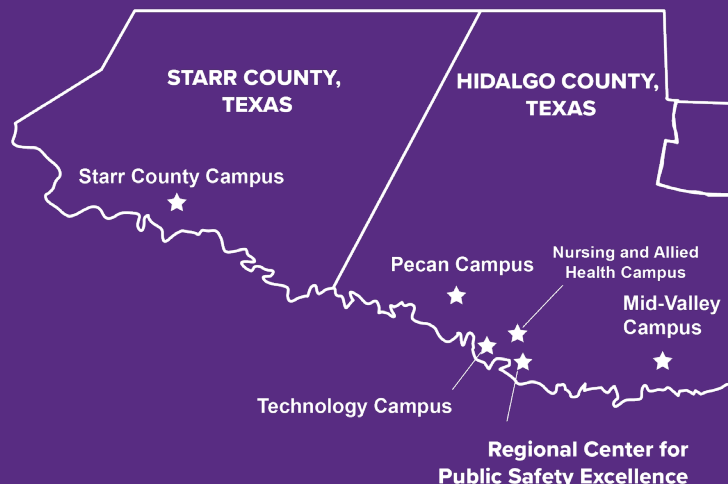
Opportunity: We are committed to providing access and support for students to achieve their academic and career goals.

Community: We are committed to equitable results through inclusion, diversity, collaboration, and engagement.

Integrity: We are committed to being respectful, professional, honest, accountable, and transparent.

DISTRICT INFORMATION

The District was created on September 1, 1993, by Texas Senate Bill 251, to serve Hidalgo and Starr counties. The District is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC) to award baccalaureate and associate degrees.



THE DISTRICT'S INITIATIVES AND ACHIEVEMENTS

The District's innovative endeavors and dedication to excellence have paved the way to praise and acclaim. The District has received numerous awards from national, state, and local bodies that recognize its leadership among the community colleges in the State of Texas and the nation. Some of the and initiatives and achievements of the past year include:

- The Government Finance Officers Association (GFOA) of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the District for its Comprehensive Annual Financial Report for the fiscal year ended August 31, 2019. This is the seventeenth consecutive year that the District has achieved this prestigious award.
- The Government Treasurers' Organization of Texas (GTOT) presented the Certificate of Distinction to the District for its Investment Policy for the sixth straight time in 2018. The Certificate was issued for the District's success in developing an investment policy that meets the requirements of the Public Funds Investment Act and the standards for prudent public investing established by the GTOT, and is effective for a two-year period ending August 31, 2020.
- The District has earned the three Texas Comptroller of Public Accounts' Transparency Stars Program Awards. These awards

recognize local governments that have achieved excellence in transparency for different areas that include:

- Traditional Finance Transparency Star
 - Economic Development Transparency Star
 - Debt Obligation Transparency Star
- The District's Dual Credit Programs are the first in the State of Texas to receive a prestigious accreditation by the National Alliance of Concurrent Enrollment Partnerships (NACEP) reaching a historical milestone in May 2020.
 - The District is among the most innovative online schools for students seeking associate degrees, according to a new ranking published nationwide on February 5. Named among the '30 most innovative online colleges' in the nation, according to Online Schools Center (OSC), the website is an online resource geared towards students who are seeking an online option for college apart from traditional brick and mortar institutions. The District was the only institution in Texas to receive the recognition. The variety of associate degrees makes the District an excellent transfer school and a top-rated college for military personnel whether they are veterans or on active duty, according to OSC.

Financial Highlights

The Statements of Net Position is a 'point in time' financial statement and provides the reader with a snapshot of the District's assets, deferred outflows of resources, liabilities and deferred inflows of resources at the end of the fiscal year. An asset is a resource with economic value that the District owns or controls. A liability is the District's legal financial debt or obligation that arises during the course of business operation. Net position is either the accumulated resources invested in plant and equipment or resources available with or without restrictions. The statement also includes deferred outflows of resources and deferred inflow of resources. A deferred outflow of resources is a consumption of net position that is applicable to a future reporting period. A deferred inflow of resources is an acquisition of net position that is applicable to a future reporting period.

Reflected in the Statement of Net Position are current and non-current items. Current items are assets and liabilities to be satisfied or liquidated within one year. Non-current items are assets and liabilities to be liquidated or satisfied beyond one year.

Statements of Revenues, Expenses, and Changes in Net Position (All Funds)

For Fiscal Year Ended August 31, 2020 (in millions)

Revenues

Operating Revenues

Net Tuition and Fees	\$ 23.6
Grants and Contracts	19.0
Other Operating Revenue	2.0
Total Operating Revenues	\$ 44.6

Non-operating revenues

Ad-valorem Taxes	\$ 69.7
State Appropriations	50.9
Federal Grants	67.8
Investment Income	4.9
Other Non-Operating Revenues	0.4
Total Non-Operating Revenues	\$ 193.7

Total Revenue	\$ 238.3
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Expenses

Operating Expenses

Instruction	\$ 86.3
Public Service	1.3
Academic Support	22.0
Student Services	14.8
Institutional Support	42.4
Operation and Maintenance of Plant	20.5
Scholarships Expense	29.1
Auxiliary Enterprises	2.7
Depreciation Expenses	12.1
Total Operating Expenses	\$ 231.2

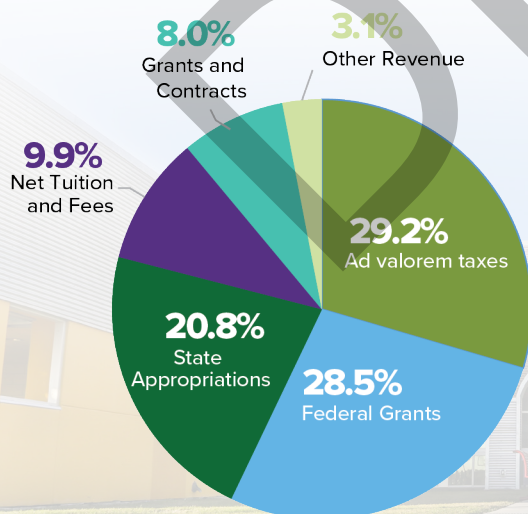
Non-Operating Expenses

Non-Capital Construction Costs	\$ 1.2
Interest on Capital Related Debt	5.8
Other Non-Operating Expenses	0.8
Total Non-Operating Expenses	\$ 7.8

Total Expenses	\$ 239.0
-----------------------	-----------------

Increase/ (Decrease) in Net Position	\$ (0.7)
Net Position at beginning of year	378.0
Net Position at end of year	\$ 377.3

Revenue Sources



Statements of Net Position (All Funds)

For Fiscal Year Ended August 31, 2020 (in millions)

Statements of Net Position

Assets

Current Assets	\$ 163.9
Noncurrent Assets	474.7
Total Assets	\$ 638.6

Deferred Outflow of Resources	\$ 112.7
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Liabilities

Current Liabilities	\$ 40.9
Noncurrent Liabilities	296.0
Total Liabilities	\$ 336.9

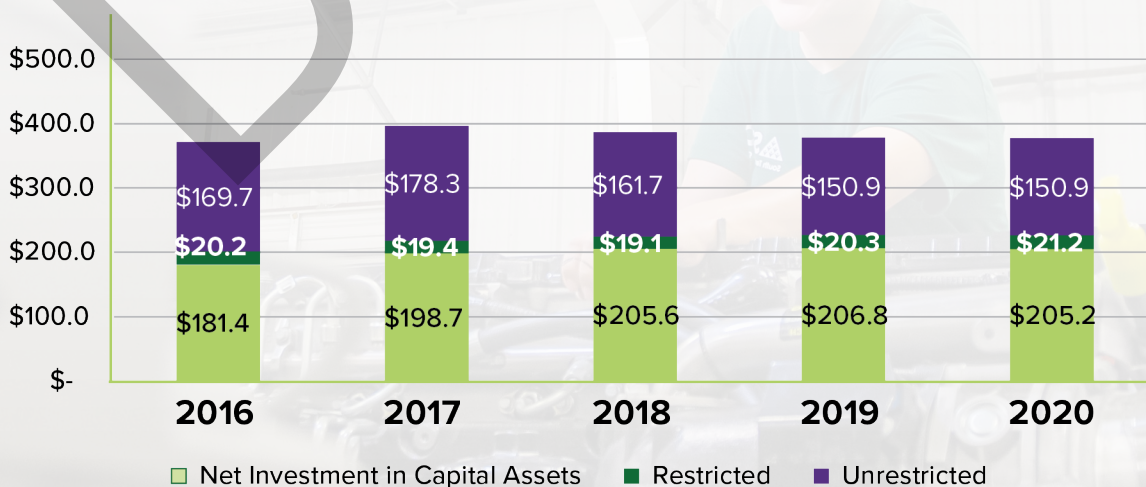
Deferred Inflow of Resources	\$ 37.1
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Net Position

Net Investment in Capital Assets	\$ 205.2
Restricted	21.2
Unrestricted	150.9
Total Net Position - End of Year	\$ 377.3

Net Position

(in millions)



DISTRICT'S OPERATIONS

Excluding Impact of GASB Statement 68 (pension) and GASB Statement 75 (OPEB)

GASB Statement No 68, Accounting and Financial Reporting for Pensions, revised and established new financial reporting requirements for most state and local governments that provide their employees with pension benefits. GASB Statement No 75, Accounting and Financial Reporting for Postemployment Benefits Other than Pensions, revised and established new accounting and financial reporting requirements for OPEB plans.

The District participates in a cost-sharing, multiple-employer, other post-employment benefit (OPEB) plan with a special funding situation implemented in fiscal year 2018. The Texas Employees Group Benefits Program (GBP) is administered by ERS. In fiscal year 2019, ERS changed the allocation methodology on how the OPEB liability and related balances are allocated to each college. During implementation of GASB Statement 75, Accounting and Financial Reporting for Post-employment Benefits Other Than Pensions (OPEB), in fiscal year 2018, the ERS allocation methodology was based on employer contributions related to retirees.

The District's net position at August 31, 2020 was \$377.3 million compared to \$378.0 million at August 31, 2019. The decrease of \$0.7 million is primarily due to \$27.1 million pension and net OPEB expenses allocated to the District by TRS and ERS. Disregarding the effect of the ERS OPEB liability and the TRS pension liability, the District's net position increased by \$26.4 million resulting from excess revenues over expenses. Of the \$26.4 million increase in net position, the unrestricted net position increased by \$27.2 million, net investment in capital assets decreased by \$1.7 million, and expendable net position increased by \$0.9 million.

The District also participates in a cost-sharing multiple-employer defined benefit pension plan that has a special funding situation. The plan is administered by the TRS and GASB Statement 68, Accounting and Financial

Reporting for Pensions, was implemented during fiscal year 2015.

The financial statements include the impact of GASB Statement 68 and GASB Statement 75, and even though they are required entries by GASB, the District does not deem that the result with these entries appropriately reflects the District's operations throughout the years, as the liabilities are allocated to the District based on the discretion of ERS and TRS (allocation methods have changed in the past), and are not part of the District's day to day operations. The liabilities reflect a long-term liability that may or may not be due. Disregarding the impact of GASB Statement 68 and GASB Statement 75, the District had an increase in net position of \$26.4 million.

Excluding Impact of GASB 68 (Pension) and GASB 75 (OPEB)(All Funds)

2020	
Operating Revenues	\$ 44.6
Operating Expenses	201.8
Operating Loss	\$ (157.2)

Non-Operating Revenues and Expenses	\$ 183.6
Capital Contributions	-
Increase in Net Position	\$ 26.4

Net Position - Beginning of Year	\$ 441.1
---	-----------------

Net Position - End of Year	\$ 467.5
-----------------------------------	-----------------

NET POSITION & FUND EXPENDITURES

What is net position?

A **fund** is a set of accounts that are segregated to identify the transactions associated with a specific activity conducted by the District.

What is a **net position**? It is the difference between **(a)** assets and deferred outflows of resources and **(b)** liabilities and deferred inflows of resources.

Unrestricted Fund – accounts for economic resources of the District which are expendable for the purpose of performing the primary missions of the institution such as instruction, research, and public service, and which are not restricted by external sources or designated by the governing board other than operating expenditures.

Restricted Fund – accounts for activities that have restrictions pertaining to their use by external parties, such as grants, contracts, donors, or legislation.

Plant Fund – Unexpended – Construction Fund - accounts for resources to be used for plant construction or acquisition.

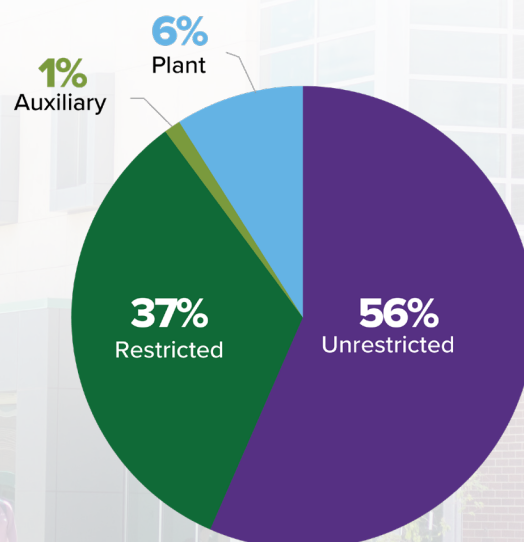
Plant Fund – Renewals and Replacements Fund - accounts for resources to be used for renewing and replacing facilities on existing College capital assets.

Plant Fund – Retirement of Indebtedness Fund - accounts for funds held in reserve for paying principal and interest on debt, as well as related costs in accordance with bond indentures.

Endowment Fund - accounts for donor restricted gifts that are invested as per the donor's stated terms.

Auxiliary Fund – accounts for transactions of self-supporting activities. The fund exists to provide goods or services to students, faculty, staff, other institutional departments, or incidentally to the general public, for which a fee is charged that is intended to recover associated costs.

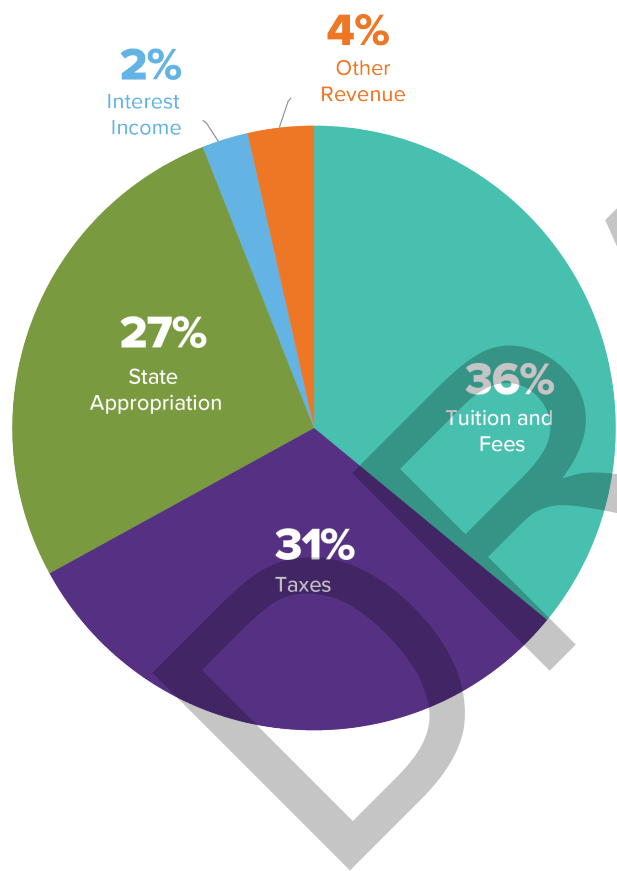
District's Expenses by Fund



UNRESTRICTED FUND ACTIVITY

The District has a diversified revenue structure with the main sources of unrestricted revenue deriving from student tuition and fees, local taxes, and state appropriations.

Unrestricted Revenue Category



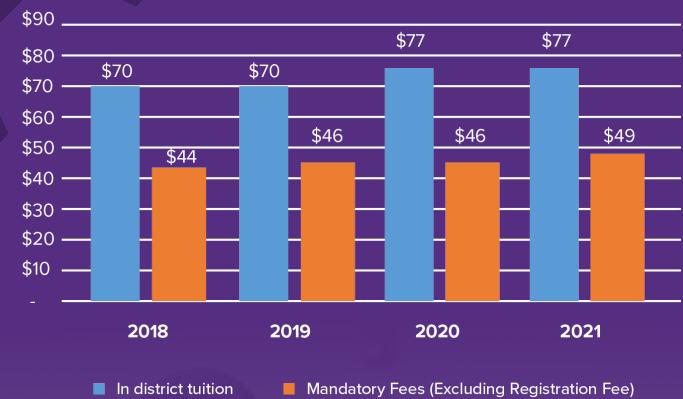
Tuition and Fees

Student tuition and fees are the primary operating source of revenues for the District, and makes up about 36% of the District’s unrestricted revenue stream. The District is committed to providing access and support for students to achieve their academic and career goals, as described in the Core Values of South Texas College. This is accomplished by keeping tuition cost low without lowering the quality of instruction.

The District’s in-district tuition rate of \$77 per semester credit hour in fiscal year 2020 remains among the most competitive in the state.

The graph below shows a summary of the tuition and mandatory fee rates per semester credit hour (excluding the registration fee).

Per Credit Hour Rate

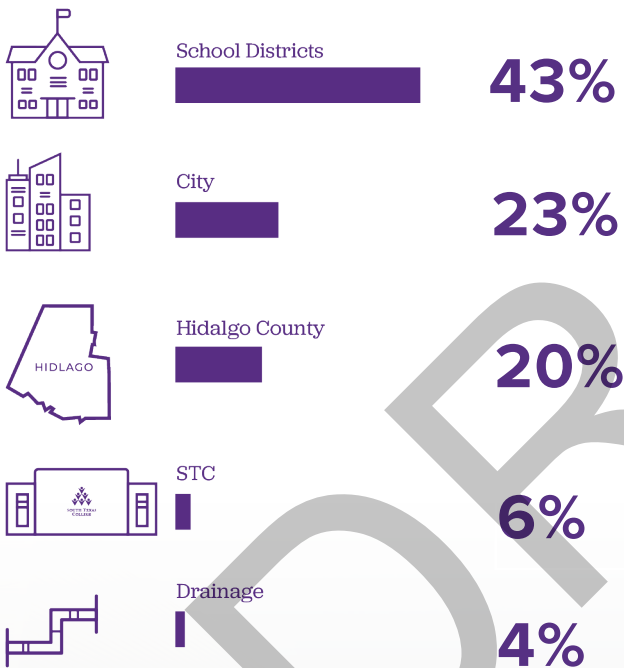


Property Taxes

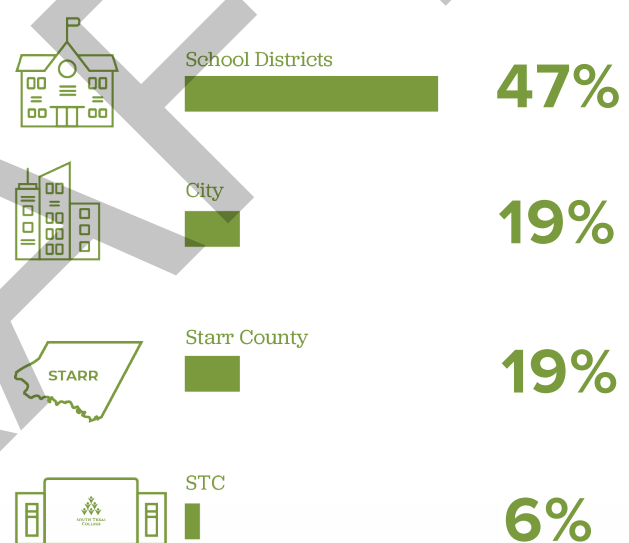
Property taxes continue to be among the District's primary non-operating revenue sources, and accounted for 31% of the District's total unrestricted funding sources for fiscal year 2020. The taxes are used to pay for operating costs and general obligation debt services. For fiscal year 2020 (2019 Levy), the District's property tax rate for a typical homeowner was \$0.1733 per \$100 of the property's assessed value—making up about 6 percent of the homeowner's total property tax bill.

2020 Property Tax Rates for a Typical Homeowner in the South Texas College District

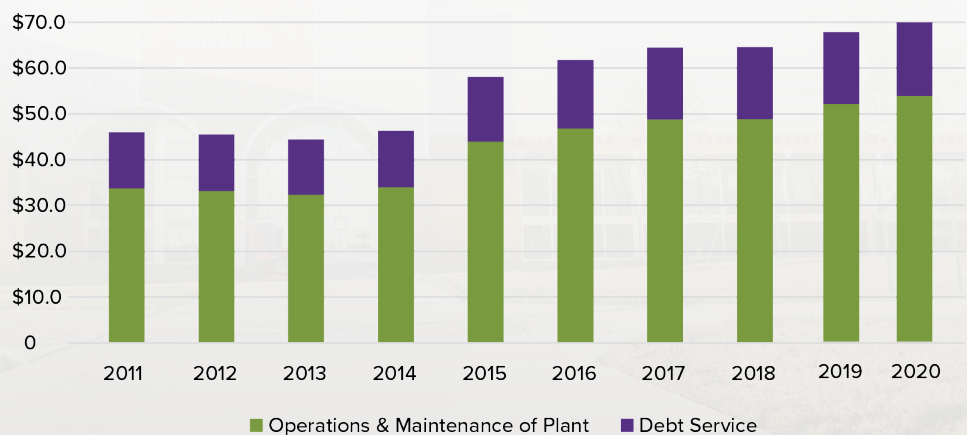
Hidalgo County



Starr County



Property Tax Type



STATE APPROPRIATIONS

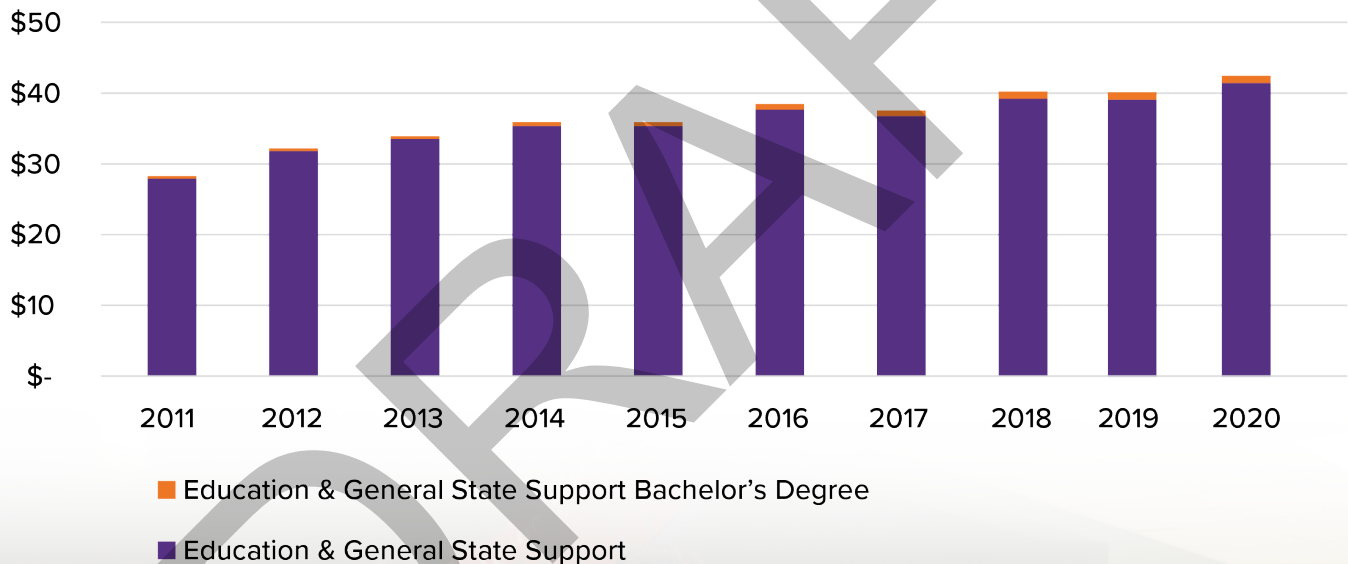
State appropriations account for 27% of the District's unrestricted funding source. The State of Texas appropriates funds to state agencies and institutions of higher education via funding formulas and the non-formula biennial General Appropriations Act. The District receives funding for core operations, student success, contact hour funding, and for offering the Bachelor's degrees.

The District received additional state appropriations in fiscal year 2020 in education and general state support as a result of increased state appropriation for student success points and contact hours. The District also received additional state appropriation related to increased semester credit hours for the District's Bachelor programs.

Below is a ten-year history of the District's state appropriations revenues:

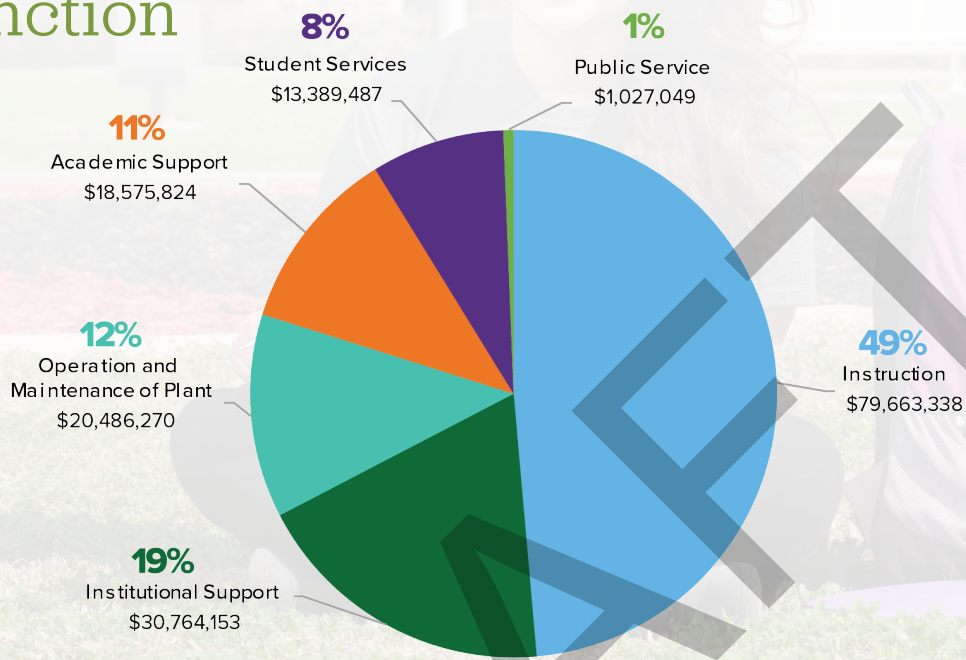
State Appropriations

(in millions)



HOW IS THE DISTRICT SPENDING THE MONEY?

Total Fiscal Year 2020 Unrestricted Expenses by Function



COLLEGE FUNCTIONS

Instruction – Activities dealing directly with student learning, such as faculty salary and benefits, equipment, materials and supplies for the classrooms.

Public Service - Activities established primarily to provide non-instructional services for the benefit of individuals and groups that are external to the District.

Academic Support – Activities designed to provide support services for the District's primary mission of instruction and public service. Includes the centers for learning excellence, distance learning, high school programs and services and professional development.

Student Services – Activities that provide assistance in the areas of admissions, counseling, financial aid and student records.

Institutional Support – Expenditures for day to day operational and administrative activities that benefit the entire institution. Examples are financial and administrative services, information services, and public relations.

Operation and Maintenance of Plant – Maintenance, repairs, and minor construction of building costs that are necessary to keep the facilities open and ready for use for students, faculty, and staff.

UNRESTRICTED REVENUES, EXPENDITURES, & CHANGE IN NET POSITION

Revenues

(in millions)

Appropriations	\$ 50.9
Tuition	34.9
Fees	29.0
Local Taxes	56.3
Other Revenues	11.2
Total Revenues	\$ 182.4

Expenditures

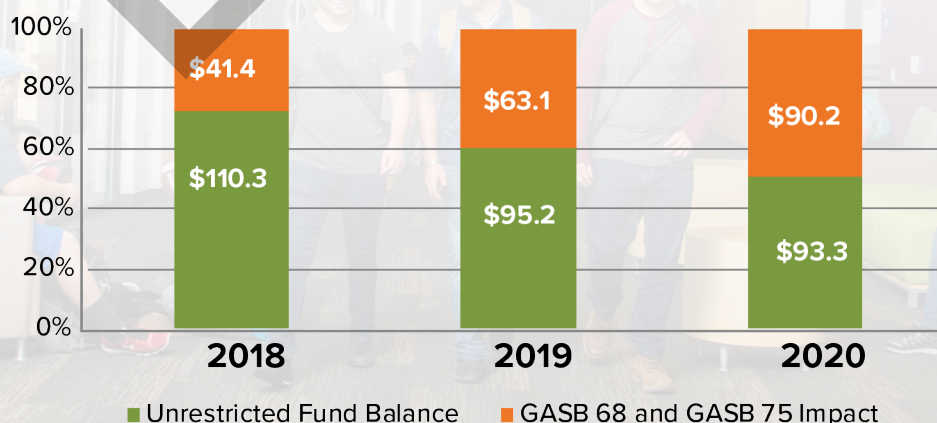
(in millions)

Salaries	\$ 95.8
Benefits	56.7
Operating	23.3
Travel	0.9
Capital Outlay	1.4
Total Expenditures	\$ 178.1

Excess of Revenues over Expenditures	\$ 4.2
Net transfers in / (out)	(6.2)
Net change in Fund Balance	(1.9)
Unrestricted Fund Balance August 31, 2019	95.2
Unrestricted Fund Balance August 31, 2020	\$ 93.3

The graph below presents the impact that GASB 68 and GASB 75 have had on the cumulative unrestricted fund balance for the past three years. \$27.1 million of expenses in fiscal year 2020 was recorded and \$21.7 million in fiscal year 2019 due to allocated expenses by TRS and ERS as a result of GASB 68 and GASB 75.

GASB 68 & GASB 75 Impact on Unrestricted Fund Balance (in millions)



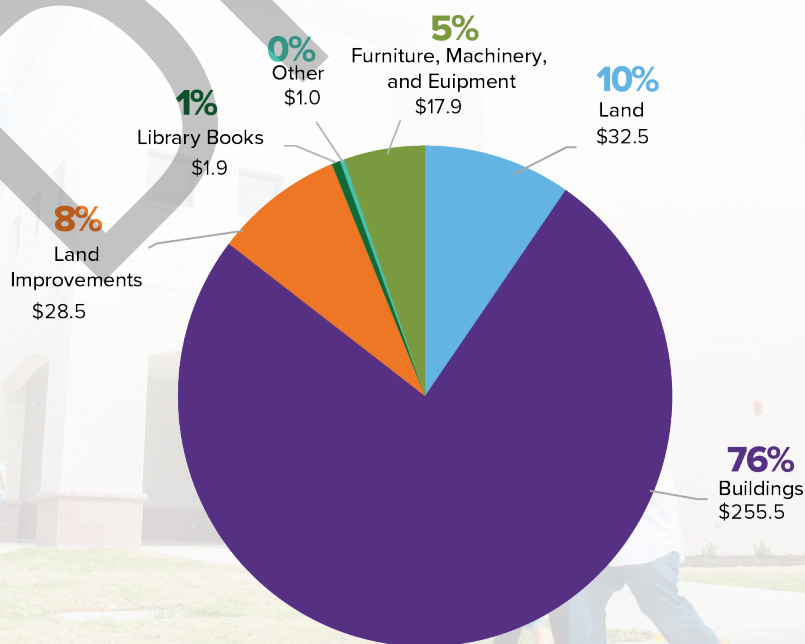
CAPITAL ASSETS

- Capital assets include property, plant, equipment, and infrastructure assets that have an initial unit cost greater than or equal to \$5,000 and estimated useful lives of more than one (1) year.
- Net capital assets slightly decreased in fiscal year 2020, primarily due to an increase in accumulated depreciation. The increase in depreciation was related to new facilities, land improvement, and furniture and equipment added during fiscal year 2018 and 2019 that were funded by the District Limited Tax Bonds series 2014 and 2015.

Net Capital Assets (in millions)

Description	August 31, 2019	Additions	Retirements & Transfers	August 31, 2020
Land	\$ 32.5	\$ -	\$ -	\$ 32.5
Collections	0.1	0.0	-	0.1
Construction in progress	0.4	1.7	(1.1)	0.9
Buildings	310.3	0.9	-	311.2
Land improvements	45.8	0.3	-	46.1
Library books	6.3	0.3	-	6.6
Furniture, machinery, and equipment	51.3	1.8	(0.5)	52.5
Less				
Accumulated Depreciation	(101.0)	(12.2)	0.5	(112.6)
Total Net Capital Assets	\$ 345.7	\$ (7.3)	\$ (1.1)	\$ 337.3

The graph below summarizes the capital assets by category net of accumulated depreciation.



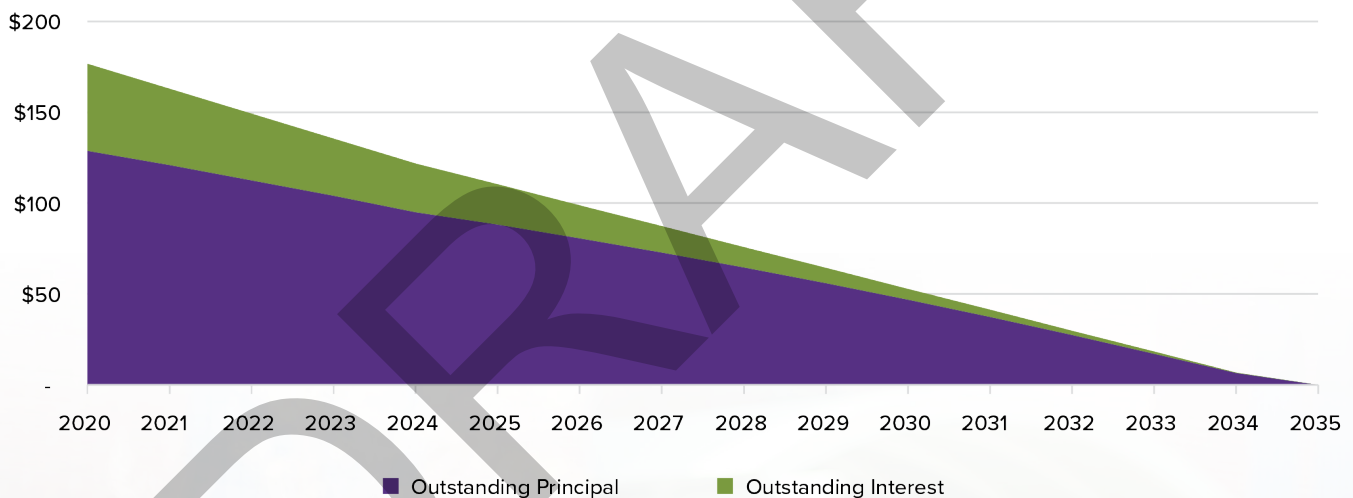
DEBT STATUS

During fiscal year 2020, the District sold a total of \$41 million in Limited Ad Valorem Tax Refunding Bonds which saved the District and taxpayers \$4.4 million in debt service payments and reduced the ad valorem tax rate for the residents of Hidalgo and Starr Counties.

The District currently has three series of limited tax bonds outstanding. These bonds are backed by the full confidence of the community college district and are paid with property taxes.

The Series 2014 Limited Tax Bonds and Series 2015 Limited Tax Bonds were issued to address the facility requirements of the District due to the enrollment increase over the years. Series 2020 Limited Tax Bonds refinanced part of the Limited Ad Valorem Tax Bonds previously issued in 2014.

College Outstanding Debt (in millions)



ACKNOWLEDGEMENTS

South Texas College Finance and Administrative Services and Business Office Staff

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

Myriam Lopez, *Comptroller*

Katarina Bugariu, *Associate Comptroller*

Nicole Perez, *Budget Manager*

Alma Church, *Accounting Group Manager*

Dalinda Gamboa, *Accounting Group Manager*

Marittza Adame, *Accounting Group Manager*

Norma Reyna, *Accounting Group Manager*

Vanessa Balderrama, *Accounting Group Manager*

Carolee N. Lopez, *Graphic Designer*

This Popular Annual Financial Report (PAFR) is intended to provide selected financial information in a simplified and straightforward format. The PAFR is based upon the College's Comprehensive Annual Financial Report (CAFR) which contains more detailed information on the College's finances. The CAFR, PAFR and other financial reports can be found on the College's website at <https://finance.southtexascollege.edu/businessoffice/index.html>.



SOUTH TEXAS
COLLEGE



SOUTH TEXAS
COLLEGE

Presentation on Artwork on the Entrance Wall at the Regional Center for Public Safety Excellence

Administration is pleased to share with the Facilities Committee the artwork installed under direction of the City of Pharr on the entrance wall at the Regional Center for Public Safety Excellence (RCPSE).

During the planning process for the facility, it was agreed the entrance walls would be designated for use by the College and the City of Pharr. The City of Pharr chose to commemorate the partnerships associated with the RCPSE facility and the importance of public safety work.

The City of Pharr commissioned artist Mrs. Yoli Cantu, owner of McAllen Stained Glass, to create glass art pieces representing the entities involved with the RCPSE, worked with Noble Texas Builders to install the artwork on the north wall of the entry lobby, and covered all costs associated with the installation of the artwork.

South Texas College and the City of Pharr would like to host a live event to commemorate the installation of this beautiful representation of our important partnerships at the RCPSE. Due to the ongoing COVID-19 pandemic, no live gathering can be planned on site at this time; however, an appropriate event will be scheduled in coordination with the City of Pharr as soon as it can be safely accommodated.

Enclosed are photos of the artwork for the Board's viewing and information.

No action is requested. This item is presented for the Board's information.

Regional Center for Public Safety Excellence Entrance Wall



Update on Status of Wayfinding Signage at the Nursing and Allied Health Campus and Higher Education Center – La Joya

On November 26, 2019, the Board authorized the installation and procurement of the Nursing and Allied Health Campus (NAHC) West Entry Sign, along with the addition of additional vehicular wayfinding signs on the campus. On July 23, 2019, the Board authorized the installation of exterior signage at the Higher Education Center – La Joya (HECLJ).

On October 27, 2020, the Board approved final completion of the NAHC west entry sign. The additional vehicular wayfinding signage that were part of the exterior signage projects at both the NAHC and the HECLJ have been installed and verified by College staff.

Enclosed for the Board's review and information are photos of the installed wayfinding signage.

No action is requested. This item is presented for the Board's information.

Nursing and Allied Health Campus Vehicular Wayfinding Signage



Nursing and Allied Health Campus Vehicular Wayfinding Signage



Higher Education Center-La Joya Vehicular Wayfinding Signage



Higher Education Center-La Joya Vehicular Wayfinding Signage



Higher Education Center-La Joya Vehicular Wayfinding Signage



Review and Action as Necessary on Architectural Fee Adjustment for Pecan Campus Information Technology Building M Office and Work Space Renovation

Approval to amend the current architectural agreement with Boultinghouse Simpson Gates Architects (BSGA) to adjust the architectural fee based on the final construction cost for the Pecan Campus Information Technology Building M Office and Work Space Renovation project is requested.

Purpose

Authorization is requested to amend the current architectural agreement with BSGA to adjust their architectural fee based on the final construction cost for the Pecan Campus Information Technology Building M Office and Work Space Renovation.

Scheduling Priority

This project was submitted in 2018 by the IS&P Division and has been reviewed by the FPC department, the President's Cabinet, the Coordinated Operations Council, the Facilities Committee, and the Board of Trustees. This project is scheduled as a non-educational space improvement to accommodate staff from the Institutional Research & Effectiveness and Research & Analytical Services departments that will be relocated from the Pecan Plaza Human Resources Building A.

Justification

The Architect is compensated based on a percentage of the Construction Budget, and compensation adjustments may be necessary once the construction costs are finalized.

Background

The current architectural agreement with BSGA for the Pecan Campus Information Technology Building M Office and Work Space Renovation states an additional fee is required if the final construction cost exceeds the Owner's original budget for the Cost of Work.

The original construction budget in FY 18-19 for the project was \$320,000, and the fee was negotiated at 9.25%, for a total of \$29,600. The architect provided an updated construction cost estimate of \$415,000 during the schematic design phase. The College updated the construction budget to \$420,000 which was included as part of the FY19-20 Unexpended Construction Plant Fund budget. On March 31, 2020, the Board of Trustees approved contracting construction services with Noble Texas Builders, LLC in the amount of \$389,600. The total project cost is \$389,089 which includes a deductive change order of \$511.

BSGA is requesting an additional fee of \$6,390.73, which would result in an adjusted fee of \$35,990.73. The total revised fee, including the reimbursable expenses of \$925.00, is \$36,915.73, including additional services.

The information is summarized below:

Original Fee:	\$29,600.00
Additional Fee:	6,390.73
Subtotal:	\$35,990.73
Reimbursable Expenses:	925.00
Total Revised Fee	\$36,915.73

Board approval is necessary to amend the current architectural agreement with BSGA to a revised fixed fee of \$36,915.73. No additional costs are anticipated for this project.

Funding Source

Funds for the Pecan Campus Information Technology Building M Office and Work Space Renovation Project 2018-014C are budgeted in the FY 2020-2021 Unexpended Construction Plant Fund.

The Facilities Committee recommended Board approval to amend the current architectural agreement with BSGA for the Pecan Campus Information Technology Building M Office and Work Space Renovation project to a revised fixed fee of \$36,915.73.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize amending the current architectural agreement with BSGA for the Pecan Campus Information Technology Building M Office and Work Space Renovation project to a revised fixed fee of \$36,915.73.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes amending the current architectural agreement with BSGA for the Pecan Campus Information Technology Building M Office and Work Space Renovation project to a revised fixed fee of \$36,915.73.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Boultinghouse, Simpson Gates Architects, Inc. - Fee Adjustment Summary
Pecan Campus Information Technology Building M Office and Work Space Renovation

Company Name: Boultinghouse,
Simpson Gates
Campus: Architects, Inc.
Pecan Campus
Building M Office and
Work Space
Project Name: Renovation

Original Construction Budget:	\$320,000.00	Approved Construction Cost:	\$389,600.00
		Less Change Orders	(511.00)
		Total Adjusted Cost of Work:	\$389,089.00
Original Fee Percent:	9.25%	Fee Percent:	9.25%
Calculated Fee:	\$29,600.00	Adjusted Contract Fee:	\$35,990.73
		Original Contract Fee:	\$29,600.00
		Additional Fee Requested	6,390.73
		Adjusted Contract Fee:	\$35,990.73
		Reimbursable Expenses	925.00
		Total Adjusted Fee:	\$36,915.73

*Total Original Fee:
*Without reimbursable expenses

Total Original Fee:	\$29,600.00
Additional Fee Requested	6,390.73
Reimbursable Expenses	<u>925.00</u>
Net Fee Adjustment:	<u>7,315.73</u>
Total Adjusted Fee:	\$36,915.73

Review and Action as Necessary on Approval of Substantial Completion of the Pecan Campus Information Technology Building M Office and Work Space Renovation

Approval of substantial completion of the Pecan Campus Information Technology Building M Office and Work Space Renovation Project is requested.

Project		Completion Recommended	Date Received
1.	Pecan Campus Information Technology Building M Office and Work Space Renovation Project No. 2018-014C Architect: Boultinghouse Simpson Gates Architects, Inc. Contractor: Noble Texas Builders, LLC	Substantial Completion Recommended	November 23, 2020

This project has been reviewed by the Facilities Planning & Construction department, the President's Cabinet, the Coordinated Operations Council, the Facilities Committee, and the Board of Trustees. This project was scheduled as a non-educational space improvement to accommodate staff from the Institutional Research & Effectiveness and Research & Analytical Services Departments that will be relocated from the Pecan Plaza Human Resources Building A.

College staff visited the site and developed a construction punch list on November 23, 2020. A Certificate of Substantial Completion has been issued. Substantial Completion was accomplished within the time allowed in the Owner/Contractor agreement for this project by Noble Texas Builders, LLC. The original contractor's cost approved for this project was \$389,600.

The following table summarizes the current budget status:

Pecan Campus Information Technology Building M Office and Work Space Renovation						
Original Owner's Estimated Construction Budget FY 18-19	Updated Construction Budget FY 19-20	Approved Proposal Amount	Net Total Change Orders	Current Project Cost	Previous Amount Paid	Remaining Balance
\$320,000.00	\$420,000.00	\$389,600.00	(\$511.00)	\$389,089.00	\$350,250.58	\$38,838.42

Enclosed Documents

A copy of the Substantial Completion Certificate and photos are enclosed for the Board's review and information.

The Facilities Committee recommended Board approval of substantial completion of the Pecan Campus Information Technology Building M Office and Work Space Renovation Project as presented.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize the substantial completion of the Pecan Campus Information Technology Building M Office and Work Space Renovation Project as presented.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes the substantial completion of the Pecan Campus Information Technology Building M Office and Work Space Renovation Project as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Pecan Campus Information Technology Building M Office and Work Space Renovation



Pecan Campus Information Technology Building M Office and Work Space Renovation





AIA[®] Document G704[™] – 2017

Certificate of Substantial Completion

PROJECT: *(name and address)*

REBID STC Pecan Campus
Bldg M Office and Work Renovations
RFP#19-20-1029

CONTRACT INFORMATION:

Contract For: General Construction
Date: May 13, 2020

CERTIFICATE INFORMATION:

Certificate Number: one (01)
Date: November 23, 2020

OWNER: *(name and address)*

South Texas College
3201 Pecan Blvd
McAllen, Texas 78501

ARCHITECT: *(name and address)*

Boultinghouse Simpson
Gates Architects
3301 N. McColl Road
McAllen, TX 78501

CONTRACTOR: *(name and address)*

Noble Texas Builders
108 S. Main Street
La Feria, Texas 78559

The Work identified below has been reviewed and found, to the Architect's best knowledge, information, and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated below is the date established by this Certificate.

(Identify the Work, or portion thereof, that is substantially complete.)

Entire project. See attached punch list for the remaining items to be repaired or remedied.

Boultinghouse
Simpson
Gates Architects

ARCHITECT *(Firm Name)*

SIGNATURE

John Gates, AIA

PRINTED NAME AND TITLE

November 23, 2020

DATE OF SUBSTANTIAL COMPLETION

WARRANTIES

The date of Substantial Completion of the Project or portion designated above is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:

(Identify warranties that do not commence on the date of Substantial Completion, if any, and indicate their date of commencement.)

WORK TO BE COMPLETED OR CORRECTED

A list of items to be completed or corrected is attached hereto, or transmitted as agreed upon by the parties, and identified as follows:

(Identify the list of Work to be completed or corrected.)

See attached punch list for remaining items to be repaired or remedied.

The failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items on the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment, whichever occurs first. The Contractor will complete or correct the Work on the list of items attached hereto within Thirty (30) days from the above date of Substantial Completion.

Cost estimate of Work to be completed or corrected: \$6,000.00

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work, insurance, and other items identified below shall be as follows:

(Note: Owner's and Contractor's legal and insurance counsel should review insurance requirements and coverage.)

MAINTENANCE

As of 5:00 p.m. on November 23, 2020 the responsibility for Maintenance of the Building shall be as follows:

For completed work and areas of the building which will be occupied by the Owner, the Owner will assume full responsibility. For incomplete work such as those items remaining on the Certificate of Substantial Completion, the Contractor will retain responsibility, but must obtain permission from the Owner for access to the building.

DAMAGES TO THE WORK

As of 5:00 p.m. on November 23, 2020 the responsibility for damages to the Work shall be as follows:

The Owner will assume the responsibility for any damages which occur. If the Contractor damages any of the Work during the completion of the punch-list items, he shall be responsible for correcting them.

INSURANCE

The Contractor's insurance coverage will continue in effect until the Date of Final Completion.

The Owner and Contractor hereby accept the responsibilities assigned to them in this Certificate of Substantial Completion:

Noble Texas
Builders

CONTRACTOR (*Firm
Name*)

SIGNATURE

PRINTED NAME AND TITLE

DATE

South Texas
College



OWNER (*Firm Name*)

SIGNATURE

PRINTED NAME AND TITLE

DATE

Project Fact Sheet 12/10/2020

Project Name: Pecan Campus - Building M Office and Work Space Renovation		Project No. 2018-014C				
Funding Source(s): Unexpended Plant Fund		<u>Variance of Revised</u> <u>Actual</u> <u>Budget vs. Actual</u> <u>Variance of Original</u> <u>Budget vs. Actual</u>				
		<u>Revised</u>	<u>Expenditures</u>			
		<u>Budget</u>	<u>To Date</u>			
		<u>Date</u>	<u>Expenditures To Date</u>			
	Construction:	\$ 320,000	\$ 389,089 \$ 350,251 \$ 38,838 \$ (30,251)			
	Other Construction Costs:	-	- 17,741 (17,741) (17,741)			
	Design:	32,400	42,000 27,683 14,317 4,717			
Miscellaneous:	4,860	5,755 4,098 1,657 762				
FFE:	45,000	80,000 - 80,000 45,000				
Technology:	27,540	27,540 11,188 16,352 16,352				
Total:	\$ 429,800	\$ 544,384	\$ 410,961	\$ 133,423	\$ 18,839	
Architect: BSG Architects	Board Approval of Schematic Design 5/28/2019					
Contractor: Noble Texas Builders, LLC.						
STC FPC Project Manager: Martin Villarreal	Substantial Completion 11/23/2020	Board Acceptance	TBD			
	Final Completion TBD	Board Acceptance	TBD			
Project Description		Project Scope				
The project will consist of renovating four (4) classrooms in Information Technology Building M into office spaces and a conference room for use by IS&P.		Demolish existing walls and infrastructure, renovation of walls, flooring, ceiling, and interior finishes, and adding electrical, data, and HVAC infrastructure for a 4,222 sq. ft. space.				
Projected Timeline						
Board Approval of Architect	Board Approval of Schematic Design	Board Approval of Contractor	Construction Start Date	Substantial Completion Date	Final Completion Date	FFE Completion of Move In
12/13/2018	5/28/2019	3/31/2020	6/30/2020	11/23/2020	12/23/2020	1/23/2021
Project Calendar of Expenditures by Fiscal Year						
Fiscal Year	Construction	Design	Misc.	FFE	Tech	Project Total
2018-19	\$ -	\$ 22,200	\$ 2,749	\$ -	\$ -	\$ 24,949
2019-20	\$ 195,051	\$ 5,483	\$ 1,349	\$ -	\$ -	\$ 201,883
2020-21	\$ 172,941	\$ -	\$ -	\$ -	\$ 11,188	\$ 184,129
Project Total	\$ 367,992	\$ 27,683	\$ 4,098	\$ -	\$ 11,187.93	\$ 410,961
Current Agenda Item						
12/08/20 Facilities Committee: Review and Recommend Action on Approval of Substantial Completion of the Pecan Campus Information Technology Building M Office and Work Space Renovation						
						

Review and Action as Necessary on Approval of Substantial Completion of the Mid Valley Campus Student Union Building F Renovation of Cashiers and Career & Employer Services Areas

Approval of substantial completion of the Mid Valley Campus Student Union Building F Renovation of Cashiers and Career & Employer Services Areas Project will be requested at the December 15, 2020 Board Meeting:

Project		Completion Recommended	Date Received
1.	Mid Valley Campus Student Union Building F Renovation of Cashiers and Career & Employer Services Areas Project No. 2019-009C Architect: Rike Ogden Figueroa Allex Architects, Inc. Contractor: Noble Texas Builders, LLC	Substantial Completion Recommended	November 25, 2020

This project has been reviewed by the Facilities Planning & Construction department, the President's Cabinet, the Coordinated Operations Council, the Facilities Committee, and the Board of Trustees. This project is scheduled as a noneducational space improvement to relocate Student Services department staff and Cashiers department staff.

College staff visited the site and developed a construction punch list on November 25, 2020. A Certificate of Substantial Completion has been issued. Substantial Completion was accomplished within the time allowed in the Owner/Contractor agreement for this project by Noble Texas Builders, LLC. The original contractor's cost approved for this project was \$246,745.

The following table summarizes the current budget status:

Mid Valley Campus Student Union Building F Renovation of Cashiers and Career & Employer Services Areas					
Construction Budget	Approved Proposal Amount	Net Total Change Orders	Current Project Cost	Previous Amount Paid	Remaining Balance
\$200,000.00	\$246,745.00	\$3,829.00	\$250,574.00	\$186,343.45	\$64,230.55

Enclosed Documents

Photos of the completed work are enclosed for the Board's review and information.

The Facilities Committee recommended Board approval of substantial completion of the Mid Valley Campus Student Union Building F Renovation of Cashiers and Career & Employer Services Areas Project as presented.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize the substantial completion of the Mid Valley Campus Student Union Building F Renovation of Cashiers and Career & Employer Services Areas Project as presented.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes the substantial completion of the Mid Valley Campus Student Union Building F Renovation of Cashiers and Career & Employer Services Areas Project as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Mid Valley Campus Student Union Building F Renovation of Cashiers and Career & Employer Services Areas





AIA[®] Document G704[™] – 2017

Certificate of Substantial Completion

PROJECT: <i>(name and address)</i> STC MVC Student Union Building F Renovations	CONTRACT INFORMATION: Contract For: General Construction Date: May 06, 2020	CERTIFICATE INFORMATION: Certificate Number: 001 Date: November 30, 2020
OWNER: <i>(name and address)</i> South Texas College P.O. Box 9701 McAllen, Texas 78502	ARCHITECT: <i>(name and address)</i> Rike Ogden Figueroa Alex Architects Inc. 1007 Walnut Avenue McAllen, Texas 78501	CONTRACTOR: <i>(name and address)</i> Noble Texas Builders, LLC 108 S. Main. St. La Feria, Texas 78559

The Work identified below has been reviewed and found, to the Architect's best knowledge, information, and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated below is the date established by this Certificate.

(Identify the Work, or portion thereof, that is substantially complete.)

Project in its entirety as indicated in contract documents.

Rike Ogden Figueroa
Alex Architects Inc.

[Signature]

Mr. Luis A. Figueroa,
AIA, Principal

November 30, 2020

ARCHITECT *(Firm Name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE OF SUBSTANTIAL COMPLETION

WARRANTIES

The date of Substantial Completion of the Project or portion designated above is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:

(Identify warranties that do not commence on the date of Substantial Completion, if any, and indicate their date of commencement.)

WORK TO BE COMPLETED OR CORRECTED

A list of items to be completed or corrected is attached hereto, or transmitted as agreed upon by the parties, and identified as follows:

(Identify the list of Work to be completed or corrected.)

Refer to attached Punch Lists.

The failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items on the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment, whichever occurs first. The Contractor will complete or correct the Work on the list of items attached hereto within Thirty (30) days from the above date of Substantial Completion.

Cost estimate of Work to be completed or corrected: \$2,000.00

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work, insurance, and other items identified below shall be as follows:

(Note: Owner's and Contractor's legal and insurance counsel should review insurance requirements and coverage.)

N/A

The Owner and Contractor hereby accept the responsibilities assigned to them in this Certificate of Substantial Completion:

Noble Texas Builders, LLC

CONTRACTOR *(Firm Name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE

South Texas College


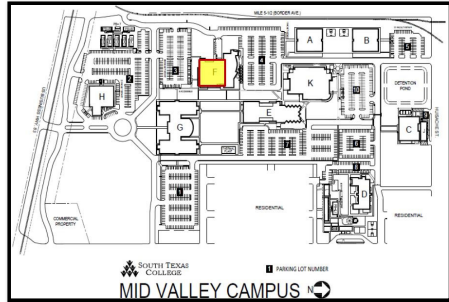
OWNER *(Firm Name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE

Project Fact Sheet **12/4/2020**

Project Name: MV Campus - Student Union Building F Renovation		Project No. 2019-009C				
Funding Source(s): Unexpended Plant Fund		Original Budget	Contracted Budget	Actual Expenditures To Date	Variance of Contracted Budget vs. Actual Expenditures To Date	Variance of Original Budget vs. Actual Expenditures To Date
	Construction:	\$ 200,000	\$ 250,574	\$186,343.45	\$ 64,231	\$13,656.55
	Design:	20,000	18,500	15,133.00	3,367	4,867
	Miscellaneous:	5,000	2,752	2,503.18	248	2,497
	FFE:	80,000	-	-	-	80,000
	Technology:	50,000	-	1,571.92	(1,572)	48,428
	Total:	\$ 355,000	\$ 271,826	\$205,551.55	\$66,274.05	\$149,448.45
	Architect: Rike Ogden Figueroa Allex Architects, Inc. - 10/30/18	Board Approval of Schematic Design 08/27/2019				
Contractor: Noble Texas Builders, LLC.						
STC FPC Project Manager: Samuel Saldana	Substantial Completion	11/25/2020	Board Acceptance	TBD		
	Final Completion	TBD	Board Acceptance	TBD		
	Project Description		Project Scope			
This project will be a renovation to the existing Cashiers and Admissions area in the Student Union Building F.		Project scope includes the renovation of the cashiers and admissions area of the Student Union Building F. It will be renovated to create a larger space for the cashiers department, which will include a new SPIRIT office, supervisors office, work area, storage area, and payment lab. Career and Employer services will move into the cashiers area to create a small computer lab, reception area, small storage area, offices, and interview room.				
Projected Timeline						
Board Approval of Architect 10/30/2018	Board Approval of Schematic Design 8/27/2019	Board Approval of Contractor 3/31/2020	Construction Start Date 6/19/2020	Substantial Completion Date 11/25/2020	Final Completion Date 12/25/2020	FFE Completion of Move In 1/25/2021
Project Calendar of Expenditures by Fiscal Year						
Fiscal Year	Construction	Design	Misc.	FFE	Tech	Project Total
2018-19		\$2,775.00	\$1,251.60	\$ -	\$1,571.92	\$5,598.52
2019-20	\$84,403.70	\$12,358.00	\$1,251.58			\$98,013.28
2020-21	\$65,418.90					\$65,418.90
Project Total	\$149,822.60	\$15,133.00	\$2,503.18	\$ -	\$ 1,571.92	\$169,030.70
Current Agenda Item						
12/8/20 Facilities Committee: Review and Recommend Action on Approval of Substantial Completion of the Mid Valley Campus Student Union Building F Renovation of Cashiers and Career & Employer Services Areas						
						

Review and Action as Necessary on Approval of Substantial Completion of the Mid Valley Campus Drainage Improvements Phase I and Asphalt Resurfacing for the Northwest Drive

Approval of substantial completion of the Mid Valley Campus Drainage Improvements Phase I and Asphalt Resurfacing for the Northwest Drive Project is requested.

Project		Completion Recommended	Date Received
1.	Mid Valley Campus Drainage Improvements Phase I (Project No. 2019-047R) and Asphalt Resurfacing for the Northwest Drive (Project No. 2018-019R) Engineer: Perez Consulting Engineers Contractor: McAllen Multi-Service	Substantial Completion Recommended	November 23, 2020

This project has been reviewed by the Facilities Planning & Construction department, the President's Cabinet, the Coordinated Operations Council, the Facilities Committee, and the Board of Trustees. This project was scheduled as an exterior Renewal & Replacement project to address drainage concerns and maintain a parking lot and drive on campus. The proposed drainage improvements would be critical to avoid potential flooding on campus in preparation for future hurricane or rain events.

College staff visited the site and developed a construction punch list on November 23, 2020. A Certificate of Substantial Completion has been issued. Substantial Completion was accomplished within the time allowed in the Owner/Contractor agreement for this project by McAllen Multi-Service. The original contractor's cost approved for this project was \$480,228.

The following table summarizes the current budget status:

Mid Valley Campus Drainage Improvements Phase I and Asphalt Resurfacing for the Northwest Drive					
Construction Budget	Approved Proposal Amount	Net Total Change Orders	Current Project Cost	Previous Amount Paid	Remaining Balance
\$520,000.00	\$480,228.00	\$19,151.43	\$499,379.43	\$448,351.14	\$51,028.29

Enclosed Documents

A copy of the Substantial Completion Certificate and photos are enclosed for the Board's review and information.

The Facilities Committee recommended Board approval of XX substantial completion of the Mid Valley Campus Drainage Improvements Phase I and Asphalt Resurfacing for the Northwest Drive Project as presented.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize the substantial completion of the Mid Valley Campus Drainage Improvements Phase I and Asphalt Resurfacing for the Northwest Drive Project as presented.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes the substantial completion of the Mid Valley Campus Drainage Improvements Phase I and Asphalt Resurfacing for the Northwest Drive Project as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Mid Valley Campus Drainage Improvements Phase I



Mid Valley Campus Asphalt Resurfacing of Northwest Drive





December 2, 2020

Ricardo De La Garza, Director
Facilities Planning and Construction
South Texas College
3200 W. Pecan Blvd.
McAllen, TX 78501

**Re: Substantial Completion – STC MVC Drainage and Asphalt Resurfacing
Weslaco, Texas**

Dear Mr. De La Garza,

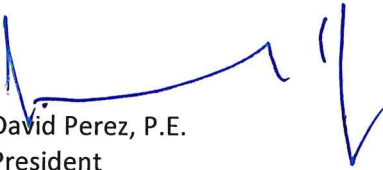
A site inspection for the project was held on Wednesday, November 25, 2020, as requested by McAllen Multi-Service with representatives from South Texas College, Perez Consulting Engineers, and McAllen Multi-Service. The following items were found to be deficient and need to be corrected prior to the final completion of the contract. The Exhibits listed below are pictures taken at the time of the inspection.

1. Grate needs to be installed for Structure No. 13.
2. Solid lid for Manhole Structure No. 8 needs to be replaced with a grated lid.
3. Structure No. 7A was not installed. Contractor to submit method for remedy for owner approval.
4. All areas of previous landscaping will need to be restored if disturbed during construction by repairing irrigation system and final seeding. Contractor to verify that all irrigation is working.
5. Erosion control devices are required to remain in place until the site is fully stabilized. Final stabilization, as defined by the Texas Commission on Environmental Quality (TCEQ), is when a uniform perennial vegetative cover with a minimum density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed.
6. Water areas that have been seeded until final stabilization is acquired.
7. Repair broken concrete valley gutter on west side of Building A.
8. Pavement Markings will need to be installed as per Sheet C109 including Fire Lane Striping for new curb and gutter and parking lot areas disturbed during construction.
9. Concrete aprons will need to be installed around all manholes.
10. Detention Pond Fence will need to be erected.
11. Remove all construction related debris and trash from the construction site.

The dimensions, grades, and elevations of the Improvements were not field verified to determine general compliance with the plans, improvements were visually inspected only. South Texas College may want to request a final field survey on the ground to verify dimensions and grades.

If you have any questions, please feel free to contact me at 956.631.4482 or email me at dp@perezce.com. We look forward to working with you on this important project.




Respectfully submitted,
Perez Consulting Engineers, LLC



David Perez, P.E.
President

Attachments

CC:

Project Name: MV Campus - Drainage & Resurfacing of Parking Lot 3 and NW Drive		Project No.		2019-047R		
Funding Source(s): Renewals & Replacements Fund			Actual	Variance of Revised	Variance of Original	
		Revised	Expenditures	Budget vs Actual	Budget vs. Actual	
		Budget	To Date	Expenditures To	Expenditures To Date	
				Date		
	Construction:	\$ 520,000	\$ 499,379	\$448,351.14	\$51,028.29	\$71,648.86
	Design:	37,000	39,975	44,410.75	(\$4,435.75)	(7,410.75)
	Miscellaneous:	25,203	21,203	4,744.59	\$16,458.41	20,458.41
FFE:	-	-	-	-	-	
Technology:	-	-	-	-	-	
Total:	\$ 582,203	\$ 560,557	\$497,506.48	\$63,050.95	\$84,696.52	
Architect/Engineer: Perez Consulting Engineers	Board Approval of Schematic Design	9/24/2019				
Contractor: McAllen Multi-Service	Substantial Completion	11/23/2020	Board Acceptance	TBD		
STC FPC Project Manager: Samuel Saldana	Final Completion	TBD	Board Acceptance	TBD		
Project Description		Project Scope				
Existing stormwater Drainage along the west side of campus will be updated along with the resurfacing of the North West drive and parking lot #3.		The west side of campus storm drainage will be updated and improved to accommodate storm water discharge. North West Drive will be redone after drainage improvements are completed under the drive. Parking lot will be recoated and some areas resurfaced as part of the improvements of parking lots on the Mid Valley Campus.				
Projected Timeline						
Board Approval of Engineer	Board Approval of Schematic Design	Board Approval of Contractor	Construction Start Date	Substantial Completion Date	Final Completion Date	FFE Completion of Move In
6/25/2019	9/24/2019	4/28/2020	6/11/2020	11/23/2020	12/23/2020	N/A
Project Calendar of Expenditures by Fiscal Year						
Fiscal Year	Construction	Design	Misc.	FFE	Tech	Project Total
2017-18	\$ -	\$ -	\$1,435.70	\$ -	\$ -	\$1,435.70
2018-19	\$ -	\$ -	\$703.20	\$ -	\$ -	\$703.20
2019-20	\$194,493.12	\$41,932.00	\$2,605.69	\$ -	\$ -	\$239,030.81
2020-21	\$253,858.02	\$2,478.75	\$ -	\$ -	\$ -	\$256,336.77
Project Total	\$448,351.14	\$44,410.75	\$4,744.59	\$ -	\$ -	\$497,506.48
Current Agenda Item						
12/8/20 Facilities Committee: Review and Recommend Action on Approval of Substantial Completion of the Mid Valley Campus Drainage Improvements Phase I and Asphalt Resurfacing for the Northwest Drive						
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Update on Status of Unexpended Plant Fund Construction and Renewals & Replacements Projects

The Facilities Planning and Construction staff prepared the attached design and construction update. This update summarizes the status of each capital improvement and renewals & replacements project currently in progress. Mary Elizondo and Rick de la Garza will be present to respond to questions and address concerns of the Board.

South Texas College
Monthly Construction Report
Fiscal Year 2020 - 2021
As of December 4, 2020

Total Project Budget Summary	FY21 Unexpended Plant Fund	FY21 Renewals & Replacements
Total Construction Project Budget	\$ 10,982,474	\$ 4,883,890
Previously Approved Projects for September - November 2020	(967,330)	(471,919)
Proposed Project(s) for the Month of December 2020	-	-
Total Project Budget Balance	\$ 10,015,144	\$ 4,411,971

Project Reference #	Project Name	Total Project Budget/Actual*	
		CIP Fund	R&R Fund
Board Approved on September 22, 2020			
2020-008C	Pecan Campus Business and Science Building G Classroom Conversion of Two (2) Classrooms to Geology Labs - CO	\$ 267,700	\$ -
2020-002C	Pecan Plaza West Building C Kinesiology Storage and Restroom Renovations	142,538	-
2019-047R	Mid Valley Campus Drainage Improvements Phase I - CO	-	302,919
2018-019R	Asphalt Resurfacing for the Northwest Drive - CO	-	92,971
Total Board Approved on September 22, 2020		\$ 410,238	\$ 302,919
Board Approved on October 27, 2020			
2021-011R	Nursing and Allied Health Campus NAH East Building A Exterior Stairs Repairs and Replacement	\$ -	\$ 169,000
2019-019C	Regional Center for Public Safety Excellence Additional Chiller Installation Project	170,000	-
2020-019C	District Wide Automatic Door Openers Phase IV	95,120	-
2020-022C	Regional Center for Public Safety Excellence Site Drainage Improvements Conditions	356,255	-
Total Board Approved on October 27, 2020		\$ 265,120	\$ 169,000
Board Approved on November 24, 2020			
2019-015C	Regional Center for Public Safety Excellence Indoor Shooting Range	\$ 291,972	\$ -
Total Board Approved on November 24, 2020		\$ 291,972	\$ -

Current Total Project Budget	\$ 967,330	\$ 471,919
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* Actuals costs will be updated as project progresses.

CO - Carry over project from previous year.

South Texas College
Unexpended Plant Fund - Capital Improvement Projects (CIP)

Project Status

FY 2020 - 2021

#	Projects	FPC Project Managers	Not Started	Project Development	Design Phase	Bidding and Negotiations	Construction Phase	Substantial Completion	Final Completion	Move In	Completed	Total Project Budget	Amount Paid	Total Project Balance	FY2021 Budget	Priority Status	Upcoming Board Meeting Item	Architect/ Engineering Firm	Contractor	
FY 2020 - 2021																				
Pecan Campus																				
1	Business and Science Building G Classroom Renovation	SS			●							\$ 275,003	\$ 3,438	\$ 271,565	\$ 267,700	High	March 2021	Approval of Construction Services	EGV Architects	TBD
2	Sand Volleyball Courts	DV					●					\$ 113,008	\$ 91,879	\$ 21,129	\$ -	High	N/A		Alvarado Architects & Assoc.	NM Contracting, LLC (Terminated)
3	Sand Volleyball Courts - Sand Replacement	DV						●				\$ 43,711	\$ 23,381	\$ 20,330	\$ 44,450	High	January 2021	Approval of Final Completion	Alvarado Architects & Assoc.	Limon Masonry
4	Library Building F Renovation and Expansion	DV			●							\$ 1,572,047	\$ 129,781	\$ 1,442,266	\$ 1,442,266	High	February 2021	Approval of Schematic Design	ERO Architects	TBD
5	Information Technology Building M Office and Work Space Renovation	MV					●					\$ 624,445	\$ 310,773	\$ 313,672	\$ 499,435	High	December 2020	Approval of Substantial Completion	Boultinghouse Simpson Gates Architects	Noble Texas Builders
6	Student Activities Center Building H Cafeteria Renovation	MV								●		\$ 957,600	\$ 718,372	\$ 239,228	\$ 195,627	Completed	N/A		EGV Architects	Noble Texas Builders
7	Student Services Building K Renovations	TBD	●									\$ 26,200	\$ -	\$ 26,200	\$ 26,200	Medium	TBD	TBD	TBD	N/A
8	New Continuing Education Building	RC	●									\$ 398,160	\$ -	\$ 398,160	\$ 398,160	Low	TBD	TBD	TBD	TBD
Pecan Campus Subtotal												\$ 4,010,174	\$ 1,277,624	\$ 2,732,550	\$ 2,873,838					
Pecan Plaza																				
9	West Building C Kinesiology Renovation	MV			●							\$ 36,909	\$ 6,739	\$ 30,170	\$ 142,538	High	March 2021	Approval of Construction Services	Alvarado Architects & Assoc.	TBD
10	Human Resources Building A Renovation	RG		●								\$ 141,000	\$ -	\$ 141,000	\$ 141,000	Medium	N/A		N/A	O&M
11	Human Resources Building A Entry Court Yard Improvements	DV			●							\$ 16,000	\$ -	\$ 16,000	\$ 16,000	High	N/A		N/A	TBD
Pecan Plaza Subtotal												\$ 193,909	\$ 6,739	\$ 187,170	\$ 299,538					
Mid-Valley Campus																				
12	Student Union Building F Renovation	SS					●					\$ 389,224	\$ 178,274	\$ 210,950	\$ 308,666	High	January 2021	Approval of Substantial Completion	ROFA Architects	Noble Texas Builders
13	Center for Learning Excellence Building A Renovation of Space for Supplemental Instruction	DV		●								\$ 224,200	\$ 2,008	\$ 222,192	\$ 223,200	High	TBD	TBD	The Warren Group Architects	TBD
Mid Valley Campus Subtotal												\$ 613,424	\$ 180,282	\$ 433,142	\$ 531,866					
Technology Campus																				
14	Emerging Technologies Building A & Advanced Technical Careers Building B Renovation	SS			●							\$ 151,320	\$ 820	\$ 150,500	\$ 150,500	High	March 2021	Approval of Master Plan	EGV Architects	TBD
Technology Campus Subtotal												\$ 151,320	\$ 820	\$ 150,500	\$ 150,500					

South Texas College
Unexpended Plant Fund - Capital Improvement Projects (CIP)

Project Status

FY 2020 - 2021

#	Projects	FPC Project Managers	Not Started	Project Development	Design Phase	Bidding and Negotiations	Construction Phase	Substantial Completion	Final Completion	Move In	Completed	Total Project Budget	Amount Paid	Total Project Balance	FY2021 Budget	Priority Status	Upcoming Board Meeting Item	Architect/ Engineering Firm	Contractor	
Nursing and Allied Health Campus Subtotal																				
15	East Building A Student Services Renovation	SS					●					\$ 396,616	\$ 21,346	\$ 375,270	\$ 375,270	High	January 2021	Approval of Substantial Completion	Gignac Architects	Holchemont
16	West Entry Campus Sign	DV									●	\$ 80,353	\$ 62,007	\$ 18,346	\$ 60,000	High	December 2020	Update on Completion of Wayfinding Installation	N/A	Limon Masonry
Nursing and Allied Health Campus Subtotal												\$ 476,969	\$ 83,354	\$ 393,615	\$ 435,270					
Starr County Campus																				
17	Student Services Building G Renovation	SS					●					\$ 247,380	\$ 13,018	\$ 234,362	\$ 236,500	High	January 2021	Approval of Substantial Completion	Gignac Architects	Holchemont
18	Workforce Center Building D Welding Expansion	MV		●								\$ 230,820	\$ 820	\$ 230,000	\$ 230,000	Low	TBD	TBD	Gignac Architects	TBD
Starr County Campus Subtotal												\$ 478,200	\$ 13,839	\$ 464,361	\$ 466,500					
Regional Center for Public Safety Excellence																				
19	Shooting Range (Previously Target Range)	DV			●							\$ 296,092	\$ 14,780	\$ 281,312	\$ 291,972	High	February 2021	Approval of Schematic Design	PBK Architects	TBD
20	Canopy for Safety Training Vehicles	TBD	●									\$ 285,500	\$ -	\$ 285,500	\$ 285,500	Low	January 2021	Approval for Solicitation of Architects	TBD	TBD
21	Canopy for Students/Instructors	TBD	●									\$ 247,000	\$ -	\$ 247,000	\$ 247,000	Low	January 2021	Approval for Solicitation of Architects	TBD	TBD
22	Fire Training Area	TBD	●									\$ 443,600	\$ -	\$ 443,600	\$ 443,600	Low	January 2021	Approval for Solicitation of Architects	TBD	TBD
23	Site Drainage Improvements	RG			●							\$ 380,885	\$ 24,630	\$ 356,255	\$ 356,255	High	April 2021	Approval of Construction Services	Perez Consulting Engineers	TBD
24	Chiller Installation	MV		●								\$ 170,000	\$ -	\$ 170,000	\$ 170,000	High	January 2021	Approval of Engineering Services	TBD	TBD
25	Cityscape Remediation	RG					●					\$ 129,500	\$ -	\$ 129,500	\$ 129,500	High	January 2021	Approval of Substantial Completion	Perez Consulting Engineers	Noble Texas Builders
Regional Center for Public Safety Excellence Subtotal												\$ 1,952,577	\$ 39,410	\$ 1,913,167	\$ 1,923,827					
Higher Education Center La Joya																				
26	Exterior Building and Wayfinding Signage (Wayfinding Signage Only)	DV					●					\$ 59,144	\$ 29,888	\$ 29,256	\$ 36,400	High	December 2020	Update on Completion of Wayfinding Installation	N/A	Innerface Architectural Signage/Cast Con
Higher Education Center La Joya Subtotal												\$ 59,144	\$ 29,888	\$ 29,256	\$ 36,400					

South Texas College
Unexpended Plant Fund - Capital Improvement Projects (CIP)

Project Status

FY 2020 - 2021

#	Projects	FPC Project Managers	Not Started	Project Development	Design Phase	Bidding and Negotiations	Construction Phase	Substantial Completion	Final Completion	Move In	Completed	Total Project Budget	Amount Paid	Total Project Balance	FY2021 Budget	Priority Status	Upcoming Board Meeting Item	Architect/ Engineering Firm	Contractor
District Wide																			
27	Land	N/A	N/A									\$ 3,000,000	\$ -	\$ 3,000,000	\$ 3,000,000	N/A	N/A	N/A	N/A
28	Renovation and Contingencies	N/A	N/A									\$ 659,296	\$ 22,594	\$ 636,703	\$ 659,296	N/A	N/A	N/A	TBD
29	Outdoor Furniture	TBD		●								\$ 25,000	\$ -	\$ 25,000	\$ 25,000	N/A	N/A	N/A	TBD
30	Facility Signage	MV			●							\$ 49,632	\$ -	\$ 49,632	\$ 49,632	N/A	N/A	N/A	Fast Signs
31	Removal of Existing Trees	TBD									●	\$ 24,687	\$ -	\$ 24,687	\$ 24,687	N/A	N/A	N/A	TBD
32	Automatic Doors Phase IV	RG			●							\$ 95,120	\$ -	\$ 95,120	\$ 95,120	Medium	N/A	TBD	TBD
33	Campus Master Plan	TBD	●									\$ 375,000	\$ -	\$ 375,000	\$ 375,000	N/A	N/A	TBD	N/A
34	Fence Enclosures	DV		●								\$ 36,000	\$ -	\$ 36,000	\$ 36,000	Low	N/A	N/A	TBD
District Wide Subtotal												\$ 4,264,735	\$ 22,594	\$ 4,242,142	\$ 4,264,735				
Totals		12	12	3	6	0	8	1	0	0	3	\$ 12,200,452	\$ 1,654,550	\$ 10,545,902	\$ 10,982,474				

South Texas College
Renewal and Replacement Projects
Project Status

#	Projects	FPC Project Manager	Not Started	Project Development	Design Phase	Bidding and Negotiations	Construction Phase	Substantial Completion	FY 2020 - 2021		Completed	Total Project Budget	Amount Paid	Total Project Balance	FY2021 Budget	Priority Status	Upcoming Board Meeting Item	Architect/ Engineering Firm	Contractor	
									Final Completion	Move In										
Mid Valley Campus																				
1	Resurfacing Northwest Drive	SS					●					\$ 128,132	\$ 38,831	\$ 89,301	\$ 92,971	High	January 2021	Approval of Substantial Completion	PCE Consultants	McAllen Multi Services
2	Drainage Improvements Phase I	SS					●					\$ 459,202	\$ 365,971	\$ 93,231	\$ 302,919	High	January 2021	Approval of Substantial Completion	PCE Consultants	McAllen Multi Services
3	Roofing Replacement	MV			●							\$ 951,000	\$ 4,308	\$ 946,692	\$ 947,123	High	February 2021	Approval of Construction Services	Beam Professionals	TBD
Pecan Campus Subtotal												\$ 1,538,334	\$ 409,110	\$ 1,129,224	\$ 1,343,013					
Technology Campus																				
4	Advanced Technical Careers Building B Concrete Floor Repairs	DV									●	\$ 126,870	\$ 120,613	\$ 6,257	\$ 20,000	Completed	N/A		CLH Engineering	5 Star Construction
Technology Campus Subtotal												\$ 126,870	\$ 120,613	\$ 6,257	\$ 20,000					
Dr. Ramiro R. Casso Nursing & Allied Health Campus																				
5	NAH East Building A Westside Elevators Refurbishment	RC/O&M				●						\$ 159,000	\$ -	\$ 159,000	\$ 159,000	Medium	December 2020	Approval of Construction Services	N/A	Oracle Elevator
6	NAH East Building A Roofing Replacement	MV			●							\$ 166,077	\$ 1,077	\$ 165,000	\$ 165,108	High	February 2021	Approval of Construction Services	BEAM Professionals	TBD
7	NAH East Building A Data Cabling Infrastructure Replacement	RC/O&M									●	\$ 161,677	\$ 146,677	\$ 15,000	\$ 15,000	Low	TBD	TBD	N/A	TBD
8	NAH East Building A Exterior Stair Repairs and Replacement	RG		●								\$ 169,000	\$ -	\$ 169,000	\$ 169,000	High	January 2021	Approval of Engineering Services	TBD	TBD
Nursing and Allied Health Campus Subtotal												\$ 655,754	\$ 147,754	\$ 508,000	\$ 508,108					
Starr County Campus																				
9	Roofing Replacement	MV			●							\$ 832,323	\$ 8,615	\$ 823,708	\$ 824,569	High	February 2021	Approval of Construction Services	Beam Professionals	TBD
Starr County Campus Subtotal												\$ 832,323	\$ 8,615	\$ 823,708	\$ 824,569					

South Texas College
Renewal and Replacement Projects

Project Status																			
#	Projects	FPC Project Manager	Not Started	Project Development	Design Phase	Bidding and Negotiations	Construction Phase	Substantial Completion	FY 2020 - 2021 Final Completion	Move In	Completed	Total Project Budget	Amount Paid	Total Project Balance	FY2021 Budget	Priority Status	Upcoming Board Meeting Item	Architect/ Engineering Firm	Contractor
District Wide																			
10	Irrigation System Controls Upgrade	RC/O&M				●						\$ 143,685	\$ -	\$ 143,685	\$ 71,200	Low	TBD	N/A	Aqua Tech
11	Fire Alarm Panel Replacement/Upgrade	RC/O&M				●						\$ 182,500	\$ -	\$ 182,500	\$ 182,500	Low	TBD	N/A	TBD
12	Interior LED Lighting Upgrade	RC/O&M				●						\$ 219,950	\$ -	\$ 219,950	\$ 110,000	Low	TBD	N/A	TBD
13	Ext. Walkway LED Lighting Upgrade Ph I	RC/O&M				●						\$ 49,000	\$ -	\$ 49,000	\$ 49,000	Low	TBD	N/A	TBD
14	Interior Controls Upgrade	RC/O&M				●						\$ 76,500	\$ -	\$ 76,500	\$ 76,500	Low	TBD	N/A	TBD
15	Floor Replacement	RG			●							\$ 532,042	\$ -	\$ 532,042	\$ 504,000	Medium	January 2021	Update on flooring conditions	TBD
16	HVAC Upgrades	MV/O&M				●						\$ 660,000	\$ -	\$ 660,000	\$ 660,000	Low	TBD	N/A	TBD
17	Exterior Lighting Upgrade	RC/O&M				●						\$ 279,000	\$ -	\$ 279,000	\$ 279,000	Low	TBD	N/A	TBD
18	Keyless Entry Access Upgrades	RC/O&M				●						\$ 39,626	\$ 8,702	\$ 30,924	\$ 25,000	Low	TBD	N/A	ADI
19	Renewals & Replacements	N/A	N/A									\$ 151,000	\$ 2,445	\$ 148,555	\$ 151,000	N/A	N/A	N/A	N/A
20	Water Tower Logo Replacments	RG		●								\$ 80,000	\$ -	\$ 80,000	\$ 80,000	N/A	TBD	N/A	TBD
District Wide Subtotal												\$ 2,413,303	\$ 11,147	\$ 2,402,156	\$ 2,188,200				
Totals		0	0	1	4	9	2	0	0	0	2	\$ 5,566,584	\$ 697,238	\$ 4,869,346	\$ 4,883,890				

Consideration and Approval of Checks and Financial Reports

Board action is requested to approve the checks for release and the financial reports for the month of November 2020. The approval is for checks submitted for release in the amount greater than \$125,000.00 and checks in the amount greater than \$25,000.00 that were released as authorized by Board Policy No. 5610.

Mrs. Mary Elizondo, Vice President for Finance and Administrative Services, will provide a review of the Financial Report for the month of **November 2020**, and will respond to questions posed by the Board.

The checks and the financial reports submitted for approval are included in the Board packet under separate cover.

Recommendation:

It is recommended that the Board of Trustees approve and authorize the submitted checks for release in an amount over \$125,000.00, the checks that were released as authorized by Board Policy #5610, and the financial reports submitted for the month of November 2020.

The following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees of South Texas College approves and authorizes the submitted checks for release in an amount over \$125,000.00, the checks that were released as authorized by Board Policy #5610, and the financial reports submitted for the month of November 2020.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Consideration and Approval of Checks and Financial Reports

The Checks and the Financial Reports presented for approval are included in the Board Packet under SEPARATE COVER:

- 1) Release of Checks for \$25,000.00 - \$125,000.00
Released Prior to Board Approval for November 2020.
- 2) Release of Checks for \$125,000.00 and Above
Board of Trustees Approval Required for November 2020.
- 3) Release of Checks for \$125,000.00 and Above
Released Prior to Board Approval for November 2020.
- 4) Release of Construction Fund Checks for November 2020.
- 5) Quarterly Investment Report and Money Market Accounts for November 2020.
- 6) Summary of Revenues for November 2020.
- 7) Summary of State Appropriations Revenue for November 2020.
- 8) Summary of Property Tax Revenue for November 2020.
- 9) Summary of Expenditures by Classification for November 2020.
- 10) Summary of Expenditures by Function for November 2020.
- 11) Summary of Auxiliary Fund Revenues and Expenditures for November 2020.
- 12) Summary of Grant Revenues and Expenditures for November 2020.
- 13) Summary of Bid Solicitations.
- 14) Summary of Purchase Orders.

Discussion and Action as Necessary on Presidential Search Protocols

South Texas College is preparing for a presidential search. The Board is asked to take action as necessary on the presidential search protocols.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize action as necessary for the presidential search as presented.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes action as necessary for the presidential search as presented.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Discussion and Action as Necessary on the Appointment of Dr. David Plummer as Interim President Effective Monday, January 4, 2021

On December 8, 2020, the Board of Trustees appointed Dr. David Plummer as Interim President, effective Monday, January 4, 2021, to serve until the start date for the next President of South Texas College.

The Board is asked to take any action as necessary regarding this appointment.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize action as necessary on the appointment of Dr. David Plummer as interim President effective Monday, January 4, 2021, to serve until the start date for the next President of South Texas College.

The Following Minute Order is proposed for consideration by the Board of Trustees:

The Board of Trustees approves and authorizes action as necessary on the appointment of Dr. David Plummer as interim President effective Monday, January 4, 2021, to serve until the start date for the next President of South Texas College.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Update and Action as Necessary Regarding Pending Litigation

Mr. Eduardo Garza from Esparza & Garza, L.L.P., will provide an update to the Board on pending legal action taken against the College:

a. Cause No. C-0959-18-G; Cynthia V. Arriola vs. South Texas College

Legal action was taken against the College by Cynthia V. Arriola. The lawsuit was submitted to the College's insurance carrier, TASB. TASB assigned Eduardo Garza from Esparza & Garza, L.L.P to handle the case.

b. Cause No. CL-20-3895-D; Rolando Villagran vs. South Texas College

Legal action was taken against the College by Rolando Villagran. The lawsuit was submitted to the College's insurance carrier, TASB. TASB assigned Eduardo Garza from Esparza & Garza, L.L.P to handle the case.

Mr. Garza will provide an update in executive session.

Recommendation:

It is recommended that the Board of Trustees of South Texas College approve and authorize action as necessary.

The Following Minute Order is proposed for consideration by the Board of Trustees:
The Board of Trustees approves and authorizes action as necessary.

Approval Recommended:

Shirley A. Reed, M.B.A., Ed.D.
President

Announcements

Announcements

A. Next Meetings:

- Tuesday, January 12, 2021
 - 3:30 p.m. – Education and Workforce Development Committee
 - 4:30 p.m. – Facilities Committee
 - 5:30 p.m. – Finance, Audit, and Human Resources Committee
- Tuesday, January 26, 2021
 - 5:30 p.m. – Regular Board Meeting

B. Other Announcements:

- The College will be closed from Thursday, December 17, 2020, through Sunday, January 3, 2021, in observance of Winter Break.
- The College will be closed on Monday, January 18, 2021, in observance of Martin Luther King, Jr. Day