

South Texas College
Board of Trustees
Finance, Audit, and Human Resources Committee
Ann Richards Administration Building Board Room
Pecan Campus, McAllen, Texas
Tuesday, December 8, 2020 @ 5:45 p.m.

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.”

- I. Approval of November 10, 2020 Finance, Audit, and Human Resources Committee Minutes..... 1-20
- II. Update on Status of Fiscal Year 2020 Financial Audit.....21
- III. Review and Action as Necessary on Award of Proposals, Rescind of Award, Purchases, and Renewals 22-48
- IV. Review and Recommend Action on 2020 Tax Roll/Tax Levy for Hidalgo and Starr Counties..... 49-59
- V. Review and Recommend Action on Appraisal District Allocated Cost Payments for Hidalgo and Starr Counties 60-64
- VI. Review and Recommend Action to Revise Policy #4216: Freedom from Discrimination, Harassment, Sexual Misconduct, and Retaliation 65-116
- VII. Review and Recommend Action to Revise Policy #4316: Leave Without Pay 117-122
- VIII. 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 123-133
- IX. 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 134-138

- X. 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 139-144
- XI. Discussion and Action as Necessary for Legal Services 145-147
- XII. Discussion and Action as Necessary on Distribution Method of Popular Annual Financial Report (PAFR) 148-173

**Approval of November 10, 2020 Finance, Audit, and Human Resources Committee
Minutes**

The Minutes for the Finance, Audit, and Human Resources Committee Meeting of November 10, 2020 are presented for Committee approval.

**South Texas College
Board of Trustees
Finance, Audit, and Human Resources Committee
Ann Richards Administration Building Board Room
Pecan Campus, McAllen, Texas
Tuesday, November 10, 2020 @ 5:30 p.m.**

Minutes

The Finance, Audit, and Human Resources Committee Meeting was held on Tuesday, November 10, 2020 in the Ann Richards Administration Building Board Room at the Pecan Campus in McAllen, Texas. The meeting commenced at 5:40 p.m. with Mr. Paul R. Rodriguez presiding.

Members present: Mr. Paul R. Rodriguez, Ms. Rose Benavidez, and Mr. Rene Guajardo

Other Trustees Present: Dr. Alejo Salinas, Jr. and Mr. Gary Gurwitz

Members absent: Mr. Roy de León

Also present: Dr. Shirley A. Reed, Mr. Jesus Ramirez, Mrs. Mary Elizondo, Dr. David Plummer, Mrs. Becky Cavazos, Mr. George McCaleb, Mr. Frank Jason Gutierrez, Dr. Jesus Campos, Lt. Ruben Suarez, Ms. Alina Cantu, Mr. Michael Cano, Mr. Tom Logan, and Mr. Andrew Fish.

**Approval of October 13, 2020 Finance, Audit, and Human Resources
Committee Minutes**

Upon a motion by Mr. Rene Guajardo and a second by Ms. Rose Benavidez, the Minutes for the Finance, Audit, and Human Resources Committee Meeting of October 13, 2020 were approved as written. The motion carried.

**Presentation 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.

Mr. Michael Cano reviewed the Tax Resale properties authorized by the County of Starr and scheduled for December 1, 2020. While Linebarger Goggan Blair & Sampson, LLP advised that no formal action was required by the South Texas College Board of Trustees, they provided the information in the event that the College had an interest in or concern with the proposed proceedings.

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

No action was requested at this time.

Upon a motion by Mr. Rene Guajardo and a second by Ms. Rose Benavidez, the Finance, Audit, and Human Resources Committee recommended that the Board take no action on this item. The motion carried.

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

Approval of the following award of proposals, purchases, and renewals will be requested at the November 24, 2020 Board meeting.

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

Upon a motion by Mr. Rene Guajardo and a second by Ms. Rose Benavidez, 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 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)

Vendors	Vendors
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.

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 will be requested at the November 24, 2020 Board of Trustees meeting.

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 presents 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 Committee's information and review.

Dr. Shirley A. Reed, President, and 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.

Upon a motion by Mr. Rene Guajardo and a second by Ms. Rose Benavidez, the Finance, Audit and Human Resources Committee recommended Board approval of 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 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 has been 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 Committee's information.

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

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

Review and Recommend 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 will be requested at the November 24, 2020 Board of Trustees meeting.

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 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 is 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 requests 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.

	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 are included in Exhibit A and are as follows:

- 1) Qualifications of staff to be assigned to the College (up to 40 points)
 - a. The qualifications of the staff assigned to the College regarding their background, years and type of experience, education and professional licenses and certifications, number of bond issues engaged in, size of bond issues, and type of bond issues.
 - b. References (including personal knowledge and experience with College staff).
- 2) Experience with Texas Community College Districts (up to 50 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 Texas Community College Districts.

- 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 Committee's information and review.

Mr. Paul R. Rodriguez recommended:

- both services be procured together;
- the Request for Qualifications procurement method be used;
- the proposed evaluation criteria be amended so that Criteria 1) Qualifications of staff to be assigned to the College and Criteria 2) Experience with Texas Community College Districts be equally weighted at 45 points each;
- Criteria #2 be amended such that references to "Texas Community College Districts" be changed to "Public Entities"; and,
- Evaluations be submitted to the Finance, Audit, and Human Resources Committee for evaluation and recommendation to the Board, without prior review or evaluation by staff.

Upon a motion by Mr. Rene Guajardo and a second by Ms. Rose Benavidez, the Finance, Audit, and Human Resources Committee recommended Board approval to solicit Financial Advisor and Continuing Disclosure Services jointly, using the Request for Criteria Qualifications procurement method and the evaluation criteria as outlined at the meeting, with the provision that qualifications be provided to the Committee for evaluation and a recommendation to the Board. The motion carried.

Review and Recommend Action to Revise Policy #2500: Records Management

Approval to revise Policy #2500: *Records Management* will be requested at the November 24, 2020 Board meeting.

Purpose – The proposed policy revisions were 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 were 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 has a records management program, applicable to all College departments, which includes 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 Committee's review and information.

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

Dr. Alejo Salinas, Jr. noted that the language within the policy could be improved to align the language related to the designation of records custodians, rather than the more ambiguous call for the "identification" of records custodians. Administration agreed to review the policy and better align the language as suggested.

Mary Elizondo, Vice President for Finance and Administrative Services, and Frank Jason Gutierrez, Director of Accountability, Risk, and Compliance, attended the Committee Meeting to address any questions by the Committee.

Upon a motion by Mr. Rene Guajardo and a second by Ms. Rose Benavidez, the Finance, Audit, and Human Resources Committee recommended Board approval of the proposed revisions to Policy #2500: *Records Management* with the recommendations provided by Dr. Salinas, 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 will be requested at the November 24, 2020 Board meeting.

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 ranged 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 effective December 16, 2020 and as a result would lay off three (3) full-time employees, end employment for two (2) temporary agency employees, and end employment for two (2) work study student employees.

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

Mary Elizondo, Vice President for Finance and Administrative Services, attended the Committee Meeting to address any questions by the Committee.

Upon a motion by Ms. Rose Benavidez and a second by Mr. Rene Guajardo, the Finance, Audit, and Human Resources Committee recommended Board approval of 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 will be requested at the November 24, 2020 Board meeting.

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 was as of October 26, 2020. The Purple Line route was canceled as of 10/12/20 due to staff turnover and reflected (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 reflected 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 would 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 reviewed the information 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 Committee Meeting to address any questions by the committee.

Upon a motion by Ms. Rose Benavidez and a second by Mr. Paul R. Rodriguez, the Finance, Audit, and Human Resources Committee recommended Board approval of 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 Intercampus 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 will be requested at the November 24, 2020 Board meeting.

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

Justification – The Interlocal Agreement was intended to establish an intercampus 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 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.

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:

Transportation Routes	LRGVDC	South Texas College		
	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

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 included 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 were 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 was still pending final approval by the LRGVDC.

Enclosed Documents – A copy of the draft Interlocal Agreement was provided in the packet for the Committee's information and review. The draft Interlocal Agreement was reviewed by the College's Contract Manager and provided to LRGVDC and to the College's legal counsel for review.

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 Transportation Services Manager, attended the Committee Meeting to address any questions by the committee.

Upon a motion by Ms. Rose Benavidez and a second by Mr. Paul R. Rodriguez, 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 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.

Adjournment

There being no further business to discuss, the Finance, Audit, and Human Resources Committee Meeting of the South Texas College Board of Trustees adjourned at 6:21 p.m.

I certify that the foregoing are the true and correct Minutes of the November 10, 2020 Finance, Audit, and Human Resources Committee Meeting of the South Texas College Board of Trustees.

Update on Status of Fiscal Year 2020 Financial Audit

Mr. Aaron Rios and staff from Carr, Riggs & Ingram, LLC will review the status of the Comprehensive Annual Financial Report for the Fiscal Years Ended August 31, 2020 and 2019 with the Committee and will respond to any questions the Committee members may have on the audit.

Included under separate cover is a draft of the Comprehensive Annual Financial Report for the Fiscal Years Ended August 31, 2020 and 2019.

The Fiscal Year 2020 Financial Audit will be presented at the December 8, 2020 Board Meeting for review and approval.

No action is required from the Committee. This item is presented for information and feedback to staff.

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

Approval of the following award of proposals, rescind of award, purchases, and renewals will be requested at the December 15, 2020 Board meeting.

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

B. Rescind of Award

C. Purchases and Renewals

a. Instructional Item

b. Non-Instructional Items

c. Technology Items

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. Rescind of Award

3) Multifunction Copier Equipment and Service (Rescind)

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 disciplines 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
Starr County Campus	Building A Data Cabling Infrastructure Replacement	\$40,000.00
Starr County Campus	Building B Data Cabling Infrastructure Replacement	\$40,000.00
Starr 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 Camus 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:

It is requested that the Finance, Audit, and Human Resources Committee recommend for Board approval at the December 15, 2020 Board meeting the award of proposals, rescind of award, purchases, and renewals as listed below:

A. Award of Proposals

B. Rescind of Award

C. Purchases and Renewals

a. Instructional Item

b. Non-Instructional Items

c. Technology Items

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. Rescind of Award

- 3) Multifunction Copier Equipment and Service (Rescind):** 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.

**SOUTH TEXAS COLLEGE
1. MEDIUM DUTY TRUCK
PROJECT NO. 20-21-1019**

VENDOR			Rush Truck Centers of Texas, LP./ dba Rush Truck Center Corpus Christi		Spikes Ford	
ADDRESS			3001 IH-69 Access Rd		805 E Expway 83	
CITY/STATE/ZIP			Robstown, TX 78380		Mission, TX 78572	
LOCAL ADDRESS			4700 N Cage Blvd Pharr, TX			
PHONE			361-726-4443		956-519-5521	
CONTACT			T.W. Hedfelt		Michael Ramirez	
#	Qty	Description	Unit Price	Extension	Unit Price	Extension
1	1	Medium Duty Truck (14' Cargo Truck)	\$ 52,729.00	\$ 52,729.00	\$ 52,387.00	\$ 52,387.00
2	1	Delivery Charge	\$ -	\$ -	\$ -	\$ -
3	Number of days for delivery		Estimated 150 Days		Approximately 120 Days	
TOTAL PROPOSAL AMOUNT			\$ 52,729.00		\$ 52,387.00	
TOTAL EVALUATION POINTS			96.17		****	
RANKING			1		****	

The Director of Purchasing has reviewed all the responses and evaluations completed.

****The vendor did not meet the requirement 14' specification, therefore not evaluated.

**SOUTH TEXAS COLLEGE
1. MEDIUM DUTY TRUCK
PROJECT NO. 20-21-1019
EVALUATION SUMMARY**

VENDOR		Rush Truck Centers of Texas, LP./ dba Rush Truck Center Corpus Christi	
ADDRESS		3001 IH-69 Access Rd	
CITY/STATE/ZIP		Robstown, TX 78380	
LOCAL ADDRESS		4700 N Cage Blvd Pharr, TX	
PHONE		361-726-4843	
CONTACT		T.W Hedfelt	
1	The purchase price. (up to 50 points)	49.67	49.67
		49.67	
		49.67	
		49.67	
2	The reputation of the vendor's goods or services. (up to 10 points)	9	9
		10	
		8	
		9	
3	The quality of the vendor's goods or services. (up to 18 points)	17	17
		18	
		16	
		17	
4	The extent to which the vendor's goods or services meet the College's needs. (up to 18 points)	17	17.5
		18	
		17	
		18	
5	The vendor's past relationship with the College. (up to 3 points)	3	3
		3	
		3	
		3	
6	The impact on the ability of the College to comply with laws relating to Historically Underutilized Businesses. (up to 1 point)	0	0
		0	
		0	
		0	
TOTAL EVALUATION POINTS		96.17	
RANKING		1	

The Director of Purchasing has reviewed all the responses and evaluations completed.

*The proposal criteria follows in the packet for further explanation of each criteria.

SOUTH TEXAS COLLEGE
1. PROPOSAL CRITERIA - PRODUCT ONLY

	Product Only		
	Points	Score Key	
1 Criterion 1: The purchase price a. The low bidder gets the maximum points b. Divide the lowest proposal by each of the other proposal(s)	50		
2 Criterion 2: The reputation of the vendor and of the vendor's goods or services a. Number of Years in Business b. References (similar projects)	10	8-10 5-7 2-4 0-1	Excellent Acceptable Marginal Poor/No Response
3 Criterion 3: The quality of the vendor's goods or service a. Warranty b. Service Support/Response Time c. Goods/Product (manufacturer life) d. Product Performance	18	14-18 9-13 4-8 0-3	Excellent Acceptable Marginal Poor/No Response
4 Criterion 4: The extent to which the goods or services meet the district's needs a. Delivery Time Frame of product(s) b. Meet or exceed the specifications	18	14-18 9-13 4-8 0-3	Excellent Acceptable Marginal Poor/No Response
5 Criterion 5: The vendor's past relationship with the district a. Quality of Past Performances with STC ****New Vendors will receive two points	3	3 2 1 0	Excellent Acceptable/New Vendor Marginal Poor/No Response
6 Criterion 6: The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses a. Provided the Certification	1	1 0	Yes No
7 Criterion 7: The total long-term cost to the district to acquire the vendor's goods or services a. Annual Maintenance Cost b. Annual Escalation Increase			Up to 5 points will be used from the purchase price if applicable
8 Criterion 8: Any other relevant factor specifically listed in the request for bids or proposals, e.g.: a. Financial Standing b. Potential or Pending Sale of Business c. Trade-In of outdated equipment			Up to 5 points will be used from the purchase price if applicable
Total Points	100		

Definitions of evaluation terms:

Excellent - respondent provided information which fully addressed or exceeded the requirements

Acceptable - respondent provided information which addressed most but not all of the requirements

Marginal - respondent provided minimal information on requirements

Poor/No response - respondent provided inadequate responses to requirements or did not respond

SOUTH TEXAS COLLEGE
2. SIGNS, BANNERS AND RELATED PRODUCTS
PROJECT NO. 20-21-1023

VENDOR		AGAS, Mfg. Group	Brandit, LLC.	Copy Plus, LLC.	UBEO, LLC./ dba Copy Zone	Huntington Sky Production, Ltd./ dba Fastsigns	FedEx Office and Print Services, Inc.	Gateway Printing & Office Supply, Inc.	Imprezos Pro Uniforms, LLC.	MPA Outdoor	Promo Universal, LLC.	Ana C. Tobias / Satori Display	The Sign Depot
ADDRESS		2701 E Tioga St	5105-A N 10th St	4500 N 10th Ste 240	3701 N Bicentennial Blvd # 100	4117 N 10th St	7900 Legacy Dr	14803 Bulverde Rd	1317 W US Hwy 83 Ste A	2243 Pecan Blvd	2741 Swanter St	1201 N 48th St	105 E Interstate 2 Ste F
CITY/STATE/ZIP		Philadelphia, PA 19134	McAllen, TX 78504	McAllen, TX 78504	McAllen, TX 78501	McAllen, TX 78504	Plano, TX 75024	San Antonio, TX 78247	Pharr, TX 78577	McAllen, TX 78501	Corpus Christi, TX 78404	McAllen, TX 78501	Pharr, TX 78577
PHONE		866-269-3524	956-687-7666	956-668-7587	956-668-9600	956-618-1800	469-980-3000	210-650-3995	956-685-5099	956-618-2100	800-221-7419	956-221-9830	956-240-9899
FAX		917-386-2573	956-467-5453	956-668-7590	956-668-9603			210-650-5506	866-733-8509		361-884-8015		956-928-1870
CONTACT		Ward Wuorio	Alejandra Gonzalez	Eder Gallegos	Daniel Clarke	Ernest Macias	Aimee DiCicco	Butch Shook	Francisco J. Morales	Patricio Garza	Anthony Anzaldua	Ana C. Tobias	Ruben Cepeda
#	Description	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed
1	Catalog Discount - Signs, Flags and Banners	30%	5%	0-25%	0%	10-20%	30%	10%	30%	15%	10%	10%	0%
2	Catalog Discount - Retractable Banner Stands	30%	5%	0-25%	0%	10-20%	30%	10%	30%	15%	10%	10%	0%
3	Catalog Discount - Yard/Metal/Real Estate Signs	30%	5%	0-25%	0%	10-20%	30%	10%	30%	15%	10%	10%	0%
4	Catalog Discount - Table Covers	30%	5%	0-25%	0%	0%	10%	10%	30%	15%	10%	10%	0%
5	Catalog Discount - Feather Flags	30%	5%	0-25%	0%	10-20%	10%	10%	30%		10%	10%	0%
6	Catalog Discount - Name Plates/Office Entrance Signs	30%	5%	0-25%	0%	10-20%	N/A	10%	30%		10%	10%	0%
7	Set-Up Charges	\$0.00	\$50.00 - \$75.00 Depending on product	No Charge	\$75.00 for Prorated Graphic/layout hour	No set up charge on basic items or designs. Complex designs or content subject to design fees.	N/A	Included	\$0.00 All prices include set up prices		Set up charges will vary from item to item and will be quoted upon formal request from each department.	N/A	N/A
8	Shipping Charges	Prices are delivered price	\$75.00 \$150.00 Depending on product	Free Delivery in the Rio Grande Valley Area	McAllen \$5.00 South McAllen \$8.00 Weslaco \$15.00 Rio Grande Valley \$25.00	Shipping varies from product to product and is dependent on size and quantities ordered.	Local Delivery \$19.99 to the Pecan Campus	Included	\$0.00 No shipping charges		Shipping charges will be quoted upon formal request from each department.	N/A	No Charge for Local Delivery - 25 Mile Radius
9	Return Policy	Exchange and Replacements are offered for premature deterioration of items	N/A	No Returns	May vary from full to none. It's a Case by Case. Customer wear and tear, "Incorrect erect and tear down of display unit's".	All products are custom and non-returnable. Defective items will be repaired or replaced.		Custom imprinted items cannot be returned unless defective or wrong due to Gateway error.	Replace or Refund on all items		Returns are only allowed on non imprinted items. A 15% restocking fee applies. Freight to be paid by buyer.	Manufacturing defects will be exchanged	30 Days non-custom orders
10	Number of days for delivery once order is placed	10-15 Days	5-7 Days 3-5 Days on some jobs	2-7 Days	1-5 Days			1 Day	3 Days	14 Days	10-15 Days	2 Business Days	2 Days
Hanging Banner (Matte Material)													
11	6ft x 4ft Banner	\$26.40	\$78.00	\$63.89	\$99.50	\$110.00	\$90.00	\$63.98	\$49.00		\$64.00	\$60.00	\$99.00
12	Delivery Time		7 -10 Working days after approved artwork	1-2 Business Days	1 to 6 Working Days	2 Business Days after artwork approval	2-3 Business Days	5 Business Days	2 Business Days		1 -3 Weeks		2 Days
Hanging Banner (Vinyl Glossy)													
13	6ft x 4ft Banner	\$26.40	\$78.00	\$63.89	\$99.50	\$110.00	\$90.00	\$58.73	\$49.00		\$64.00	\$60.00	\$99.00
14	Delivery Time		7 -10 Working days after approved artwork	1-2 Business Days	1 to 6 Working Days	2 Business Days after artwork approval	2-3 Business Days	5 Business Days	2 Business Days		1-3 Weeks		2 Days
Retractable Banner Matte (anti curl) and Stand													
15	33in x 83in Banner including stand	\$149.62	\$150.00	\$341.00	\$425.00 - \$450.00	\$418.47	\$125.00		\$199.00		\$345.00	\$168.75	\$275.00
16	33 1/2in x 80in Banner including stand							\$193.82					
17	15.5in x 31.5in Banner including stand (desktop/mini table-top)	\$22.40	\$75.00		\$80.00	\$64.72	\$98.50		\$44.00		\$160.00		\$89.00
18	13.13in x 17.88in Banner including stand (desktop/mini table-top)			\$52.00									

SOUTH TEXAS COLLEGE 2. SIGNS, BANNERS AND RELATED PRODUCTS PROJECT NO. 20-21-1023													
VENDOR		AGAS, Mfg. Group	Brandit, LLC.	Copy Plus, LLC.	UBEO, LLC./ dba Copy Zone	Huntington Sky Production, Ltd./ dba Fastsigns	FedEx Office and Print Services, Inc.	Gateway Printing & Office Supply, Inc.	Imprezos Pro Uniforms, LLC.	MPA Outdoor	Promo Universal, LLC.	Ana C. Tobias / Satori Display	The Sign Depot
19	24in x 48in Banner including stand (desktop/mini table-top)							\$179.96					
20	Delivery Time		7 -10 Working days after approved artwork	5-7 Business Days	1 to 6 Working Days	Special Order Stand 10-14 Business Days	2-3 Business Days	10 Business Days	3 Business Days		1-3 Weeks		3 Days
Replacement Banner Matte (anti curl) Only													
21	33in x 83in (large/standard)	\$24.67	\$95.00	\$140.00	\$150.00	\$131.30	\$86.00		\$41.00		\$160.00	\$82.00	\$95.00
22	33 1/2in x 80in Banner including stand							\$69.61					
23	15.5in x 31.5in (desktop/mini table-top)	\$11.50	\$55.00		\$30.00	\$27.81	\$15.45		\$20.00		\$85.00	\$15.00	\$29.00
24	13.13in x 17.88in Banner only (desktop/mini table-top)			\$23.00									
25	24in x 48in Banner including stand (desktop/mini table-top)							\$78.31					
26	Delivery Time		7 -10 Working days after approved artwork	5-7 Business Days	1 to 6 Working Days	Special Order Stand 10-14 Business Days	2-3 Business Days	10 Business Days	3 Business Days		1-3 Weeks		3 Days
Yard Signs (Coroplast) with "H" Stake Frame; Printed; Double Sided; Full Color													
27	18in x 12in Sign	\$14.56	\$24.00	\$12.99	\$28.00	\$10.80	\$15.00	\$10.66	\$6.80		\$14.00	\$10.65	\$20.00
28	24in x 18in Sign	\$23.52	\$30.00	\$31.26	\$48.00	\$20.09	\$30.00	\$17.33	\$9.50		\$16.00	\$19.25	\$27.50
29	Delivery Time		7 -10 Working days after approved artwork	2-3 Business Days	1 to 6 Working Days	2 Business Days after artwork approval	2-3 Business Days	5 Business Days	2 Business Days		1-3 Weeks		2 Days
Yard Signs (Coroplast) with "H" Stake Frame; BLANK													
30	18in x 12in Sign	\$8.50	\$12.00	\$7.92	\$8.00	\$7.70	\$6.99	\$6.67	\$3.99		\$12.00	\$3.90	\$15.00
31	24in x 18in Sign	\$9.75	\$18.00	\$13.32	\$12.00	\$13.89	\$10.00	\$6.67	\$4.50		\$14.00	\$5.75	\$22.50
32	Delivery Time		7 -10 Working days after approved artwork	2-3 Business Days	1 to 6 Working Days	2 Business Days after artwork approval	2-3 Business Days	5 Business Days	2 Business Days		1-3 Weeks		2 Days
Metal Sign and Black Frame/Real Estate Sign													
33	24in x 18in Sign	\$110.00	\$79.00	\$48.08	\$115.00	\$83.25	71.39	\$99.98	\$15.00		\$30.00	\$39.25	\$30.00
34	Delivery Time		7 -10 Working days after approved artwork	2-3 Business Days	1 to 6 Working Days	2 Business Days after artwork approval	2-3 Business Days	5 Business Days	2 Business Days		1-3 Weeks		2 Days
A Frame Signs													
35	36in x 24in Sign	\$9.24	\$190.00	\$162.00	\$230.00	\$128.68	\$100.09	\$16.00	\$58.00		\$160.00	\$111.00	\$175.00
36	Delivery Time		7 -10 Working days after approved artwork	5-7 Business Days	1 to 6 Working Days	2 Business Days after artwork approval	2-3 Business Days	5 Business Days	2 Business Days		1-3 Weeks		2 Days
Table Covers (Custom Made)													
37	6ft Table (28in x 72in x 30in)	\$171.50	\$546.00			\$108.00		\$266.93	\$225.00		\$172.00		\$295.00
38	8ft Table (28in x 96in x 30in)	\$205.80	\$552.00			\$126.50		\$273.60	\$250.00		\$192.00		\$345.00
39	Delivery Time		7 -10 Working days after approved artwork			10-14 Business Days from artwork approval		12 Business Days	2 Business Days		1-3 Weeks		7 - 10 Days

SOUTH TEXAS COLLEGE 2. SIGNS, BANNERS AND RELATED PRODUCTS PROJECT NO. 20-21-1023													
VENDOR		AGAS, Mfg. Group	Brandit, LLC.	Copy Plus, LLC.	UBEO, LLC./ dba Copy Zone	Huntington Sky Production, Ltd./ dba Fastsigns	FedEx Office and Print Services, Inc.	Gateway Printing & Office Supply, Inc.	Imprezos Pro Uniforms, LLC.	MPA Outdoor	Promo Universal, LLC.	Ana C. Tobias / Satori Display	The Sign Depot
Table Covers (Blank)													
40	6ft Table Cover (28in x 72in x 30in)	\$98.00	\$25.00		\$250.00	\$108.00		\$138.63	\$89.00		\$48.00		\$195.00
41	8ft Table Cover (28in x 96in x 30in)	\$117.00	\$30.00		\$300.00	\$126.00		\$145.30	\$98.00		\$52.00		\$245.00
42	Delivery Time		7 -10 Working days after approved artwork		1 to 6 Working Days	10-14 Business Days from artwork approval		7 Business Days	2 Business Days		1-3 Weeks		5 - 7 Days
Table Runners (Full Color Logo)													
43	35in x 80in Runner	\$46.20	\$165.00			\$126.00		\$293.59	\$75.00		\$115.00		\$195.00
44	55in x 80in Runner	\$58.61	\$195.00			\$171.00		\$300.26	\$125.00		\$148.00		\$225.00
45	Delivery Time		7 -10 Working days after approved artwork			10-14 Business Days from artwork approval		12 Business Days	2 Business Days		1-3 Weeks		5 - 7 Days
Feather Flags													
46	8ft Feather Flag	\$145.25	\$155.00	\$136.00	\$300.00	\$135.00	\$125.00	\$211.95	\$95.00		\$114.00	\$185.00	\$125.00
47	Delivery Time		7 -10 Working days after approved artwork	5-7 Business Days	1 to 6 Working Days	10-14 Business Days from artwork approval	7-10 Business Days	14 Business Days	3 Business Days		1-3 Weeks		7 - 10 Days
Wall Mount Name Plate													
48	2in x 10in x 1/16in		\$44.00	\$14.60		\$19.60		\$17.33	\$9.00		\$38.25		\$22.50
49	Delivery Time		7 -10 Working days after approved artwork	5-7 Business Days		2 Business Days after artwork approval		10 Business Days	2 Business Days		1-3 Weeks		7 - 10 Days
Wall Mount Frame for Name Plate (Silver)													
50	2in x 10in x 1/16in Name Plate		\$25.00	\$26.15		\$10.00		\$10.66	\$5.80		\$6.00		\$27.50
51	Delivery Time		7 -10 Working days after approved artwork	5-7 Business Days		2 Business Days after artwork approval		10 Business Days	2 Business Days		1-3 Weeks		7 - 10 Days
Desk Mounting Frame for Name Plate (Silver)													
52	2in x 10in x 1/16in Name Plate		\$15.00	\$26.15		\$10.00		\$10.66	\$8.90		\$9.50		\$32.50
53	Delivery Time		7 -10 Working days after approved artwork	5-7 Business Days		2 Business Days after artwork approval		10 Business Days	2 Business Days		1-3 Weeks		7 - 10 Days
Office Entrance Sign													
54	8in x 10in x 1/16in		\$65.00	\$55.95		\$30.60		\$59.19	\$18.00		\$145.00		\$75.00
55	Delivery Time		7 -10 Working days after approved artwork	5-7 Business Days		2 Business Days after artwork approval		16 Business Days	2 Business Days		1-3 Weeks		7 - 10 Days
Escalation													
56	2nd Year	5%	5%	0%	0%	10%	0%	up to 5%	0%		May increase up to 5%	5%	0%
57	3rd Year	5%	10%	0%	0%	15%	0%	up to 5%	0%		May increase up to 5%	5%	0%
TOTAL EVALUATION POINTS		****	57.73	63.78	59.96	66.99	69.97	66.98	82.12	****	66.14	71.05	62.47
RANKING		****	10	7	9	4	3	5	1	****	6	2	8

The Director of Purchasing has reviewed all the responses and evaluations completed.

****The vendors did not sign required documents, therefore not evaluated.

SOUTH TEXAS COLLEGE
2. SIGNS, BANNERS, AND RELATED PRODUCTS
PROJECT NO. 20-21-1023
EVALUATION SUMMARY

VENDOR			Brandit, LLC.		Copy Plus, LLC.		UBEO, LLC./ dba Copy Zone		Huntington Sky Production, Ltd./ dba Fastsigns		FedEx Office and Print Services, Inc.		Gateway Printing & Office Supply, Inc.		Imprezos Pro Uniforms, LLC.		Promo Universal, LLC.		Ana C. Tobias / Satori Display		The Sign Depot	
ADDRESS			5105-A N 10th St		4500 N 10th Ste 240		3701 N Bicentennial Blvd # 100		4117 N 10th St		7900 Legacy Dr		14803 Bulverde Rd		1317 W US Hwy 83 Ste A		2741 Swanter St		1201 N 48th St		105 E Interstate 2 Ste F	
CITY/STATE/ZIP			McAllen, TX 78504		McAllen, TX 78504		McAllen, TX 78501		McAllen, TX 78504		Plano, TX 75024		San Antonio, TX 78247		Pharr, TX 78577		Corpus Christi, TX 78404		McAllen, TX 78501		Pharr, TX 78577	
PHONE			956-687-7666		956-668-7587		956-668-9600		956-618-1800		469-980-3000		210-650-3995		956-685-5099		800-221-7419		956-221-9830		956-240-9899	
FAX			956-467-5453		956-668-7590		956-668-9603						210-650-5506		866-733-8509		361-884-8015				956-928-1870	
CONTACT			Alejandra Gonzalez		Eder Gallegos		Daniel Clarke		Ernest Macias		Aimee DiCicco		Butch Shook		Francisco J. Morales		Anthony Anzaldua		Ana C. Tobias		Ruben Cepeda	
1	The purchase price. (up to 45 points)	20.1	20.1	19.38	19.38	13.84	13.84	23.43	23.43	23.85	23.85	23.14	23.14	37.57	37.57	23.29	23.29	29.36	29.36	16.5	16.5	
		20.1		19.38		13.84		23.43		23.85		23.14		37.57		23.29		29.36		16.5		
		20.1		19.38		13.84		23.43		23.85		23.14		37.57		23.29		29.36		16.5		
		20.1		19.38		13.84		23.43		23.85		23.14		37.57		23.29		29.36		16.5		
		20.1		19.38		13.84		23.43		23.85		23.14		37.57		23.29		29.36		16.5		
		20.1		19.38		13.84		23.43		23.85		23.14		37.57		23.29		29.36		16.5		
		20.1		19.38		13.84		23.43		23.85		23.14		37.57		23.29		29.36		16.5		
2	The reputation of the vendor and of the vendor's goods and/or services. (up to 10 points)	6	6.07	8	7.85	9	8.28	9	8.28	8	8.42	9	8.42	9	8	9	8	9	7.71	9	8.28	
		5		8		9		9		10		10		8		9		7		8		
		7		8		9		9		8		8		8		7		7		9		
		5		7		7		7		7		8		7		7		7		7		
		8		8		8		8		9		8		8		8		8		9		
		4.5		8		8		8		8		8		8		8		8		8		
		7		8		8		8		8		8		8		8		8		8		
3	The quality of the vendor's goods and/or services. (up to 18 points)	13	12.28	15	14.42	17	15.14	16	14	16	15	16	14.28	15	13.42	15	13.71	16	13.71	15	14.42	
		12		16		16		16		16		16		14		14		16		14		
		13		15		17		14		17		14		13		15		13		17		
		12		12		13		13		13		10		10		10		10		10		
		13		13		13		13		13		13		13		13		13		16		
		10		14		14		12		14		14		14		14		14		14		
		13		16		16		14		16		14		15		15		14		15		
4	The extent to which the vendor's goods and/or services meet the District's needs. (up to 18 points)	14	13.57	15	14.28	16	14.85	17	14.71	16	14.85	16	14.57	17	14.42	16	14.57	16	14.28	17	15.42	
		16		17		17		17		17		17		17		17		17		17		
		13		15		17		14		17		14		13		15		13		17		
		12		12		13		13		13		14		13		13		13		13		
		13		13		13		13		13		13		13		13		13		15		
		14		14		14		14		14		14		14		14		14		14		
		13		14		14		15		14		14		14		14		14		15		
5	The vendor's past relationship with the District. (up to 3 points)	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	2	2.85	3	3	
		2		3		3		3		3		3		3		3		3		3		
		2		3		3		3		3		3		3		3		3		3		
		2		3		3		3		3		3		3		3		3		3		
		2		3		3		3		3		3		3		3		3		3		
		2		3		3		3		3		3		3		3		3		3		
		2		3		3		3		3		3		3		3		3		3		
6	The impact on the ability of the Districts to comply with laws and rules relating to Historically Underutilized Businesses. (up to 1 point)	1	1	0	0	0	0	1	1	0	0	0	0	1	1	0	0	0	0	0	0	
		1		0		0		1		0		0		1		0		0		0		
		1		0		0		1		0		0		1		0		0		0		
		1		0		0		1		0		0		1		0		0		0		
		1		0		0		1		0		0		1		0		0		0		
		1		0		0		1		0		0		1		0		0		0		
		1		0		0		1		0		0		1		0		0		0		
7	The total long-term cost to the District to acquire the vendor's goods or services. (up to 5 points)	3	2.71	5	4.85	5	4.85	3	2.57	5	4.85	4	3.57	5	4.71	4	3.57	3	3.14	5	4.85	
		3		5		5		2		5		4		5		4		4		5		
		3		5		5		2		5		4		5		4		3		5		
		2		5		5		4		5		3		5		3		3		5		
		3		5		5		3		5		3		5		3		3		5		
		3		4		4		2		4		3		3		4		3		4		
		2		5		5		2		5		3		5		3		3		5		
TOTAL EVALUATION POINTS			57.73		63.78		59.96		66.99		69.97		66.98		82.12		66.14		71.05		62.47	
RANKING			10		7		9		4		3		5		1		6		2		8	

The Director of Purchasing has reviewed all the responses and evaluations completed.
*The proposal criteria follows in the packet for further explanation of each criteria.

SOUTH TEXAS COLLEGE
2. PROPOSAL CRITERIA - PRODUCT ONLY

	Product Only		
	Points	Score Key	
1 Criterion 1: The purchase price a. The low bidder gets the maximum points b. Divide the lowest proposal by each of the other proposal(s)	45		
2 Criterion 2: The reputation of the vendor and of the vendor's goods or services a. Number of Years in Business b. References (similar projects)	10	8-10 5-7 2-4 0-1	Excellent Acceptable Marginal Poor/No Response
3 Criterion 3: The quality of the vendor's goods or service a. Warranty b. Service Support/Response Time c. Goods/Product (manufacturer life) d. Product Performance	18	14-18 9-13 4-8 0-3	Excellent Acceptable Marginal Poor/No Response
4 Criterion 4: The extent to which the goods or services meet the district's needs a. Delivery Time Frame of product(s) b. Meet or exceed the specifications	18	14-18 9-13 4-8 0-3	Excellent Acceptable Marginal Poor/No Response
5 Criterion 5: The vendor's past relationship with the district a. Quality of Past Performances with STC ****New Vendors will receive two points	3	3 2 1 0	Excellent Acceptable/New Vendor Marginal Poor/No Response
6 Criterion 6: The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses a. Provided the Certification	1	1 0	Yes No
7 Criterion 7: The total long-term cost to the district to acquire the vendor's goods or services a. Annual Maintenance Cost b. Annual Escalation Increase	5	4-5 2-3 1 0	Excellent Acceptable/New Vendor Marginal Poor/No Response
8 Criterion 8: Any other relevant factor specifically listed in the request for bids or proposals, e.g.: a. Financial Standing b. Potential or Pending Sale of Business c. Trade-In of outdated equipment	0		Up to 5 points will be used from the purchase price if applicable
Total Points	100		

Definitions of evaluation terms:

Excellent - respondent provided information which fully addressed or exceeded the requirements

Acceptable - respondent provided information which addressed most but not all of the requirements

Marginal - respondent provided minimal information on requirements

Poor/No response - respondent provided inadequate responses to requirements or did not respond

NO BACKUP FOR

3. Multifunction Copier Equipment and Service (Rescind)

SOUTH TEXAS COLLEGE
4. INSTRUCTIONAL VIRTUAL EQUIPMENT
QUOTE NO. R0110931

NAME			Visual Live 3D, LLC.	
ADDRESS			4041 S McClintock Dr Ste 303	
CITY/STATE/ZIP			Tempe, AZ 85282	
PHONE			480-245-7575	
CONTACT			Mary Kali	
#	Qty	Description	Unit Price	Extension
1	6	Visual Live AR/MR Solution --HoloLens2 Hardware and Software --iPad AR Solution - Hardware and Software Bundle	\$ 8,900.00	\$ 53,400.00
TOTAL AMOUNT			\$ 53,400.00	



Purchasing Department
3200 W. Pecan Blvd., McAllen, TX 78501

t (956) 872-4681
f (956) 872-4688

5

P.O. Box 9701, McAllen, TX 78502-9701
www.SouthTexasCollege.edu

December 1, 2020

Valley View Consulting, LLC
Attn: Mr. Richard G. Long, Jr., Manager
2428 Carters Mill Road
Huddleston, VA 24104

Dear Mr. Long:

On February 26, 2019, South Texas College awarded a contract to Valley View Consulting, LLC. for investment advisory services. The award allowed for two additional one-year renewal options on the contract if the terms and conditions remain the same. We are currently in the last few months of the first contract renewal and would like to renew for an additional one-year period. The last renewal period will be from April 1, 2021 through March 31, 2022.

We are requesting that you respond to us in writing if this would be acceptable to your company. For your convenience, we are providing a place for your signature approval at the bottom of the letter. If in acceptance of this extension, you may sign where indicated. The letter may be return via fax at (956) 872-4688 or email to Becky Cavazos at beckyc@southtexascollege.edu.

Sincerely,

Rebecca R. Cavazos
Director of Purchasing

Renewal of contract accepted through March 31, 2022 with no change in terms and conditions as per the South Texas College bid previously submitted.

Authorized Signature: _____

Name Printed: _____

Date: _____



Purchasing Department
3200 W. Pecan Blvd., McAllen, TX 78501

t (956) 872-4681
f (956) 872-4688

6a

P.O. Box 9701, McAllen, TX 78502-9701
www.SouthTexasCollege.edu

December 1, 2020

BridgeNet Communications
Attn: Mr. Marco Ramirez
1314 Stites Road
Donna, TX 78537

Dear Mr. Ramirez:

On March 26, 2019, South Texas College awarded a contract to BridgeNet Communications for Network Cabling Services for Building Renovation Projects. The award allowed for two one-year renewal options on the contract if the terms and conditions remain the same. We are currently in the last few months of the second year of the contract and would like to renew for an additional one-year period. The last renewal period will be from March 27, 2021 through March 26, 2022.

We are requesting that you respond to us in writing if this would be acceptable to your company. For your convenience, we are providing a place for your signature approval at the bottom of the letter. If in acceptance of this extension, you may sign where indicated. The letter may be returned via fax at (956) 872-4688 or email to Becky Cavazos at beckyc@southtexascollege.edu.

Sincerely,

Rebecca R. Cavazos
Director of Purchasing

Renewal of contract accepted through March 26, 2022 with no change in terms and conditions as per the South Texas College bid previously submitted.

Authorized Signature: _____

Name Printed: _____

Date: _____



Purchasing Department
3200 W. Pecan Blvd., McAllen, TX 78501

t (956) 872-4681
f (956) 872-4688

6b

P.O. Box 9701, McAllen, TX 78502-9701
www.SouthTexasCollege.edu

December 1, 2020

Telepro Communications
Attn: Daniel Backhause, Sr. Project Estimator
12005 N. Bryan Rd
Mission, TX 78573

Dear Mr. Backhaus:

On March 26, 2019, South Texas College awarded a contract to Telepro Communications for Network Cabling Services for Building Renovation Projects. The award allowed for two one-year renewal options on the contract if the terms and conditions remain the same. We are currently in the last few months of the second year of the contract and would like to renew for an additional one-year period. The last renewal period will be from March 27, 2021 through March 26, 2022.

We are requesting that you respond to us in writing if this would be acceptable to your company. For your convenience, we are providing a place for your signature approval at the bottom of the letter. If in acceptance of this extension, you may sign where indicated. The letter may be returned via fax at (956) 872-4688 or email to Becky Cavazos at beckyc@southtexascollege.edu.

Sincerely,

Rebecca R. Cavazos
Director of Purchasing

Renewal of contract accepted through March 26, 2022 with no change in terms and conditions as per the South Texas College bid previously submitted.

Authorized Signature: _____

Name Printed: _____

Date: _____

SOUTH TEXAS COLLEGE
7. DISTRICT WIDE TECHNOLOGY REQUEST
DECEMBER 15, 2020

#	Qty	Description	Unit Price	Extension	Requesting Department
COMPUTERS					
1	3	Dell OptiPlex 3080 Micro XCTO, Intel Core i5-10500T, 8GB Memory, 125GB Hard Drive, Warranty, (3) Micro VESA Mount w/Adapter Box, Kit	\$ 892.27	\$ 2,676.81	Educational Technologies - Marie Evans Replacement of non-working systems for dept staff
2	2	Dell OptiPlex 3080 SFF XCTO, Intel Core i5-10500, 8GB Memory, 125GB Hard Drive, Warranty	\$ 938.93	\$ 1,877.86	Educational Technologies - Marie Evans Replacement of non-working systems for dept staff
3	32	Computer 3080 XCTO, i5-10500 Processor, 8GB Memory, 512GB Hard Drive, Intel Integrated Graphics, 20" Monitors, Warranty	\$817.68	\$ 26,165.76	Construction Reno NAH Student Srvs Bldg A - Dr. Shirley Reed New systems for dept staff and students
4	15	Computer 3080 XCTO, i5-10500 Processor, 8GB Memory, 512GB Hard Drive, Intel Integrated Graphics, 20" Monitors, Warranty	\$817.68	\$ 12,265.20	Construction Reno Starr Student Srvs Bldg G - Dr. Shirley Reed New systems for dept staff and students
5	1	Computer 3080 XCTO, i5-10500 Processor, 8GB Memory, 512GB Hard Drive, Intel Integrated Graphics, 20" Monitors, Warranty	\$710.77	\$ 710.77	Construction Reno Pecan Bldg M Conference Rm - Dr. Shirley Reed New system for conference room
6	6	Precision 3640 Tower, Intel Core i7-10700K Processor, 32GB Memory, 8GB Video Card, No Monitor, Warranty	\$2,428.35	\$ 14,570.10	Carl Perkins Grant - Samantha Uriegas/Laura Salas New systems for student lab
		COMPUTER TOTAL		\$ 58,266.50	
LAPTOPS					
7	1	Laptop Latitude 5410 BTX Base, Intel Core i5-10210U, 256GB Hard Drive 8GB Memory, Intel UHD 620 Graphics, Docking Station, Keyboard and Mouse, Warranty	\$ 1,157.06	\$ 1,157.06	Child Development Program - Veronica Rodriguez New system for dept faculty
8	1	Laptop Latitude 5410 BTX Base, Intel Core i5-10210U, 8GB Memory 256GB Hard Drive, Battery, Intel UHD 620 Graphics, Warranty	\$ 920.00	\$ 920.00	Medical Health Srvs Mgmt Program - Hilarie Saint Pierre New system for dept faculty
9	1	13 inch MacBook Pro with Touchbar, 8GB Memory, 512 GB Storage, Apple Care Warranty, Docking Station	\$ 1,990.00	\$ 1,990.00	Psychological Science Program - Carlo Gonzalez New system for dept faculty
10	2	iPad Mini Wi-Fi 64GB Tablet, Space Gray, Part #:MUQW2LL/A, Apple Care Warranty	\$ 458.00	\$ 916.00	Environmental Dept - George McCaleb New systems for dept faculty
11	1	Laptop Latitude 5410 BTX Base, Intel Core i5-10210U, 256GB Hard Drive 8GB Memory, Intel UHD 620 Graphics, Docking Station, Keyboard and Mouse, Warranty	\$ 1,157.06	\$ 1,157.06	Dual Credit Programs Dept - Rebecca De Leon New system for dept faculty
12	8	Laptops-Inspiron G7 17 7700, 10th Generation Intel i7-10750H, 16GB Memory, 1TB Hard Drive, Warranty	\$ 1,667.24	\$ 13,337.92	Carl Perkins Grant - Samantha Uriegas/Laura Salas New systems for students
13	1	Mobile Precision 5550, Intel Core Processor i7-10750H, 16GB Memory, 512GB Hard Drive, NVIDIA Quadro T1000, Docking Station, Warranty	\$ 2,149.11	\$ 2,149.11	Purchasing Department - Becky Cavazos Replacement of out-of-warranty system for dept staff
14	1	Laptop Latitude 5310 2-in-1 BTX, Intel Core i5-10310U, 8GB Memory, 256GB Hard Drive, Intel UHD 620 Graphics, Pen, Power Bank, Warranty	\$ 1,542.59	\$ 1,542.59	Bachelors of Nursing - Christie Candelaria New system for dept faculty

SOUTH TEXAS COLLEGE
7. DISTRICT WIDE TECHNOLOGY REQUEST
DECEMBER 15, 2020

#	Qty	Description	Unit Price	Extension	Requesting Department
15	1	Laptop Latitude 5310 2-in-1 BTX, Intel Core i5-10310U, 8GB Memory, 256GB Hard Drive, Intel UHD 620 Graphics, Pen, Power Bank, Warranty	\$ 1,542.59	\$ 1,542.59	Bachelors of Nursing - Christie Candelaria
					New system for dept staff
16	1	Laptop Alienware Area 51m R2, 10th Gen Intel Core i9 10900K, 64GB Memory, 1TB Hard Drive, Killer Wi-Fi6 AX1650 Wireless Driver, Warranty	\$ 4,934.75	\$ 4,934.75	Computer Science Program - Saeed Molki
					New system for dept faculty
		LAPTOP TOTAL		\$ 29,647.08	
		COMPUTER/LAPTOP TOTAL		\$ 87,913.58	

SOUTH TEXAS COLLEGE
8. DATACENTER EQUIPMENT - SERVERS AND SWITCHES

NAME			Netsync Network Solutions	
ADDRESS			2500 W Loop S Ste 410/510	
CITY/STATE/ZIP			Houston, TX 77027	
PHONE			713-218-5000	
CONTACT			Michelle Bailey	
#	Qty	Description	Unit Price	Extension
1	1	VXRail500 P570 Hybrid + P570F All Flash	\$ -	\$ -
2	2	C13-C14 PDU Rack Power Cord 2M N AM	\$ -	\$ -
3	1	VXRail500 SP70 125GR Chassis Fan HSK	\$ 985.40	\$ 985.40
4	1	VXRail500 B6 ReadyRails II W/CMA 2U1NAF	\$ 88.40	\$ 88.40
5	1	VXRail500 PerchBA330+RaidCtr12GB 2SLP F	\$ 84.00	\$ 84.00
6	1	VXR Intel CPU GD 6248 2.5G 20C/40T 1S F	\$ 2,142.00	\$ 2,142.00
7	1	VXR Intel CPU GD 6248 2.5G 20C/40T 2S F	\$ 2,142.00	\$ 2,142.00
8	1	VXRail500 Riser R740CNFG6 and Boss Center	\$ 123.10	\$ 123.10
9	1	VXRail 500 TPM 1.2 Module AF	\$ 27.50	\$ 27.50
10	1	VXRail 500 Dual HotPlug 1100W PS F	\$ 366.70	\$ 366.70
11	1	VXRail500 USA ShipMod F	\$ 36.80	\$ 36.80
12	4	VXR 3.84TB Capacity SATA 2.5IN SSD F	\$ 1,126.80	\$ 4,507.20
13	1	VXRail 14G P570 2U1N 2S NVME ADV AF	\$ 5,551.30	\$ 5,551.30
14	1	VXRail500 NDC SFP28DP 25GB F	\$ 315.10	\$ 315.10
15	1	VXRail500 Install Kit SFP28 25GB F	\$ 9.30	\$ 9.30
16	2	VXR 1.6TB NVME Cache 2.5IN F	\$ 895.60	\$ 1,791.20
17	1	VXRail500 FH Pcie 2x25GBE SFP28 F	\$ 315.10	\$ 315.10
18	2	C13 Cord NEMA 5-15 125V 10A - None DPE	\$ -	\$ -
19	1	VXRail 3200MT/S RDIMMS Info SKU	\$ -	\$ -
20	12	VXRail MEM 64GB 3200MT/S RDIMM Cascade F	\$ 955.20	\$ 11,462.40
21	1	ProSupport W/NBD VSAN ADV HW Supp 3 Yr	\$ 7,217.50	\$ 7,217.50
22	1	VXRail Software Image V4.7=MA	\$ -	\$ -
23	1	Recover Point for VM for 1-Node HCIA	\$ -	\$ -
24	1	Recover Point for VM for 1-Node HCIA =IB	\$ -	\$ -
25	1	Prosupport W/NBD-Software Support	\$ -	\$ -
26	1	VXRail VMWare VSAN Advanced	\$ -	\$ -

SOUTH TEXAS COLLEGE
8. DATACENTER EQUIPMENT - SERVERS AND SWITCHES

NAME			Netsync Network Solutions	
#	Qty	Description	Unit Price	Extension
27	2	VXRail VMWare VSAN Advanced 3Y Maint=IG	\$ -	\$ -
28	1	Prosupport W/NBD VSAN ADV SW Support	\$ -	\$ -
29	2	VXRail HCI System Software (G F)=IG	\$ 1,959.80	\$ 3,919.60
30	1	Prosupport W/NBD Software Support	\$ 940.70	\$ 940.70
31	4	VXR HCI System Software (CAP 3.84 SATA)=CF	\$ 829.80	\$ 3,319.20
32	1	Prosupport W/NBD Software Support	\$ 796.70	\$ 796.70
33	1	Install VXRail Cluster Expansion Node AD	\$ 2,859.60	\$ 2,859.60
34	2	VXRail500 P570 Hybrid + P570F All Flash	\$ -	\$ -
35	4	C13-C14 PDU Rack Power Cord 2M N AM	\$ -	\$ -
36	2	VXRail500 2SP570 125 GR Chassis Fan HSK	\$ 985.40	\$ 1,970.80
37	2	VXRail500 B6 ReadyRails II W/CMA 2U1NAF	\$ 88.40	\$ 176.80
38	2	VXRail500 Riser R740CNFG6 and Boss Center	\$ 123.10	\$ 246.20
39	2	VXR Intel CPU GD 6248 2.5G 20C/40T 2S F	\$ 2,142.00	\$ 4,284.00
40	2	VXR Intel CPU GD 6248 2.5G 20C/40T 1S F	\$ 2,142.00	\$ 4,284.00
41	2	VXRail500 PerchBA330+Raid Center 12GB 2SLP F	\$ 84.00	\$ 168.00
42	2	VXRail500 TPM 1.2 Module AF	\$ 27.50	\$ 55.00
43	2	VXRail50 Dual HotPlg 1100W PS F	\$ 366.70	\$ 733.40
44	2	VXRail500 USA ShipMod F	\$ 36.80	\$ 73.60
45	2	VXRail 14G P570 2U1nN 2S NVME ADV AF	\$ 5,551.30	\$ 11,102.60
46	2	VXRail500 NDC SFP28DP 25GB F	\$ 315.10	\$ 630.20
47	2	VXRail500 Install Kit SFP28 25GB F	\$ 9.30	\$ 18.60
48	8	VXR 3.84TB Capacity SATA 2.5IN SSD F	\$ 1,126.80	\$ 9,014.40
49	4	VXR 1.6TB NVME Cache 2.5IN F	\$ 895.60	\$ 3,582.40
50	2	VXRail500 FH Pcie 2x25GBE SFP28 F	\$ 315.10	\$ 630.20
51	4	C13 Cord NEMA 5-15 125V 10A - Non DPE	\$ -	\$ -
52	24	VXRail MEM 64GB 3200MT/S RDIMM Cascade F	\$ 955.20	\$ 22,924.80
53	2	VXRail 3200MT/S RDIMMS Info SKU	\$ -	\$ -
54	2	ProSupport W/NBD VSAN ADV HW Supp 3 Yr	\$ 7,217.10	\$ 14,434.20
55	2	VXRail Software Image V4.7=MA	\$ -	\$ -
56	2	Recover Point for VM for 1-Node HCIA	\$ -	\$ -

SOUTH TEXAS COLLEGE
8. DATACENTER EQUIPMENT - SERVERS AND SWITCHES

NAME			Netsync Network Solutions	
#	Qty	Description	Unit Price	Extension
57	2	Recover Point for VM for 1-Node HCIA =IB	\$ -	\$ -
58	2	Prosupport W/NBD-Software Support	\$ -	\$ -
59	2	VXRail VMWare VSAN Advanced	\$ -	\$ -
60	4	VXRail VMWare VSAN Advanced 3Y Maint=IG	\$ -	\$ -
61	2	Prosupport W/NBD VSAN ADV SW Support	\$ -	\$ -
62	8	VXR HCI System Software (CAP 3.84 SATA)=CF	\$ 829.80	\$ 6,638.40
63	2	Prosupport W/NBD Software Support	\$ 796.60	\$ 1,593.20
64	4	VXRail HCI System Software (G F)=IG	\$ 1,959.80	\$ 7,839.20
65	2	Prosupport W/NBD Software Support	\$ 940.60	\$ 1,881.20
66	12	VXRail500 SFP28 Optic High Thermal SP	\$ 611.10	\$ 7,333.20
67	1	Connectrix B-Series Solution	\$ -	\$ -
68	2	DS-6620R-B 24P/48P 32GB RTF 24SFP Switch	\$ 11,936.50	\$ 23,873.00
69	2	C13 Power Cord Pair NEMA5-15P Plugs 2MTR	\$ -	\$ -
70	2	DS-6620B 32G 12Port 32G SFP Upgrade Kit	\$ 5,386.00	\$ 10,772.00
71	1	Prosupport 4HR/MC Hardware Support	\$ 5,196.70	\$ 5,196.70
72	1	Zero Dollar ESRS Install	\$ -	\$ -
TOTAL AMOUNT			\$ 188,456.90	

SOUTH TEXAS COLLEGE
9. SERVERS
QUOTE NO. R0111840

NAME			Dell Marketing, LP.	
ADDRESS			P O Box 676021	
CITY/STATE/ZIP			Dallas, TX 75267	
PHONE			800-456-3355	
CONTACT			Juan Molina	
#	Qty	Description	Unit Price	Extension
1	2	Dell PowerEdge R740XD Servers	\$ 13,983.20	\$ 27,966.40
TOTAL AMOUNT			\$ 27,966.40	

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

Approval of 2020 Tax Roll/Tax Levy for Hidalgo and Starr Counties will be requested at the December 15, 2020 Board meeting.

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:

<u>Tax Year</u>	<u>Hidalgo County</u>	<u>Starr County</u>	<u>Total</u>
2020	\$66,982,283.00	\$4,108,455.73	\$71,090,738.73
2019	<u>64,711,985.97</u>	<u>4,010,125.41</u>	<u>68,722,111.38</u>
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 Committee's information and review.

It is requested that the Finance, Audit, and Human Resources Committee recommend for Board approval at the December 15, 2020 Board meeting, the 2020 Tax Roll/Tax Levy for Hidalgo and Starr Counties as presented.

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.



Tax Collection System - HIDALGO COUNTY
Certified Roll Jurisdiction Summary
Processing For Tax Year: 2020 County Code: 108 Tax Unit: ALL

10/02/2020 07:20 pm
te502_juris_summary.rep v1.12
Request Seq.: 3597023 CAD Seq.: 538287

Jurisdiction: 55 SOUTH TEXAS COLLEGE

Total Parcels:	340,828	Tax Rate:	0.1718000	Opt Hom:	0.0000000
Market Value:	51,067,467,007	State Hom:	0	Opt O65:	0
		State O65:	0	Opt Disabled:	0
		Disabled:	0		

AG Exclusion Count:	18,619	AG Exclusion Amt:	4,159,686,498
Timber Exclusion Count:	0	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	Late Rendition Penalty Amt:	84,486.36
Taxable Value:	39,833,110,623	BPP Interstate Alloc. Penalty Amt:	0.43
Total Levy Amt:	66,982,283.00		
Late Rendition Penalty Count:	10,687		
BPP Interstate Alloc. Penalty Count:	2		
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		



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,

Maria Ameida Salinas
Starr County 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 Recommend Action 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, will be requested at the December 15, 2020 Board meeting.

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 Committee's information and review.

It is requested that the Finance, Audit, and Human Resources Committee recommend for Board approval at the December 15, 2020 Board meeting, 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.

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%	\$ 37,717.00	\$ 42,154.00
Alton	\$2,266,126	0.24%	\$ 19,637.00	\$ 23,574.00
Donna	\$5,591,745	0.59%	\$ 51,650.00	\$ 58,169.00
Edcouch	\$571,220	0.06%	\$ 5,958.00	\$ 5,942.00
Edinburg	\$34,033,591	3.57%	\$ 308,266.00	\$ 354,040.00
Elsa	\$1,628,015	0.17%	\$ 16,245.00	\$ 16,935.00
Granjeno	\$21,952	0.002%	\$ 208.00	\$ 228.00
Hidalgo	\$2,384,287	0.25%	\$ 22,514.00	\$ 24,803.00
La Joya	\$957,155	0.10%	\$ 8,980.00	\$ 9,957.00
La Villa	\$568,646	0.06%	\$ 5,077.00	\$ 5,915.00
McAllen	\$50,905,212	5.34%	\$ 476,122.00	\$ 529,550.00
Mercedes	\$4,993,189	0.52%	\$ 46,412.00	\$ 51,943.00
Mission	\$24,033,922	2.52%	\$ 212,535.00	\$ 250,016.00
Palmview	\$2,788,816	0.29%	\$ 23,977.00	\$ 29,011.00
Penitas	\$1,342,062	0.14%	\$ 13,702.00	\$ 13,961.00
Progreso	\$831,009	0.09%	\$ 7,681.00	\$ 8,645.00
Pharr	\$23,908,466	2.51%	\$ 200,729.00	\$ 248,711.00
San Juan	\$8,178,632	0.86%	\$ 75,867.00	\$ 85,080.00
Sullivan City	\$536,134	0.06%	\$ 5,247.00	\$ 5,578.00
Weslaco	\$13,534,312	1.42%	\$ 123,724.00	\$ 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%	\$ 186,866.00	\$ 192,477.00
Edcouch-Elsa	\$4,776,664	0.50%	\$ 46,581.00	\$ 49,690.00
Edinburg	\$82,255,219	8.62%	\$ 840,249.00	\$ 855,673.00
Hidalgo	\$7,362,355	0.77%	\$ 79,621.00	\$ 76,588.00
La Joya	\$35,077,606	3.68%	\$ 343,564.00	\$ 364,900.00
La Villa	\$1,673,868	0.18%	\$ 15,697.00	\$ 17,412.00
Lyford	\$122,079	0.01%	\$ 1,323.00	\$ 1,270.00
McAllen	\$88,388,374	9.27%	\$ 865,902.00	\$ 919,474.00
Mercedes	\$8,293,942	0.87%	\$ 77,850.00	\$ 86,280.00
Mission	\$28,040,951	2.94%	\$ 283,272.00	\$ 291,701.00
Monte Alto	\$1,775,228	0.19%	\$ 16,682.00	\$ 18,467.00
PSJA	\$63,835,097	6.69%	\$ 643,660.00	\$ 664,055.00
Progreso	\$2,406,438	0.25%	\$ 24,915.00	\$ 25,033.00
Sharyland	\$44,000,759	4.61%	\$ 454,336.00	\$ 457,725.00
So Tx College	\$66,982,283	7.02%	\$ 658,439.00	\$ 696,794.00
South Texas ISD	\$19,815,889	2.08%	\$ 187,994.00	\$ 206,138.00
Valley View	\$9,507,799	1.00%	\$ 80,964.00	\$ 98,906.00
Weslaco	\$25,670,034	2.69%	\$ 273,600.00	\$ 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%	\$ 2,115,706.00	\$ 2,292,102.00
Drainage Dist.#1	\$39,386,092	4.13%	\$ 344,261.00	\$ 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%	\$ 1,699.00	\$ 2,035.00
EMS District #2	\$348,905	0.04%	\$ 3,390.00	\$ 3,630.00
EMS District #3	\$492,239	0.05%	\$ 5,199.00	\$ 5,120.00
EMS District #4	\$234,010	0.02%	\$ 2,299.00	\$ 2,434.00
Entity Totals	\$1,270,784	0.13%	\$ 12,587.00	\$ 13,219.00

Irrigation Districts:

Donna #1	674,669	0.07%	\$ 6,607.00	\$ 7,018.00
Delta Lake	524,457	0.05%	\$ 4,422.00	\$ 5,456.00
Kennedy Co GCD	1,092	0.0001%	\$ 13.00	\$ 11.00
Brush Country GCD	509	0.00005%	\$ 5.00	\$ 5.00
Red Sands GCD	59,642	0.01%	\$ 682.00	\$ 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 Recommend Action 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 will be requested at the November 24, 2020 Board meeting.

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.

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 Committee'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 Committee meeting to review the Policy and address any questions by the Committee.

It is requested that the Finance, Audit, and Human Resources Committee recommend for Board approval at the December 15, 2020 Board meeting, to revise Policy #4216: Freedom from Discrimination, Harassment, Sexual Misconduct, and Retaliation, as presented and which supersedes any previously adopted Board policy.

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 1 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 2 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

“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.

MANUAL OF POLICY

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

Legal Authority **Approval of the Board of Trustees** Page 3 of 23

Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020

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

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 4 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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:

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 5 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

- 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

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 6 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 7 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 8 of 23
Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020		

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

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 9 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 10 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 11 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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>

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 12 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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 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)

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 13 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

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

Legal Authority Approval of the Board of Trustees Page 14 of 23

Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020

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

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 15 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 16 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 17 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 18 of 23
Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020		

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,

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 19 of 23
Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020		

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

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 20 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 21 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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:

MANUAL OF POLICY

Title	Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 22 of 23
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

- 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. Applicable Laws and Regulations

The College adheres to the 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

MANUAL OF POLICY

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

Legal Authority **Approval of the Board of Trustees** **Page 23 of 23**

Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020

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 a Deputy Title IX Coordinator.

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 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:

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

XIII. Periodic Review of Policy

The College's Board of Trustees will review this policy each biennium and will revise the policy as necessary.

XIV. 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

MANUAL OF POLICY

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

Legal Authority Approval of the Board of Trustees Page 1 of 28

Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020

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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 2 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 3 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

“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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 4 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.~~

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 5 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.*

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 6 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 7 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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~~

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 8 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

~~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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 9 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 10 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 11 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 12 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 13 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.*

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 14 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 15 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 16 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

~~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~~

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 17 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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 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 requests that the Title IX Coordinator or a Deputy Title IX Coordinator not

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 18 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 19 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 20 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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;

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 21 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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*

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 22 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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.

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 23 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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:

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 24 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

(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

MANUAL OF POLICY

Title	Freedom from Sex Discrimination, Sexual Harassment, Sexual Misconduct , Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited	4216
Legal Authority	Approval of the Board of Trustees	Page 25 of 28
Date Approved by Board	As Amended by Board Minute Order Dated December 15, 2020	

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;*

MANUAL OF POLICY

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

Legal Authority Approval of the Board of Trustees Page 26 of 28

Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020

- 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*

MANUAL OF POLICY

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

Legal Authority Approval of the Board of Trustees Page 27 of 28

Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020

XII. Applicable Laws and Regulations

~~This policy governs complaints or grievances by any member of the college community in accordance with~~ **The College adheres to the** 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 **a Deputy Title IX Coordinator** ~~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

MANUAL OF POLICY

Title **~~Freedom from Sex~~ Discrimination, ~~Sexual~~ Harassment, ~~Sexual~~ ~~Misconduct~~, *Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited*** 4216

Legal Authority Approval of the Board of Trustees Page 28 of 28

Date Approved by Board As Amended by Board Minute Order Dated December 15, 2020

victims' rights. Some of the bill's other requirements include trauma-informed training for 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:

Maria G. Elizondo ~~Lisa Y. Guerra, Esq.~~
Vice President for Finance and Administrative Services, Title IX Coordinator ~~Institutional~~
~~Equity Officer,~~
South Texas College
3201 W. Pecan Blvd., ~~A106~~ X224
McAllen, TX 78501
(956) 872-~~3558~~2379
~~OIE~~ *TitleIX*@southtexascollege.edu

XIII. Periodic Review of Policy

The College's Board of Trustees will review this policy each biennium and will revise the policy as necessary.

XIV. 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 Recommend Action to Revise Policy #4316: Leave Without Pay

Approval to revise Policy #4316: Leave Without Pay will be requested at the December 15, 2020 Board meeting.

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 Committee'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 Committee meeting to review the Policy and address any questions by the Committee.

It is requested that the Finance, Audit, and Human Resources Committee recommend for Board approval at the December 15, 2020 Board meeting, to revise Policy #4316: Leave Without Pay as presented and which supersedes any previously adopted Board policy.

MANUAL OF POLICY

Title	Leave Without Pay	4316
Legal Authority	Approval of the Board of Trustees	Page 1 of 3
Date Approved by Board	Board Minute Order dated December 15, 2020	

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
Legal Authority	Approval of the Board of Trustees	Page 2 of 3
Date Approved by Board	Board Minute Order dated December 15, 2020	

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

Page 2

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><u>\$21,277,487</u></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. Details regarding the College's methodology of the use of the funds and the Department of Education guidance on the use of the CARES Act Institutional Funds are provided in **Exhibit A**

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 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 to for the reduced classes or to help faculty succeed in the online environment, those new staff's salaries could be an allowable use"

As a result of the change in guidance, the use of funds for faculty and staff salaries and benefits, as described above in #1 and #2, totaling \$9,713,265.66 is not allowed. As a result of the change in guidance from the Department of Education, the following steps are necessary and are discussed in further detail in **Exhibit B**:

- Inform the Board of the change in guidance.
- Reverse the journal entries posted in FY 2019 – 2020 to record the use of the funds.
- Record a payable to DOE to reflect on the FY 2019 – 2020 Comprehensive Annual Financial Report (CAFR).
- Gain approval from Board to revise the FY 2019-2020 budget amendments.
- Seek guidance from the Department of Education on whether to return the funds or whether to keep the funds and promptly identify new uses for the funds.
- Seek guidance from the Department of Education on whether to remit to the Department of Education interest earnings on the funds for the period from September 1, 2020 through the date that the funds are returned or used.
- Identify revised use of the Institutional Funds in FY 2020 – 2021.
- Draw down the funds in FY 2020 – 2021 after the funds are used as per received guidance if the funds are returned.

The College must revise the use of CARES Act Funds previously used for faculty and staff salaries and benefits totaling \$9,713,265.66 based on the change of guidance received from the Department of Education. The College will continue to use as originally planned a total of \$297,933.34 of the CARES Act Institutional Funds in Fiscal Year 2019 – 2020, as described in #3 and #4 above, for PPE and other equipment and software.

Revised Use of Funds

Administration recommends the revised use of CARES Act Funds in the amount of \$9,713,265.66, in Fiscal Year 2020 – 2021 in approximate allocations as follows:

- Student Emergency Aid for Spring Semester 2021 \$9,213,265.66
- Faculty Hybrid Course Stipends \$ 500,000.00

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, Guidance from Department of Education, Exhibit B, Action Plan – CARES Act Institutional Funds, follow 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 8, 2020 Finance, Audit, and Human Resources Committee meeting and will address any questions by the Committee.

No action is required from the Committee. This item is presented for information and feedback to staff.

Guidance from Department of Education**Funding Certification and Agreement for Institutional Award**

The Funding Certification and Agreement for the Institutional Portion of the Higher Education Emergency Relief Fund Formula Grants Authorized by Section 18004(a)(1) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act “allows the recipient to use up to 50 percent of the funds received to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus so long as such costs do not include payment to contractors for the provision of pre-enrollment recruitment activities, including marketing and advertising; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.” Institutional costs must have been first incurred on or after March 13, 2020, the date of the Proclamation of National Emergency. “The recipient may, but is not required to, use funds designated for Recipient’s Institutional Costs to provide additional emergency financial aid grants to students for expenses related to the disruption of campus operations due to coronavirus.”

Per the Certification and Agreement, the recipient of the institutional funds “retains discretion in determining how to allocate and use the funds provided hereunder, provided that funds will be spent only on those costs for which Recipient has a reasoned basis for concluding such costs have a clear nexus to significant changes to the delivery of instruction due to the coronavirus.” The Secretary also encouraged institutions to use the funds received to expend remote learning programs, build IT capacity to support programs, and train faculty and staff to operate effectively in a remote learning environment in order to continue and strengthen the institution’s education capabilities.

The Certification and Agreement also states, per Section 18006, that the “Recipient agrees that to the greatest extent practicable, Recipient will pay all of its employees and contractors during the period of any disruptions or closures related to the coronavirus.” The Department of Education considers the following as not allowable expenditures: senior administrator and/or executive salaries, benefits, bonuses, contracts, incentives; stock buybacks, shareholder dividends, capital distributions, and stock options; and any other case or other benefit for a senior administrator or executive. Institutions, to the greatest extent practicable, should use the funds by one year from the date of the Certification and Agreement and submit required quarterly reports to the Secretary.

Department of Education Guidance on Use of CARES Act Institutional Funds

The College personnel received guidance from the Department of Education and Legal Counsel before identifying how to use the CARES Act **Institutional Funds** as follows:

- The Department of Education provided guidance regarding the allowable uses of the CARES Act Institutional portion funds, which included Frequently Asked Questions (FAQs) on their website.
- On May 29, 2020, College personnel, including the College President and Vice Presidents, Comptroller, and Director of Resource Development, Management and Compliance, held a conference call with a DOE representative to review expenditure allowability.
- The Department of Education (DOE) also made available a Higher Education Emergency Relief Funds (HEERF) help desk to where CARES Act Funds related questions could be emailed and answered.
 - On July 24, 2020 and August 12, 2020, the College's Business Office staff requested and received confirmation from the Department of Education HEERF help desk regarding whether the College's proposed use of CARES Act Institutional Funds was allowable.
- On August 14, 2020, the College's Legal Counsel reviewed the regulations to ascertain whether the proposed use of the funds was allowed and opined that the use was reasonable.
- On August 26, 2020, the STC Office of Internal Audits, completed the CARES Act Compliance Review for the Institutional Funds and reported that "management is taking appropriate actions related to ensuring that internal controls are established to ensure compliance with the CARES Act.
- On August 27, 2020, the College's Resource Development, Management and Compliance provided the Education Program Contact for the CARES Act Institutional award, a detailed list of the proposed expenses to be funded by the Institutional funds. The Education Program Contact responded that "the use of the institutional portion of the HEERF funds for faculty and staff salaries, as well as equipment, appear to be in accordance with the guidance" in the Certification and Agreement of the CARES Institutional Award.
- On October 14, 2020, College staff attended the webinar held by the Department of Education related to the Higher Education Emergency Relief Fund (HEERF) Reporting Requirements. During the webinar, the Principal Deputy under Secretary at DOE indicated they had to consult with their General Counsel's Office whether faculty and staff payroll expenses during College closure periods were allowable under CARES Act Institutional Funds.
- On November 13, 2020 October 13, 2020 the College's external audit firm, Carr, Riggs & Ingram (CRI), advised the College that their firm had confirmed on October 13, 2020 with the Department of Education that CARES Act Institutional Funds were allowed for wage expenditures during the time employees worked from home.
- On November 25, 2020, the College's external audit firm, Carr, Riggs & Ingram (CRI), advised the College that they also verified with Department of Education

that CARES Act Institutional Funds are allowed for wage expenditures during the time employees worked from home.

College Use of Institutional Funds Methodology Based on Department of Education Guidance and HEERF Help Desk Responses

Questions and Answers from HEERF Help Desk

July 24, 2020:

STC Question: We have reviewed the FAQs for CARES Act Institutional Funds and would like clarification if the CARES Act Institutional Funds can be used to fund salaries and benefits for faculty that transition to teach from face-to-face instruction to online instruction for the last part of the Spring semesters (April and May 2020). During this time the College changed the instruction method for all face-to-face courses to online instruction due to COVID-19 measures.

HEERF Help Desk Response: Yes, you can.

August 12, 2020:

STC Question: We would like clarification if the CARES Act Institutional Funds can be used to fund salaries and benefits expenses of staff from specific departments who were not able to work from home during College closure due to COVID-19 measures. The staff members are from departments such as custodial, maintenance, police, security, student transportation services, child care center, and food services. During this time the College transitioned from face-to-face classes to online instruction, resulting in a decline in the number of students on campus and limiting the ability of these staff members to perform their duties.

HEERF Help Desk Response: Institutional funds can be used for this expense.

Detail Department of Education Guidance on Use of CARES Act Institutional Funds

The Funding Certification and Agreement for Institutional Funds provides general guidance on how the institutional funds may and may not be used, however specific information on the allowed use of the funds is not provided.

On May 29, 2020, College personnel, including the College President and Vice Presidents, Comptroller, and Director of Resource Development, Management and Compliance, held a conference call with the Deputy Assistant for Community Colleges of the US Department of Education, to seek guidance on allowable expenditures under the CARES Act Institutional Funds. Based on the guidance provided during the conference call, the following are some of the expenditures allowable from the CARES Act Institutional Funds:

1. Reimbursement for purchase of laptops and hotspots for students to enable distance learning
2. Reimbursement for purchase of laptops for employees to use while working from home or working at an alternative space on campus to comply with the social distancing measures.
3. Reimbursement for salaries of faculty who moved to online teaching and salaries of staff working from home and were not furloughed.
4. Reimbursement for costs related to distance learning.
5. Reimbursement for purchase of Personal Protective Equipment (PPE).
6. Reimbursement for purchase of sanitation equipment and supplies.
7. Reimbursement for overtime paid to custodial staff to sanitize the facilities.
8. Reimbursement for overtime paid to Police Officers and Security Guards for patrolling the campus to monitor for compliance with minimum health protocols such as social distancing and wearing of masks.
9. Reimbursement of plexiglass barriers in offices to assist in social distancing between employees and between students.

On July 24, 2020, the College also received verification, through the HEERF help desk email address provided by the US Department of Education, that the institutional portion of the CARES Act can be used to fund salaries and benefits for faculty that transitioned to teach from face-to-face instruction to online instruction for the last part of the Spring semester due to COVID-19 measures.

On August 12, 2020, the College verified through the HEERF help desk-email address that the institutional portion of the CARES Act can be used to fund the salaries and benefits for staff from specific departments who were not able to work from home during the College closure. The College explained that during the closure, face-to-face classes were transitioned to online instruction which decreased the number of students on campus and limited these staff members from perform their duties. The departments confirmed with HEERF are staff members from custodial, maintenance, police, security, student transportation services, child care center, and food services.

On August 27, 2020, College personnel received an affirmative response in an email upon review of the College's intended use of Institutional Funds from the designated Department of Education Program Contact for South Texas College's CARES Act Institutional Funds who indicated that "The use of the Institutional Portion of the HEERF funds for faculty and staff salaries, as well as equipment, appear to be in accordance with the guidance" in the Certification and Agreement. The Certification and Agreement for the Institutional Portion of the HEERF states: "Recipient retains discretion in determining the allocate and use the funds provided hereunder, provided that funds will be spent only on those costs for which Recipient has a reasoned basis for concluding such costs have a clear nexus to significant changes to the delivery of instruction due to the coronavirus."

On October 13, 2020 the College's external audit firm, Carr, Riggs & Ingram (CRI), advised the College that their firm had previously verified with the Department of

Education that CARES Act Institutional Funds are allowed for wage expenditures during the time employees worked from home.

On August 26, the STC Office of Internal Audits completed the compliance review for the CARES Act Institutional Funds and provided a report to the STC Board of Trustees Chairman. The review indicated that the Office of Internal Audits “determined that management is taking appropriate actions related to ensuring that internal controls are established to ensure compliance with the CARES Act.” In addition, Mr. Abdullah added that “any ... delays in drawing down the funds associated with the institutional portion of the program can be attributed to the manner in which sufficient guidance was made available by the Department of Education and not a result of the implementation of overly restrictive internal controls.” The proposed original expenses were provided to the Internal Auditor as part of the review.

On August 14, 2020, after reviewing the expenses proposed to be funded by the CARES Act Institutional Funds with staff and reviewing compliance with Sections 18004(a)(1) and 18004(c) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Funding and Certification Agreement entered with the Department of Education for the Institutional Award, STC’s Legal Counsel provided his opinion indicating “the College’s proposed budget for expenditures of the institutional funds is based on its good faith reliance on the statutory language and the specific terms of the Certification Agreement is a reasonable one.”

New Guidance

On October 14, 2020, the Department of Education held a webinar in reference to the Higher Education Emergency Relief Fund (HEERF) Reporting Requirements. During the webinar, the Principal Deputy under Secretary at DOE indicated they had to consult with their General Counsel’s Office whether faculty and staff payroll expenses during College closure periods were allowable under CARES Act Institutional Funds.

Consequently, on October 22, 2020, the College sent a question via email to the HEERF help desk to obtain verification the College use the funds for expenditures for faculty and staff salaries and benefits was allowable. Additional emails were sent to the HEERF help desk on October 28, 2020 and November 3, 2020 since no response was received.

On November 10, 2020 and November 13, 2020, the College was able to discuss the questions on the use of CARES Act Institutional Funds with the Deputy Assistant Secretary for Higher Education Programs at DOE. However, he explained he needed to obtain guidance from the Department of Education’s Legal Counsel to confirm if the College’s use of Institutional Funds for faculty and staff salaries and wages was allowable. Additional emails were sent to the Deputy Assistant Secretary on November 16 and November 17, 2020, to check on the status of the response from DOE’s Legal Counsel but no response was received.

On November 25, 2020, the College's External Auditors, CRI, informed the College that they received correspondence from the Hispanic-Serving Institution Division Director at the Department of Education Office of Postsecondary Education, stating that the College's use of the CARES Act Institutional Funds to cover faculty and staff salaries and benefits during the Spring semester due to the disruption resulting from the Coronavirus pandemic, as reported by the College, is not allowable since they were not related to additional expenses incurred.

As of December 2, 2020, the College has not received a direct response from the Department of Education confirming if the expenses previously funded under the CARES Act Institutional Funds are allowable, as well as guidance on other possible use of the funds, although another attempt was made on November 25, 2020, as an email to Beatriz Ceja requesting clarification on the following:

- If the College may use the CARES Act Institutional Funds for all staff who were required to shelter-at-home due to the Shelter-at-Home Orders issued by the County Commissioner and County Judge during the month of April 2020, only for the hours the employees were not able to work.
- Is the College allowed to use the CARES Act Institutional Funds to reimburse faculty and staff for the use of home internet services to be able to work from home from May 2020 to August 2020, based on work from home forms submitted by the employees.
- Does the College need to refund the funds if new expenses cannot be identified for FY 2019 – 2020, and draw down the funds later when new allowable expenses are incurred.

No response has been received.

The amount of the CARES Act Funds used for faculty and staff salaries totaled \$9,713,265.66.

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. The salaries and benefits will be recorded in the original Unrestricted or Auxiliary funding source and the College will only use CARES Act Institutional funds for Fiscal Year 2019 - 2020 in the amount of \$297,933.34.

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 \$9,713,265.66, to be reflected on the FY 2020 Comprehensive Annual Financial Report since the funds would not be earned 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.

This budget amendment must be revised since the CARES Act Institutional Funds will no longer be used to cover faculty and staff salaries and benefit expenditures.

The faculty and staff salaries and benefits expenditures will be recorded in Unrestricted or Auxiliary Fund as originally budgeted.

Seek Guidance on Whether to Refund Funds to the Department of Education in FY 2020 – 2021

The College requested and received one hundred percent of the CARES Act Institutional Funds on August 31, 2020. The College will continue to seek guidance with DOE if the funds need to be returned since the College will incur and use the remaining funds on allowable expenses during FY 2021.

Seek Guidance on Whether to Remit Interest Earning to DOE

The College will also continue to seek guidance from DOE if it is required to calculate and pay interest earned from September 1, 2020 to when new expenses are incurred for the remaining funds in the amount of \$9,713,265.66.

Identify Use of Institutional Funds for FY 2020 – 2021

Administration recommends the revised use of CARES Act Funds in the amount of \$9,713,265.66, in Fiscal Year 2020 – 2021 in approximate allocations as follows:

- Student Emergency Aid for Spring Semester 2021 \$9,213,265.66
- Faculty Hybrid Course Stipends \$ 500,000.00

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.

Analyze the Impact on FY 2019 – 2020 Fund Balance and Compliance with Policy #5350

As per Policy #5350, Unrestricted Fund Balance, the College is required to maintain a fund balance to cover at least four months of budgeted expenditures

Due to the change in guidance from the Department of Education, the College reversed the faculty and staff salaries and benefits expenses from the CARES Act Institutional Fund to the original Unrestricted or Auxiliary funding source. The reclassification increased the Unrestricted expenses by \$9,680,207.28 and the Auxiliary expenses by \$33,058.38 and decrease each fund's fund balance by the same amount.

The table below shows the effect of the reclassification on the Unrestricted Fund Balance and the number of months in reserve.

	Prior to Reclassification	After Reclassification
Total Unrestricted Fund Balance	100,180,479.07	90,500,271.79
Less Board Designations	(34,500,000.00)	(34,500,000.00)
Total Undesignated Unrestricted Fund Balance	65,680,479.07	56,000,271.79
Monthly budgeted Expenses	14,032,841	14,032,841
Number of Months Expense in Reserve	4.7	4.0

Despite the decrease in the Unrestricted Fund Balance, the College will be in compliance with Policy #5350, Unrestricted Fund Balance, by maintaining the four month requirement.

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.

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 Operating Expenditure Budget by \$297,933.34 to reflect institutional costs that have subsequently been identified as eligible for CARES Act funding under the recent Department of Education Guidance.
- Decrease the Unrestricted Fund Balance Reserve Budget by \$9,680,207.28, 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 Operating Expenditure Budget by \$297,933.34 to reflect institutional costs that have subsequently been identified as eligible for CARES Act funding under the recent Department of Education Guidance.

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 Balance Reserve Budget by \$33,058.38, 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.

It is requested that the Finance and Human Resources Committee recommend Board approval at the December 15, 2020 Board meeting, 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 \$9,713,265.66 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 change of guidance from the Department of Education on the use of the Coronavirus Aid, Relief, and Economic Security (CARES) Act Institutional Funds, as presented.

**South Texas College
Unrestricted Fund**

Exhibit A

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	\$ -	\$ 105,051,056
Total Benefits	27,183,804	2,072,049	-	29,255,853
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	\$ (297,933)	\$ 175,482,692
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)	297,933	544,778
Contingency Fund	2,000,000	-	-	2,000,000
Total Transfers & Reserves	16,174,689	(9,978,140)	297,933	6,494,482
Total Expenditures/Transfers & Reserves	\$ 181,977,174	\$ -	\$ -	\$ 181,977,174

* Rounded

**South Texas College
Restricted Fund**

Exhibit B

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)	\$ 297,933	\$ 85,702,277
Total Revenues	\$ 95,415,543	\$ (10,011,199)	\$ 297,933	\$ 85,702,277

Expenditures Summary*

Expenditures	Amended Budget	Budget Amendment Reversal	Budget Amendment Revision	Proposed Amended Budget
Total Salaries	\$ 10,214,090	\$ (7,843,669)	\$ -	\$ 2,370,421
Total Benefits	2,882,054	(2,082,002)	-	800,052
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)	\$ 297,933	\$ 85,702,277

* Rounded

**South Texas College
Auxiliary Fund**

Exhibit C

Fiscal Year Ending August 31, 2020
AMENDED

Revenues and Fund Balance Allocations*

Revenues and Fund Balance Allocations	Amended Budget	Budget Amendment Reversal	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	Amended Budget
Total Salaries	\$ 1,245,310	\$ 23,106	\$ 1,268,416
Total Benefits	423,697	9,953	433,650
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)	-
Total Expenditures & Reserves	\$ 4,005,102	\$ -	\$ 4,005,102

* Rounded

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, will be requested at the December 15, 2020 Board Meeting.

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.

It is requested that the Finance and Human Resources Committee recommend for Board approval at the December 15, 2020 Board meeting, 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.

South Texas College Auxiliary Fund

Fiscal Year Ending August 31, 2021

AMENDED

Revenues and Fund Balance Allocations

Revenues and Fund Balance Allocations	Original Budget	Budget Amendment Micro Grant Scholarships	Amended Budget
Bookstore	\$ 400,000	\$ -	\$ 400,000
Interest Income	12,000	-	12,000
Food Services	480,625	-	480,625
General Conferences	135,000	-	135,000
Mid-Valley Child Care & Development Center	364,475	-	364,475
Non Public Fund	688,299	-	688,299
Professional Development Conferences	80,000	-	80,000
Self-Sustaining Conferences	85,033	-	85,033
Student Activity Fee	1,272,290	-	1,272,290
Student Copier	1,000	-	1,000
Vending Machines	120,000	-	120,000
Carryover Fund Balance - Micro Grant Scholarships	100,000	50,000	150,000
Total Revenues and Fund Balance Allocations	\$ 3,738,722	\$ 50,000	\$ 3,788,722

Expenditures Summary

Expenditures	Original Budget	Budget Amendment Micro Grant Scholarships	Amended Budget
Total Salaries	\$ 1,358,998	\$ -	\$ 1,358,998
Total Benefits	446,824	-	446,824
Total Operating	1,804,400	-	1,804,400
Total Travel	20,000	-	20,000
Total Institutional Scholarships	108,500	50,000	158,500
Total Expenditures	\$ 3,738,722	\$ 50,000	\$ 3,788,722

South Texas College

Proposed Auxiliary Fund Budget Amendment for FY 2020 - 2021



Proposed Budget Amendment Auxiliary Fund

The Proposed Budget Amendment is necessary for the following reasons:

1. To allocate \$50,000 from the Auxiliary Fund Balance to increase the Carryover Fund Balance – Micro Scholarship Fund Allocation budget
2. To increase the STC Student Assistance Micro Grant Scholarship Fund expenditure budget to support student enrollment in the Spring 2021 semester.

Proposed Budget Amendment Summary Auxiliary Fund

Revenues and Fund Balance Allocations

Revenues and Fund Balance Allocations	Original Budget	Budget Amendment Micro Grant Scholarships	Amended Budget
Bookstore	\$ 400,000	\$ -	\$ 400,000
Interest Income	12,000	-	12,000
Food Services	480,625	-	480,625
General Conferences	135,000	-	135,000
Mid-Valley Child Care & Development Center	364,475	-	364,475
Non Public Fund	688,299	-	688,299
Professional Development Conferences	80,000	-	80,000
Self-Sustaining Conferences	85,033	-	85,033
Student Activity Fee	1,272,290	-	1,272,290
Student Copier	1,000	-	1,000
Vending Machines	120,000	-	120,000
Carryover Fund Balance - Micro Grant Scholarships	100,000	50,000	150,000
Total Revenues and Fund Balance Allocations	\$ 3,738,722	\$ 50,000	\$ 3,788,722

South Texas College

Proposed Budget Amendment Summary Auxiliary Fund

Expenditures Summary

Expenditures	Original Budget	Budget Amendment Micro Grant Scholarships	Amended Budget
Total Salaries	\$ 1,358,998	\$ -	\$ 1,358,998
Total Benefits	446,824	-	446,824
Total Operating	1,804,400	-	1,804,400
Total Travel	20,000	-	20,000
Total Institutional Scholarships	108,500	50,000	158,500
Total Expenditures	\$ 3,738,722	\$ 50,000	\$ 3,788,722

South Texas College

Thank You

Questions?



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 Committee 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 Committee'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

It is requested that the Finance, Audit, and Human Resources Committee recommend Board approval at the December 15, 2020 Board Meeting as necessary.

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) be requested at the December 15, 2020 Board meeting.

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 Committee'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 Committee meeting to address any questions by the Committee.

It is requested that the Finance, Audit, and Human Resources Committee recommend for Board approval at the December 15, 2020 Board meeting, the distribution method of the Popular Annual Financial Report (PAFR) as presented.



POPULAR ANNUAL

Financial Report

FISCAL YEAR ENDED AUGUST 31, 2020

TABLE OF CONTENTS

Letter from the President	3
Board of Trustees	4
Organizational Chart	4
Mission, Vision, & Core Values	5
District Information	5
The District's Initiatives and Achievements	6
• Financial Highlights	6
• Statements of Revenue, Expenses, and Changes in Net Position	7-8
District's Operations excluding impact of GASB Statement 68 (pension) and GASB Statement 75 (OPEB)	9
Fund Expenditures	10
• District's Expenses by Fund	10
Unrestricted Fund Activity	11
• Tuition and Fees	11
• Property Taxes	12
State Appropriations	13
How is the district spending the money?	14
College Functions	14
Revenues	15
Capital Assets	16
Debt Status	17
Acknowledgements	18



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

Victoria Cantú - Secretary
CEO of Children's Education Station, LLC

```
graph TD;
    A[Board of Trustees] --> B[College President];
    B --> C[Executive Vice President for Educational Programming & Student Achievement];
    B --> D[Vice President for Information Services, Planning, Performance and Strategic Initiatives];
    B --> E[Continuing Education, Workforce Training and Economic Development];
    B --> F[Vice President for Academic Affairs];
    B --> G[Vice President for Student Affairs and Enrollment Management];
    B --> H[Vice President for Finance and Administrative Services];
    B --> I[Public Relations and Marketing];
    B --> J[Regional Center for Public Safety Excellence];
    B --> K[Resource Development, Management and Compliance];
```


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.

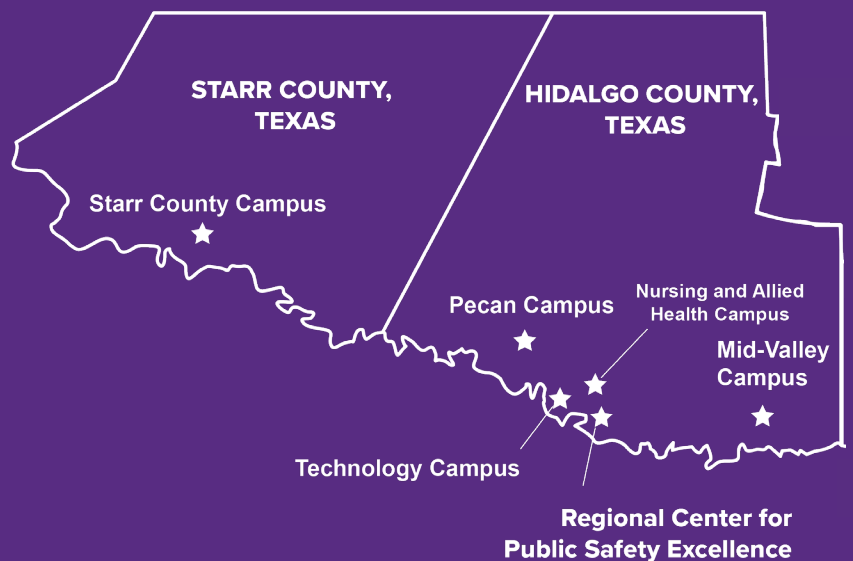
Opportunity: We are committed to providing access and support for students to achieve their academic and career goals.

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

South Texas College was created on September 1, 1993, by Texas Senate Bill 251, to serve Hidalgo and Starr counties. South Texas College 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

For Fiscal Year Ended August 31, 2020 (in millions)

Revenues

Operating Revenues

Net Tuition and Fees	\$ 23.6
Grants and Contracts	19
Other Operating Revenue	2
Total Operating Revenues	\$ 44.6

Non-operating revenues

Ad-valorem Taxes	\$ 69.7
State Appropriations	50.9
Federal Grants	64.9
Investment Income	4.9
Other Non-Operating Revenues	0.4
Total Non-Operating Revenues	\$ 190.8

Total Revenue	\$ 235.4
----------------------	-----------------

Expenses

Operating Expenses

Instruction	\$ 86.3
Public Service	1.3
Academic Support	22
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

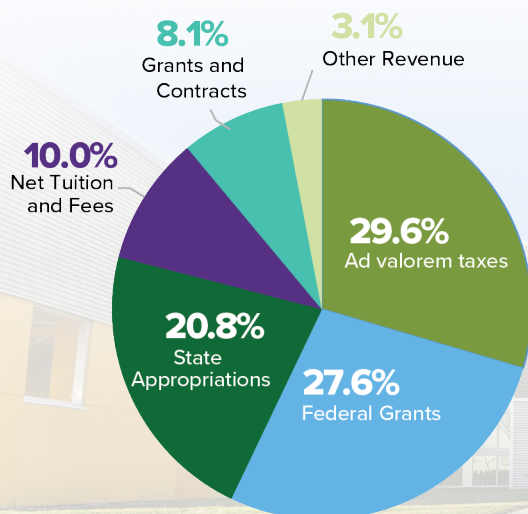
Non-Operating Expenses

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	\$ (3.6)
Net Position at beginning of year	378.0
Net Position at end of year	\$ 374.4

Revenue Sources



Statements of Revenues, Expenses, and Changes in Net Position

For Fiscal Year Ended August 31, 2020 (in millions)

Statement of Net Position

Assets

Current Assets	\$ 163.9
Noncurrent Assets	474.7
Total Assets	\$ 638.6

Deferred Outflow of Resources	\$ 112.7
--------------------------------------	-----------------

Liabilities

Current Liabilities	\$ 43.8
Noncurrent Liabilities	296.0
Total Liabilities	\$ 339.8

Deferred Inflow of Resources	\$ 37.1
-------------------------------------	----------------

Net Position

Net Investment in Capital Assets	\$ 205.2
Restricted	21.2
Unrestricted	148.0
Total Net Position - End of Year	\$ 374.4

Excluding Impact of GASB 68 (Pension) and GASB 75 (OPEB)

	2020
Operating Revenues	\$ 44.6
Operating Expenses	201.8
Operating Loss	\$ (157.2)

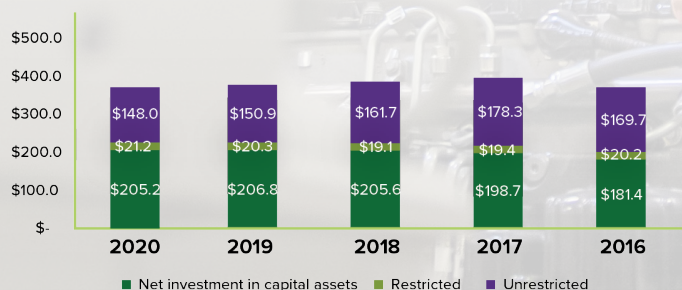
Non-Operating Revenues and Expenses	\$ 180.8
Capital Contributions	-
Increase in Net Position	\$ 23.6

Net Position - Beginning of Year	\$ 441.1
---	-----------------

Net Position - End of Year	\$ 464.7
-----------------------------------	-----------------

Net Position

(in millions)



DISTRICT'S OPERATIONS

Excluding Impact of GASB Statement 68 (pension) and GASB Statement 75 (OPEB)

The District's net position at August 31, 2020 was \$374.4 million compared to \$378.0 million at August 31, 2019. The decrease of \$3.6 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 \$23.6 million resulting from excess revenues over expenses. Of the \$23.6 million increase in net position, the unrestricted net position increased by \$24.3 million, net investment in capital assets decreased by \$1.7 million, and expendable net position increased by \$0.9 million.

The District's net position at August 31, 2019 was \$378.0 million compared to \$386.4 million at August 31, 2018. The decrease of \$8.4 million is attributed to the changes in the allocation method by ERS which had a \$19.0 million adverse impact on the unrestricted net position. Disregarding the effect of the change in the ERS allocation method and TRS assumption changes, the District's net position increased by \$13.3 million resulting from excess revenues over expenses. Of the \$13.3 million increase in net position, the unrestricted net position increased by \$10.8 million, net investment in capital assets increased by \$1.3 million, and expendable net position increased by \$1.2 million.

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. In fiscal year 2019, the

allocation was based on employer contributions related to both active employees and retirees, which had a significant impact on the District's net OPEB liability balance and related entries, causing additional expenses to be recorded and negatively impact the District's fund balance.

As a result of the change in the allocation methodology, the District's OPEB liability increased by \$77.4 million, the deferred outflows related to OPEB increased by \$91.1 million, and the deferred inflows related to OPEB increased by \$32.7 million. The total impact on the net position was a reduction of \$19.0 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. During the District's fiscal year 2019, TRS changed their assumed rate of return from 8.0% to 7.3%, and changed the single discount rate from 8.0% down to 6.9%. Actuarial assumptions, methods, and plan changes were also updated after fiscal year 2018. The net pension liability and deferred outflows increased significantly, since the prior measurement date.

As a result of the change in methodology, the District's net pension liability increased by \$24.1 million, the deferred outflows related to pensions increased by \$19.8 million, and deferred inflows related to pensions decreased by \$1.6 million. The total impact on the net position was a reduction of \$2.7 million.

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. Disregarding the impact of GASB Statement 68 and GASB Statement 75, the District had an increase in net position of \$33.3 million.

FUND EXPENDITURES

What is a fund balance?

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 **fund balance**? 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.

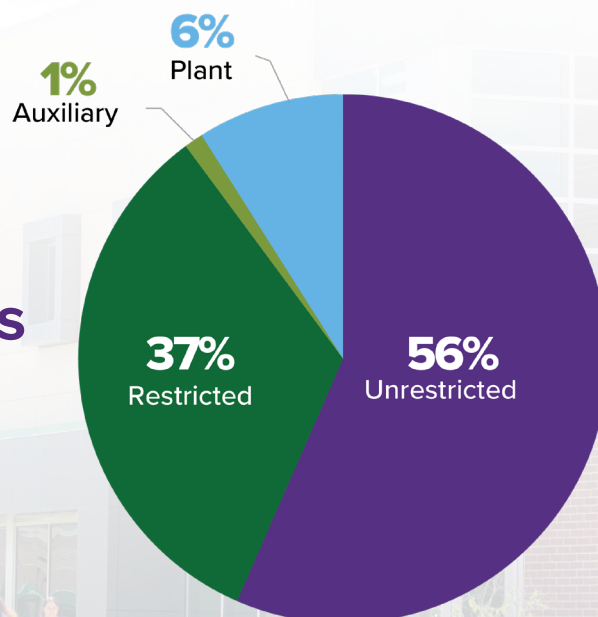
Plant Fund – Renewals and Replacements Fund - accounts for resources to be used for renewing and replacing facilities on existing College capital assets.

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.

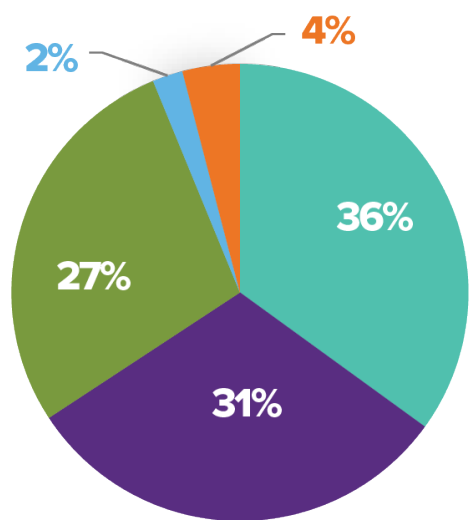
District's Expenses by Fund



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



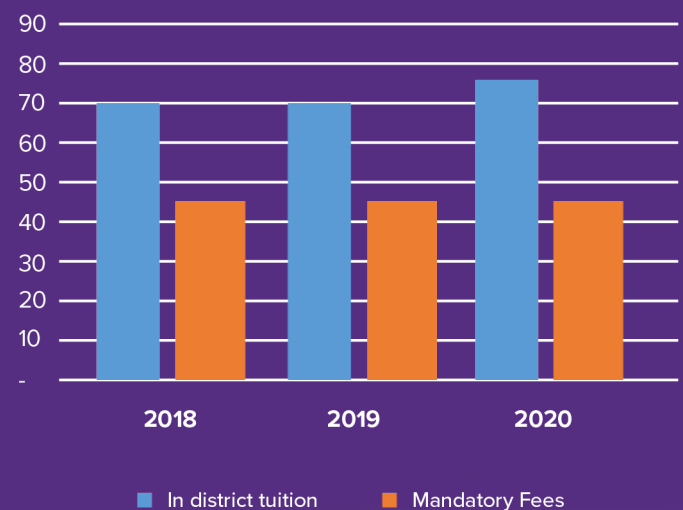
- Other Revenue
- Taxes
- Interest Income
- Tuition and Fees
- State Appropriation

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 billing hour in fiscal year 2020 remains among the most competitive in the state.

Per Credit Hour Rate

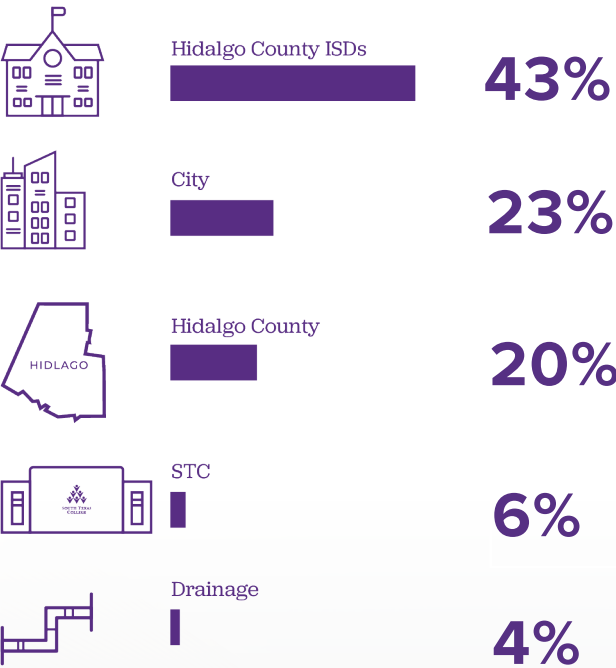


Property Taxes

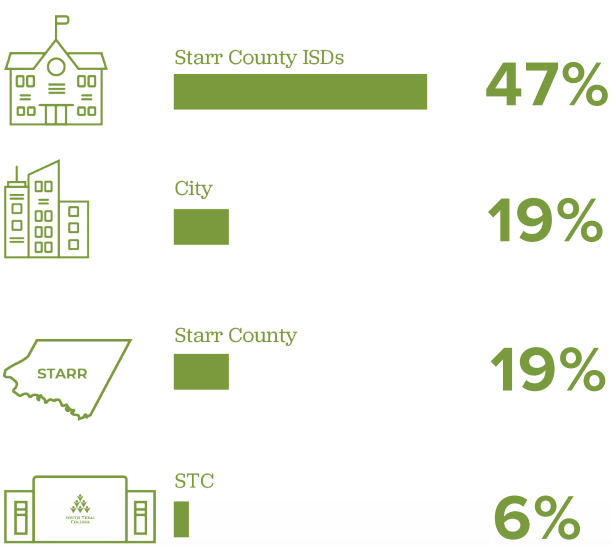
Property taxes continue to be among the District’s primary non-operating revenue sources, and accounted for 31% of the District’s total unrestricted funding sources for fiscal year 2020. The taxes are used to pay for operating costs and general obligation debt services. For fiscal year 2020 (2019 Levy), the college’s property tax rate for a typical homeowner was \$0.1733 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 South Texas College District

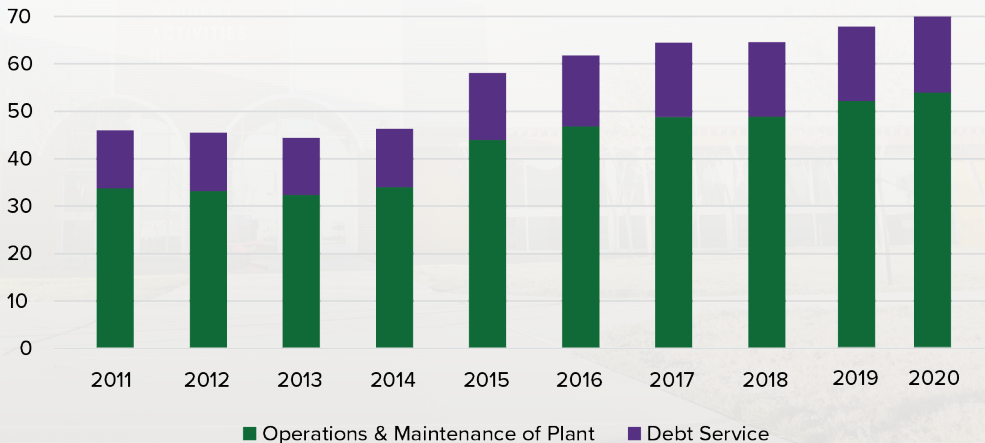
Hidalgo County



Starr County



Property Tax Type

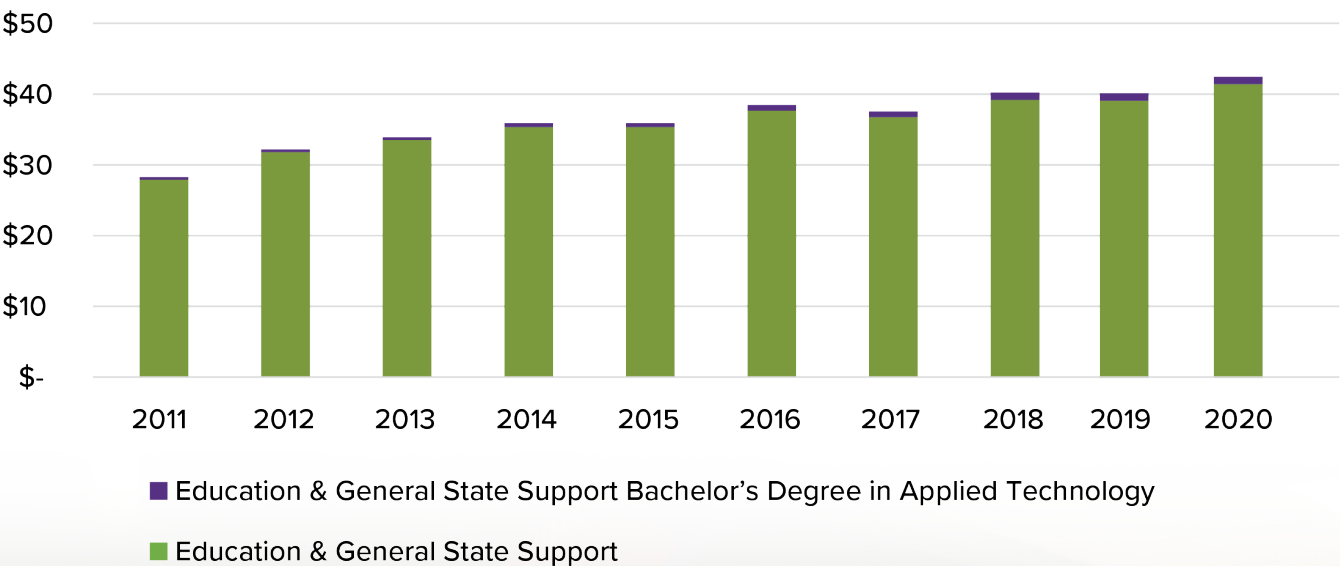


STATE APPROPRIATIONS

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. In addition, the District also receives funding for core operations, student success, contact hour funding, and for offering the Bachelor's degrees in Applied Technology.

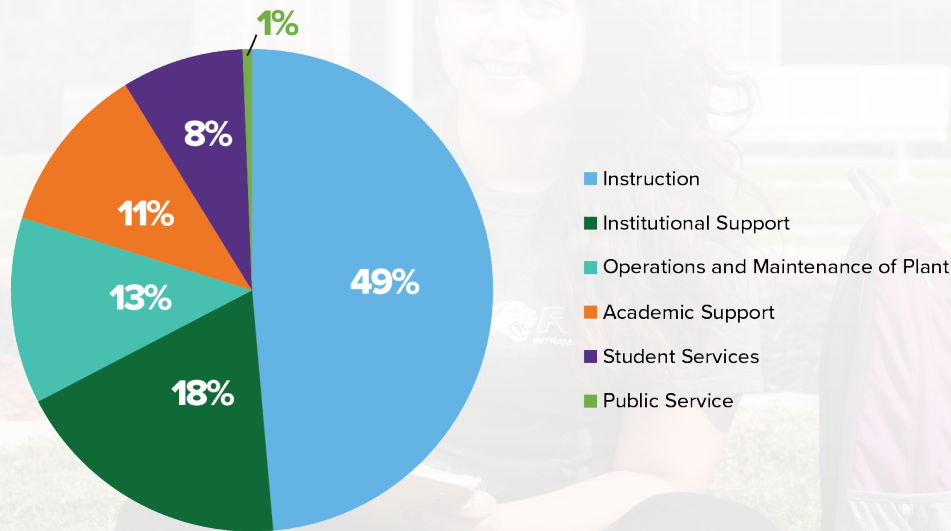
The District received additional state appropriations in fiscal year 2020 in education and general state support as a result of increased state appropriation for student success points and contact hours. The District also received additional state appropriation related to increased semester credit hours for the District's Bachelor programs.

State Appropriations (in millions)



HOW IS THE DISTRICT SPENDING THE MONEY?

Total 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.

REVENUES

Revenues

(in millions)

Appropriations	\$ 48.5
Tuition	35.1
Fees	29.1
Local Taxes	56.1
Other Revenues	10.8
Total Revenues	\$ 179.7

Expenditures

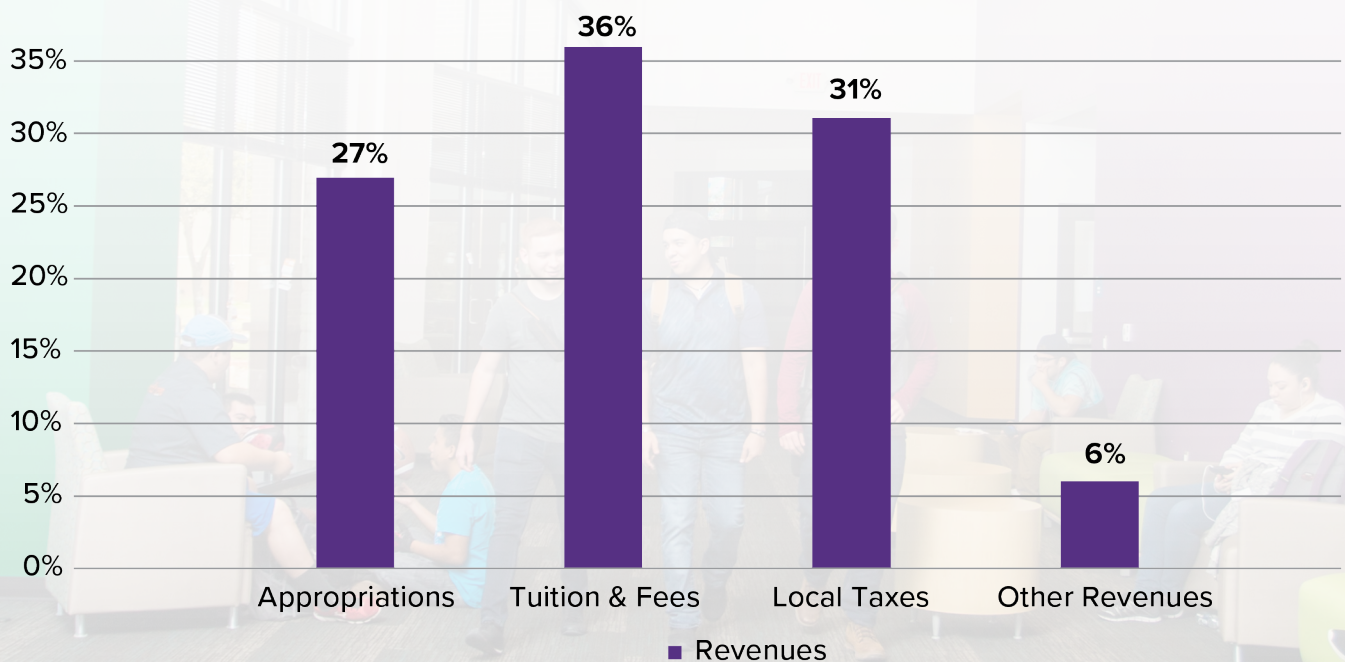
(in millions)

Salaries	\$ 98.3
Benefits	53.3
Operating	24.3
Travel	0.9
Capital Outlay	1.4
Total Expenditures	\$ 178.2

Excess of Revenues over Expenditures	\$ 1.5
Net transfers in / (out)	(6.2)
Net change in Fund Balance	(4.7)
Unrestricted Fund Balance August 31, 2019	95.2
Unrestricted Fund Balance August 31, 2020	\$ 90.5

Total Unrestricted and Board Designated Fund Balance

Unrestricted and Board Designated	\$ 90.5
Auxiliary Enterprises	4.7
Unexpended Plant	30.7
Plant Renewals & Replacements	22.1
Total Unrestricted Fund Balance at August 31, 2020	\$ 148.0

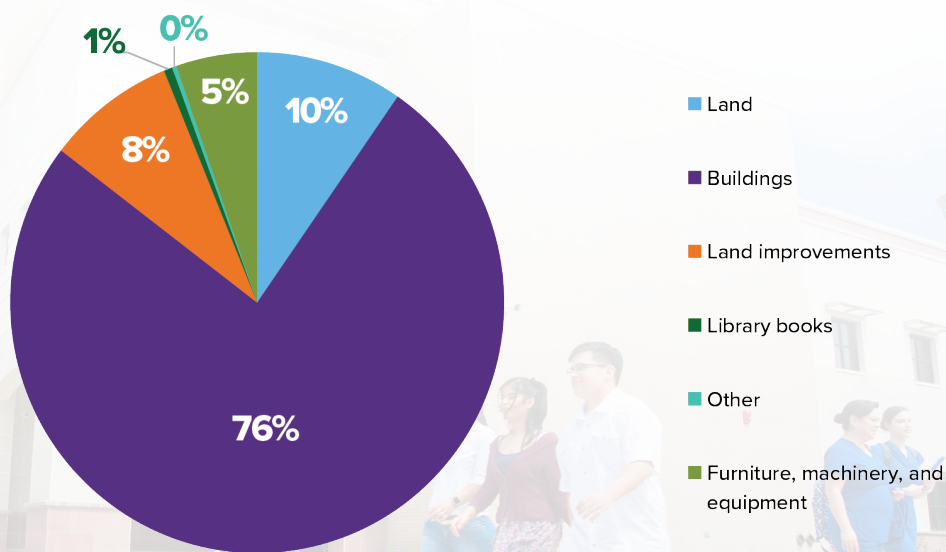


CAPITAL ASSETS

- 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 &		August 31, 2020
			Transfers		
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



DEBT STATUS

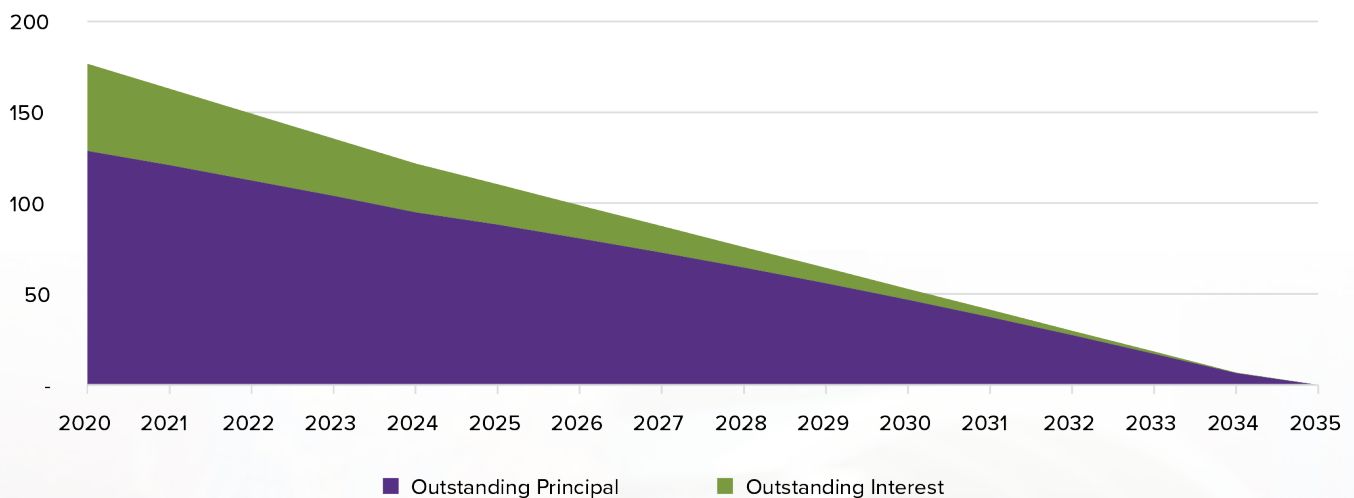
During fiscal year 2020, the District sold a total of \$41 million in Limited Ad Valorem Tax Refunding Bonds which saved the District and taxpayers \$4.4 million in debt service payments and reduced the ad valorem tax rate for the residents of Hidalgo and Starr Counties.

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, *Accounting Group Manager*

Alma Church, *Accounting Group Manager*

Dalinda Gamboa, *Accounting Group Manager*

Marittza Adame, *Accounting Group Manager*

Norma Reyna, *Accounting Group Manager*

Vanessa Sifuentes, *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

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 County'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

DESIGNED TO BE EASILY UNDERSTANDABLE TO THE GENERAL PUBLIC

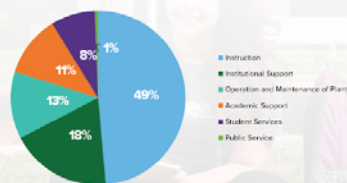
FUND EXPENDITURES

What is a fund balance?

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 fund balance? It is the difference between (a) assets and deferred outflows of resources and (b) liabilities and deferred inflows of resources.

HOW IS THE DISTRICT SPENDING THE MONEY?

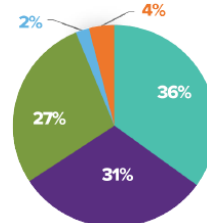
Total Unrestricted Expenses by Function



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



REVENUE SOURCES

Tuition and Fees

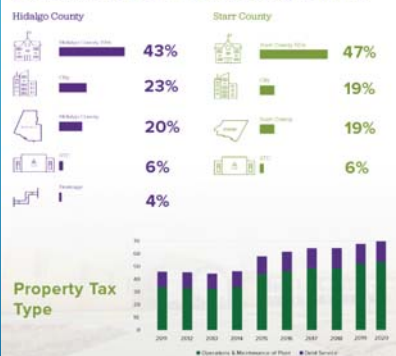
Student tuition and fees are the primary operating source of revenues for the District, and makes up about 36% of the District's unrestricted revenue stream. The District is committed to providing access and support for students to achieve their academic and career goals, as described in the Core Values 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 billing hour in fiscal year 2020 remains among the most competitive in the state.

Per Credit Hour Rate

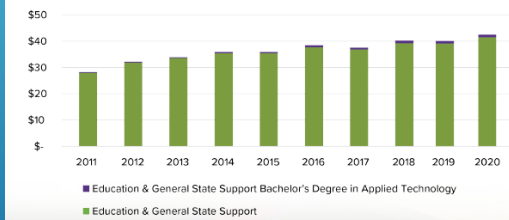


2020 Property Tax Rates for a Typical Homeowner in South Texas College District



State Appropriations

(in millions)



UNRESTRICTED EXPENDITURES 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.

THANK YOU!

Questions or
Feedback ?

