

South Texas College
Board of Trustees
Finance, Audit, and Human Resources Committee
NAH West & Simulation Center, Building B
Conference Room 3.203 (3rd Floor)
Nursing and Allied Health Campus, McAllen, Texas
Tuesday, October 19, 2021 @ 5:30 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 September 14, 2021 Finance, Audit, and Human Resources Committee Minutes..... 1-27
- II. Review and Discussion of the Issuance of South Texas College District, Limited Tax Refunding Bonds, Taxable Series 2021 28
- III. Review and Recommend Action to Revise Policy #5120: Investment Policy and Investment Strategy Statement..... 29-44
- IV. Review and Recommend Action on Resolution 2022-005 Authorizing Investment Brokers, Dealers, Banks, and Investment Pools 45-49
- V. Review and Action as Necessary on Rescind of Award, Purchases, and Renewals..... 50-76
- VI. Discussion and Action as Necessary on Solicitation of a Request for Proposals for Food Services..... 77-79
- VII. Review and Recommend Action to Revise Policy #4216: Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited..... 80-105
- VIII. Review and Recommend Action to Revise Policy #4306: Vacation Leave Accrual 106-112
- IX. Review and Discussion on College’s Higher Education Emergency Relief Fund Allocations 113-116
- X. Discussion and Action as Necessary on Interlocal Agreement for Compensation Study between South Texas College and Texas Association of School Boards..... 117-120

**Approval of September 14, 2021 Finance, Audit, and Human Resources Committee
Minutes**

The Minutes for the Finance, Audit, and Human Resources Committee Meeting of September 14, 2021 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, September 14, 2021 @ 5:30 p.m.**

Minutes

The Finance, Audit, and Human Resources Committee Meeting was held on Tuesday, September 14, 2021 in the Ann Richards Administration Building Board Room at the Pecan Campus in McAllen, Texas. The meeting commenced at 6:22 p.m. with Mr. Rene Guajardo presiding.

Members present: Mr. Rene Guajardo and Dr. Alejo Salinas, Jr.

Other Trustees Present: Ms. Rose Benavidez, Mrs. Victoria Cantú, and Mr. Danny Guzman

Members absent: Mr. Paul R. Rodriguez

Also present: Dr. Ricardo J. Solis, Dr. David Plummer, Mrs. Mary Elizondo, Mr. Matthew Hebbard, Ms. Katarina Bugariu, Mrs. Rebecca Cavazos, Ms. Laura Requena, Mr. George McCaleb, Dr. Jesus Campos, Mr. Juan Miguel Galvan, Ms. Judy Martinez, Chief Ruben Suarez, Ms. Alina Cantu, Ms. Stephanie Hinojosa, and Mr. Andrew Fish.

**Approval of August 10, 2021 Finance, Audit, and Human Resources
Committee Minutes**

Upon a motion by Dr. Alejo Salinas, Jr. and a second by Mr. Rene Guajardo, the Minutes for the Finance, Audit, and Human Resources Committee Meeting of August 10, 2021 were approved as written. The motion carried.

**Review and Recommend Action as Necessary to Accept a
Reimbursement from the Lower Rio Grande Valley Development Council
for the FY 2021 Summer Session Transportation Services**

Approval to accept a reimbursement from the Lower Rio Grande Valley Development Council (LRGVDC) for the FY 2021 Summer Session Transportation Services will be requested at the September 28, 2021 Board meeting.

Purpose – The LRGVDC was reimbursing the College by issuing a credit in the Fall 2021 semester for the FY 2021 Summer Session due to the suspension of transportation services for the Green Line I bus route between the Starr County Campus and the Pecan Campus.

Justification – The College paid the LRGVDC for the FY 2021 Summer Session based on the Interlocal Agreement approved by Tom Logan, Director of Regional Transit Valley Metro. However, the LRGVDC notified the College that the Green Line I bus route providing transportation services between the Starr County Campus and the Pecan Campus was canceled by the LRGVDC during the FY 2021 Summer Session. LRGVDC proposed to rectify their error by reimbursing the funds to the College with a credit to the Fall 2021 semester invoice.

Background – On May 25, 2021, the Board of Trustees approved the Interlocal Agreement between STC and LRGVDC for the FY 2021 Summer Session, a three-month period from June 1, 2021, through August 31, 2021. This agreement included and authorized a payment in the amount of \$17,916.40 to LRGVDC for the Green Line I bus route. The College issued payment to LRGVDC on July 13, 2021, as per the agreement.

The LRGVDC proposed to reimburse the College by crediting the College \$17,916.40 for the canceled Green Line I bus route in the Fall 2021 semester invoice. The College and the LRGVDC implemented measures to monitor and detect route performance and changes.

Reviewers – The LRGVDC Letter received was reviewed by the Vice President for Finance and Administrative Services, Comptroller, and Student Transportation Services.

Enclosed Documents – A copy of the LRGVDC letter dated August 12, 2021, was provided in the packet for the Committee's information and review.

Tom Logan from LRGVDC, Mary Elizondo, Vice President for Finance and Administrative Services, Ruben Suarez, 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 Dr. Alejo Salinas, Jr. and a second by Mr. Rene Guajardo, the Finance, Audit, and Human Resources Committee recommended Board approval to accept a reimbursement from the Lower Rio Grande Valley Development Council for the FY 2021 Summer Session Transportation Services, as presented. The motion carried.

Discussion and Action as Necessary on Revised Interlocal Agreement for Transportation Services between South Texas College and the Lower Rio Grande Valley Development Council (LRGVDC) for Fiscal Year 2021 – 2022

Approval of the Revised Interlocal Agreement for the Jag Express Intercampus Transportation Services between South Texas College and the Lower Rio Grande Valley Development Council (LRGVDC) for a one-year period of September 1, 2021 through August 31, 2022 will be requested at the September 28, 2021 Board meeting.

Purpose – A Revised Interlocal Agreement for Transportation Services between STC and the LRGVDC for FY 2021 – 2022 was needed to reflect the updated methodology for in-kind costs.

Justification - The Revised Interlocal Agreement would reflect the updated methodology for applying in-kind costs.

Background – On July 27, 2021, the Board of Trustees approved the Interlocal Agreement for Transportation between STC and LRGVDC for FY 2021 – 2022, in which the in-kind costs for the Yellow Line were reduced against the payment to the LRGVDC for the Green Lines services. In the revised Interlocal Agreement, STC's in-kind costs would be part of the monthly reimbursement STC receives from the LRGVDC.

Although the in-kind cost was applied differently in the revised Interlocal Agreement, the net cost would remain the same for STC. The table below reflects the revised cost:

FY 2021 - 2022	Original Amount	Revised Amount
Total Operating Cost for Services	\$659,223	\$741,621
Contributions:		
State/Federal Operating	(380,114)	(380,114)
State/Federal In-Kind	0	(82,398)
Total Contributions	\$(380,114)	\$(462,512)
Total Net Cost to STC	\$279,109	\$279,109
STC Direct Expenditures – Yellow Line	\$129,275	\$129,275
STC Payment to LRGVDC – Green Line 1	2,960	85,358
STC Payment to LRGVDC – Green Line Route 60 (Roma)	64,476	64,476
STC In-Kind Expenditures	82,398	0

FY 2021 - 2022	Original Amount	Revised Amount
Total Net Cost to South Texas College	\$279,109	\$279,109

The in-kind match of \$82,398 was eligible for reimbursement to the College as per the Federal Transit Administration (FTA) operating assistance.

The budgeted cost by transportation routes for FY 2021 - 2022 were as follows:

Transportation Routes	Total Operating Cost for System	Contributions	STC Direct Expenditures	STC Payment to LRGVDC
Starr (Green-1)	\$204,569	\$119,211	\$0	\$85,358
Starr (Green-Roma)	153,519	89,043		64,476
Circular (Yellow)	383,533	254,258	129,275	0
Total	\$741,621	\$462,512	\$129,275	\$149,834

Funding Source – Funds for this expenditure were budgeted in the Student Transportation Services budget for FY 2021 – 2022.

Reviewers – The Interlocal Agreement was reviewed by Tom Logan, Director of Valley Metro at the LRGVDC, Vice President for Finance and Administrative Services, Chief of Police for Department of Public Safety, Comptroller, Contract Manager and by the College's Legal Counsel. The FY 2021 – 2022 Interlocal Agreement was still pending final approval by the LRGVDC.

Enclosed Documents – A copy of the draft Revised Interlocal Agreement between STC and LRGVDC for FY 2021 – 2022 and a copy of a letter received from LRGVDC were provided in the packet for the Committee's information and review.

Tom Logan from the LRGVDC, Mary Elizondo, Vice President for Finance and Administrative Services, Ruben Suarez, Chief of Police for the Department of Public Safety, and Alina O. Cantu, Public Safety and Transportation Services Manager, attended the Committee Meeting to address any questions by the Committee.

Upon a motion by Mr. Rene Guajardo and a second by Dr. Alejo Salinas, Jr., the Finance, Audit and Human Resources Committee recommended Board approval of the Revised Interlocal Agreement for Transportation Services between South Texas College and the

Lower Rio Grande Valley Development Council (LRGVDC) for a one-year period of September 1, 2021 through August 31, 2022, as presented and contingent upon approval by the LRGVDC. The motion carried.

Review and Discussion of Mission Economic Development Authority (MEDA) Scholarship Fund Trust with Edward Jones for Student Scholarships and Report on Funds Distributed to the College

A report on the Mission Economic Development Authority (MEDA) Scholarship Fund Trust, which provides scholarships to students living in the City of Mission, and funds distributed was presented.

Purpose – To report on the status of the MEDA Scholarship Fund Trust, including an overview of the agreement, the annual obligated amount of distribution, and the overall activity of the trust.

Justification – The information presented provided the Board Finance, Audit, and Human Resources Committee a brief review and update of the MEDA Scholarship Fund and funds distributed to the College.

Background – On August 29, 2012, the South Texas College Board of Trustees approved and authorized the acceptance of the Mission Economic Development Authority (MEDA) Scholarship Fund Endowment Agreement, which established a trust in excess of \$3 million, with Edwards Jones Trust Company as the sole Trustee and with South Texas College as the sole beneficiary, with funds to be used to establish and offer scholarships as described.

The MEDA Scholarship Fund Trust Agreement and Agreement of Trustee establishes the provision of distributions to South Texas College as the sole beneficiary. According to section 5 of the agreement, **the amount distributed in each fiscal year of the Trust is not to exceed an amount equal to the greater of the following: (i) the net income of the Trust; and (ii) Five Percent (5%) of the fair market value of the undistributed income and corpus of the Trust as of the last day of the Trust's previous fiscal year.**

According to the August 2021 Monthly Account Statement provided by Edward Jones Trust Company, the amount distributed to the college in the past fiscal years, including for FY 2020, has been based on (ii) Five Percent (5%) of the fair market value of the undistributed income and corpus of the Trust as of the last day of the Trust's previous fiscal year.

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

MEDA Scholarship Fund Trust

The table below is a recap of the market value activity for the period of October 1, 2012 through August 31, 2021.

Market Value-October 1, 2012	\$3,189,982.10
Additions:	
Cash & Security Transfers	22,002.66
Contributions ⁽¹⁾	291,596.70
Refund of Duplicate Disbursement ⁽²⁾	183,032.00
Income & Capital Gain Distributions	689,800.85
Realized Gain/Loss	367,218.50
Change in market value	1,941,890.59
Total Additions	\$3,495,541.30
Reductions:	
Disbursements to STC	(1,667,942.55)
Duplicate Disbursement to STC ⁽³⁾	(183,032.00)
Other Disbursements ⁽⁴⁾	(365,922.11)
Total Reductions	\$(2,216,896.66)
Market Value-August 31, 2021	\$4,468,626.74

- (1) Contributions (previously reported as additions) include insurance proceeds, capital gain distributions, and federal tax refunds.
- (2) Funds returned to MEDA for duplicate disbursement of \$183,032.00 to STC.
- (3) Duplicate disbursement to STC. This amount was returned to the MEDA Scholarship Fund Trust on 7/29/21.
- (4) Other Disbursements include tax return preparation fees, fiduciary taxes, published fees, and legal fees.

The distributions paid to the College had been as follows:

Month/Year	Distribution Amount
June 2013	\$160,784.54
June 2014	185,937.10
July 2015	187,900.18
May 2016	173,937.78
June 2017	180,511.68
May 2018	193,928.47
May 2019	174,239.09
May 2020	198,719.57
May 2021	183,032.00
Aug 2021	28,952.14
Total Distributions Received	\$1,667,942.55

Cumulative Other Disbursements of \$365,992.09 of the Trust are as follows:

Expense Type:	Cumulative as of 12/31/20	Calendar YTD Activity	Cumulative as of 08/31/21
Published Fee ⁽¹⁾	\$ (272,453.39)	\$ (23,988.45)	\$ (296,441.84)
Other Disbursements:			
Household Expense –			
Miscellaneous-Personal	(33,057.76)	-	(33,057.76)
ADR Fee	(50.26)	(3.66)	(53.92)
US Treasury Bulk Tax	(30,085.00)	-	(30,085.00)
Administrative Expenses –			
Trust Tax Preparation	(4,800.00)	-	(4,800.00)
Fiduciary Tax Federal Return	(850.00)	-	(850.00)
Cost Adjustments	(440.20)	(193.37)	(633.57)
Total Other Disbursements	\$ (341,736.61)	\$ (24,185.48)	\$ (365,992.09)

(1) Published Fee for Serving as Trustee – The Trustee, Edward Jones Trust Company, manages and administers the Trust according to the terms set out in the Trust.

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

Review and Discussion of Mission Economic Development Authority (MEDA) Scholarship Fund Awards

In 2012, the Mission Economic Development Authority (MEDA) developed a scholarship trust fund to be managed by Edward Jones and to provide scholarship benefits to City of Mission residents pursuing higher education and workforce training at South Texas College.

South Texas College administration prepared a report showing the history of scholarships awarded through the MEDA Scholarship Trust Fund. Administration also provided a summary of the benefit recipients' performance and demographic information.

The history of awards showed that since its inception, the MEDA Scholarship benefited 642 individual students enrolled at South Texas College. These awards were made for each term from Fall 2013 through Fall 2021, resulting in a total of 1,745 scholarship awards to those 642 students, totaling \$1,125,900.00.

The supporting PowerPoint provided a breakdown of graduation/enrollment status, showing that of these 642 students, 64.33% (413 students) have graduated, 26.64% (171 students) were still enrolled, while the remaining 9.03% (58 students) were not enrolled in Fall 2021 and had not yet graduated. This was a greater retention rate than the general population, which may indicate the pivotal role these funds play in helping these students stay in their program of study through completion.

Judy Martinez, Coordinator of Scholarships, presented an update on the revenue and distribution of the scholarship funds. Additional data will be provided in the packet to showcase the demographic profile of the MEDA Scholarship participants. These demographic profiles were provided to demonstrate the impact that the availability of these funds had in helping provide access to higher education for students who have a greater need for financial support, and are highly motivated and successful when that support is available.

Detailed reporting of the scholarship disbursements from the MEDA Scholarship Trust Fund distributions since Fall 2013 was provided for the Committee's review. These distributions were drawn from the interest on the invested principal, as managed by Edward Jones. There was a balance of \$181,042.55 available for scholarship disbursements to support Mission students work toward their academic and workforce goals in Spring 2022.

The MEDA Scholarship was advertised to eligible students through the College's scholarship website, the Mission CISD, and announcements in various media outlets, as identified below:

- STC Scholarship website
- STC Social Media Accounts
- Texas Border Business
- Rio Grande Guardian

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- Mission CISD
- 710 KURV
- Telemundo 40
- The Monitor
- Progress Times
- Direct Mail
- Email

Enclosed Documents – The PowerPoint presentation and additional student demographic information were provided in the packet for the Committee's information and review.

This information was provided to the Finance, Audit, and Human Resources Committee for review and discussion, and feedback to staff, and no action was requested at this time.

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

Approval of the following award of proposals, purchases, renewals, and contract extension will be requested at the September 28, 2021 Board meeting.

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

The Committee questioned whether the contract extension proposed in #16 should be granted, noting that other contracts could have been impacted by the pandemic and the College's closure, and there could be risk in setting such a precedent. Administration agreed to review this issue with legal counsel.

Upon a motion by Dr. Alejo Salinas, Jr. and a second by Mr. Rene Guajardo, the Finance, Audit, and Human Resources Committee recommended Board approval of the award of proposals, purchases, renewals, and contract extension as listed below, except for item #16 for a proposed Vending Services – Beverages contract extension with PepsiCo:

A. Award of Proposal

- 1) Industrial Supplies, Materials, and Accessories (Award):** award the proposal for industrial supplies, materials, and accessories for the period beginning November 25, 2021 through November 24, 2022 with two one-year options to renew, at an estimated total amount of \$75,000.00, which is based on prior year expenditures. The vendors are as follows:

Vendors	Vendors
American Industrial Supplies & Tool Repair, Inc. (McAllen, TX)	Burton Companies (Weslaco, TX)

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Vendors	Vendors
Industrial Supplier Larey, Inc./ dba International Industrial Supply, Co. (Brownsville, TX)	Sid Tool Company/ dba MSC Industrial Supply (Melville, NY)
Triple-S Steel Supply, LLC./ dba Alamo Iron Works (San Antonio, TX)	

- 2) **Nursing and Allied Health Campus Bldg A – Analog to Digital Upgrade Phase II (Award):** award the proposal for the Nursing and Allied Health Campus Bldg A – analog to digital upgrade phase II to **Audio Visual Aids** (San Antonio, TX), at a total amount of \$193,751.54;

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

- 3) **Audio Visual Equipment and Supplies (Purchase):** purchase audio visual equipment and supplies for the period beginning September 1, 2021 through August 31, 2022, at an estimated amount of \$205,000.00, which is based on prior year expenditures, with the following purchasing cooperative approved vendors:

Vendor/Purchasing Cooperative	Amount
Audio Visual Aids (San Antonio, TX) – Purchasing Cooperative of America (PCA), Texas Association of School Boards (TASB) – Buyboard, and The Interlocal Purchasing System (TIPS)	\$70,000.00
B&H Foto & Electronics, Corp./ dba B&H Photo Video (New York, NY) – E&I Cooperative Services, Omnia Partners, Purchasing Cooperative of American (PCA), Texas Association of School Boards (TASB) – Buyboard, and The Interlocal Purchasing System (TIPS)	\$75,000.00
Howard Technology Solutions (Ellisville, MS) – The Interlocal Purchasing System (TIPS) and Texas Association of School Boards (TASB) - Buyboard	\$40,000.00
SKC Communications Products, LLC. (Shawnee Mission, KS) – E&I Cooperative Services and The Interlocal Purchasing System (TIPS)	\$20,000.00

- 4) **Chiller Maintenance Agreement (Purchase):** purchase a chiller maintenance agreement from **Johnson Controls, Inc.** (Milwaukee, WI/Corpus Christi, TX), The Interlocal Purchasing System (TIPS) purchasing cooperative approved vendor, for the period beginning November 21, 2021 through November 20, 2022, at an estimated annual amount of \$51,900.00 for scheduled services and an estimated annual amount of \$80,000.00 for as needed repair services. The total annual amount is \$131,900.00;
- 5) **Computer Components, Peripherals, Software, and Supplies (Purchase):** purchase computer components, peripherals, software, and supplies for the period beginning September 1, 2021 through August 31, 2022, at an estimated amount of

\$350,000.00, which is based on prior year expenditures, with the following purchasing cooperative approved vendors:

Vendor/Purchasing Cooperative	Amount
B&H Foto & Electronics, Corp./ dba B&H Photo Video (New York, NY) – E&I Cooperative Services, Omnia Partners, Purchasing Cooperative of American (PCA), Texas Association of School Boards (TASB) – Buyboard, and The Interlocal Purchasing System (TIPS)	\$80,000.00
CDW Government, LLC. (Vernon Hills, IL) – Choice Partners, Texas Department of Information Resources (DIR), E&I Cooperative Services, Omnia Partners, Sourcewell, Purchasing Association of Cooperative Entities (PACE), and The Interlocal Purchasing System (TIPS)	\$50,000.00
Dell Marketing, LP. (Dallas, TX) – Texas Department of Information Resources (DIR)	\$45,000.00
Reyna Enterprise, Inc./ dba Computer Repair Center (CRC) (McAllen, TX) – Texas Department of Information Resources (DIR)	\$80,000.00
SHI Government Solutions (Austin, TX) – Choice Partners, National Cooperative Purchasing Alliance (NCPA), Omnia Partners, Purchasing Association of Cooperative Entities (PACE), Texas Association of School Boards (TASB) – Buyboard, Texas Department of Information Resources (DIR), and The Interlocal Purchasing System (TIPS)	\$75,000.00
SKC Communication Products, LLC. (Shawnee Mission, KS) – E&I Cooperative Services and The Interlocal Purchasing System (TIPS)	\$20,000.00

- 6) Maintenance Equipment, Parts, and Supplies (Purchase):** purchase maintenance equipment, parts, and supplies through the Texas Association of School Boards (TASB) – Buyboard approved vendors, for the period beginning September 1, 2021 through August 31, 2022, at an estimated amount of \$100,000.00, which is based on prior year expenditures. The vendors are as follows:
- a. **Carrier Enterprise, LLC.** (Houston, TX/Pharr, TX)
 - b. **Crawford Electric Supply** (San Antonio/Mission, TX)
 - c. **McCoy's Building Supply** (San Marcos, TX/Pharr, TX)
- 7) Mobile Hotspot Devices and Services (Purchase):** purchase mobile hotspot devices and services from **AT&T Mobility, LLC.** (Carol Stream, IL), a State of Texas Department of Information Resources (DIR) approved vendor, for the period beginning October 1, 2021 through August 31, 2022, at an estimated total amount of \$39,600.00. The monthly service subscription cost for three hundred (300) mobile hotspots is \$12.00 per device;

- 8) Parts and Supplies (Purchase):** purchase parts and supplies from **W. W. Grainger, Inc. / dba Grainger** (Austin, TX/McAllen, TX), an E&I Cooperative Services approved vendor, for the period beginning September 1, 2021 through August 31, 2022, at an estimated total amount of \$100,000.00, which is based on prior year expenditures;
- 9) Catering Services (Renewal):** renew the catering services contracts for the period beginning November 28, 2021 through November 27, 2022, at an estimated total 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)
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)	

- 10) Equipment Rental Services (Renewal):** renew the equipment rental services contracts for the period beginning December 1, 2021 through November 30, 2022, at an estimated total amount of \$65,000.00, which is based on prior year expenditures. The vendors are as follows:

Vendors	Vendors
Briggs Equipment (Pharr, TX)	Marento, Inc./ dba Tejas Events and Tents (McAllen, TX)
Rental World (McAllen, TX)	

- 11) Fire Suppression Systems Service (Renewal):** renew the fire suppression systems service contracts for the period beginning November 29, 2021 through November 28, 2022, at an estimated amount of \$211,587.00, which is based on prior year expenditures. The vendors are as follows:

#	Services	Vendor	Amount
1	Fire Alarm Panels	Strongline Security & Fire (San Juan, TX)	\$20,300.00
2	Fire Alarm Repairs	Strongline Security & Fire (San Juan, TX)	\$60,000.00

#	Services	Vendor	Amount
3	Kitchen Hoods	1st FP McAllen, LLC. (McAllen, TX)	\$1,202.00
4	Kitchen Hoods Repairs	1st FP McAllen, LLC. (McAllen, TX)	\$10,000.00
5	Fire Sprinklers Inspections	1st FP McAllen, LLC. (McAllen, TX)	\$16,125.00
6	Fire Sprinklers Repairs	1st FP McAllen, LLC. (McAllen, TX)	\$70,000.00
7	Clean Agent Fire Suppression System Inspection	1st FP McAllen, LLC. (McAllen, TX)	\$3,960.00
8	Fire Extinguishers / Inspection Rates	EI Fire & Safety, Inc. (Mission, TX)	\$10,000.00
9	Hydro Test Rates	EI Fire & Safety, Inc. (Mission, TX)	\$10,000.00
10	Recharge Rates	EI Fire & Safety, Inc. (Mission, TX)	\$10,000.00

- 12)In-Store Purchases of Materials and Supplies (Renewal):** renew the in-store purchase of materials and supplies contracts for the period beginning November 27, 2021 through November 26, 2022, at an estimated amount of \$150,000.00, which is based on prior year expenditures. The vendors are as follows:

Vendors	Vendors
HEB Grocery, Co. (McAllen, TX)	Hobby Lobby Store (McAllen, TX)
Sam's Club (McAllen, TX)	Walmart (Mission, TX)

- 13)Institutional Membership – TACC (Renewal):** renew the institutional membership with the **Texas Association of Community Colleges (TACC)** (Austin, TX), a sole source vendor, for the period beginning September 1, 2021 through August 31, 2022, at a total amount of \$73,084.00;

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

- 14) Enrollment Management System Agreement (Renewal):** renew the enrollment management system agreement with **EAB Global, Inc.** (Washington, DC) (New), a sole source vendor, for the period beginning November 1, 2021 through October 31, 2026, at a total amount of \$408,000.00. The total amount will be paid in five (5) annual payments;
- 15) Student Enrollment Management System Agreement (Renewal):** renew the student enrollment management system agreement with **Admissions US, LLC., a wholly owned subsidiary of Anthology, Inc. (fka Campus Management, Corp.)** (Boca Raton, FL), a sole source vendor, for the period beginning September 27, 2021 through September 26, 2022, at a total amount of \$52,525.00;

C. Contract Extension

16) Vending Services – Beverages (Contract Extension): extend the vending services – beverages contract with **Pepsico** (Hidalgo, TX) for an additional fourteen (14) months, from previously approved end date of July 31, 2024 to September 30, 2025.

Recommend Action - The total for all award of proposals, purchases, and renewals was \$2,205,447.54.

The motion carried.

Discussion and Action as Necessary on Lease/Rental Procurement of District-Wide Copiers

Approval on lease/rental procurement of district-wide copiers will be requested at the September 24, 2021 Board meeting.

Purpose – The Board of Trustees requested that the Purchasing Department solicit proposals for district-wide copier leases/rentals. A solicitation was completed and an award was approved on August 25, 2020. The awarded vendor was not able to fulfill their proposal and withdrew their offer due to the copiers required by the College being fewer in number, which affected their price proposal. Prior to this solicitation of proposals, the College utilized the Texas Department of Information Resources (DIR) Cooperative Contracts for all copier leases/rentals.

Justification – The College departments utilize copiers for their day-to-day operations. Most of the copiers' leases/rentals contracts with Texas DIR have expired, however, Texas DIR allowed the services to continue on a month-to-month option.

Background – The College currently had ninety-six (96) copiers throughout the district, which were procured through the Texas Department of Information Resources (DIR) and/or a purchasing cooperative copier lease/rental program. Of those copiers, the term of the lease/rental expired for seventy-nine (79) and they were currently on a month-to-month option. Seventeen (17) remaining copiers were currently under a lease/rental term arrangement with Texas DIR and were set to expire within the next six (6) to twelve (12) months.

The current annual copier lease expense was approximately \$299,800.00, which was subject to change as copiers were removed or new placements were received.

Two (2) options were available for the procurement of copiers throughout the College district as follows:

1. Request for Proposals - Solicitation takes approximately three to four months and Board action therefore could be completed at the earliest on December 14, 2021.
2. Texas DIR Cooperative Contracts - The lease/rental utilizing the Texas Department of Information Resources (DIR) approved vendors is available with a delivery time frame of thirty (30) days.

The key pros and cons for both options were as follows:

1. Request for Proposals

Pros of RFP Process:		Cons of RFP Process:
A	Gather all the relevant information tailored to the College's needs	Most vendors finance their purchase of the copiers to be leased through third-party or manufacturer-owned finance companies and require that the College remit lease payments directly to the finance company. Consequently, there are third-party contract(s) that need to be reviewed and signed, and the resulting structure may prejudice the College's interests if the finance company refuses to allow the College to withhold payments even if the vendor/lessor is in default of its service obligations.
B	Adheres to the College's procurement guidelines	The RFP process takes between three to four months to complete
C	Notify multiple vendors about our needs, which creates a competitive environment	The RFP development process is labor and resource-intensive, needing to involve departments campus-wide related to copier usage history
D	Allows the College to determine the lease/rental term per unit such as 36, 48, or 60 months	The number of copiers will change as the department needs change
E		The number of copies per month are set up for the entire College and not per machine

Pros of RFP Process:		Cons of RFP Process:
F		If the College or Vendor requires that all new copiers have the same start date, the College would have to buy out all current remaining leases, which is 17 of the 96 copiers with varying expiration dates; this would result in a substantial additional up-front fee for the College
G		Other unsolved issues would require legal counsel involvement resulting in added costs

2. Texas DIR Cooperative Contracts

Texas DIR Pros:		Texas DIR Cons:
A	Texas DIR has already completed the competitive RFP process for state and local government entities. The master lease agreement is between the vendor and Texas DIR and no additional agreements are necessary for the College with any financing company.	The College is not directly involved in the Texas DIR procurement process but other state and local government entities provide input.
B	Price to be paid for each copier has already been negotiated by Texas DIR. The College simply chooses the copier that best meets the needs of the individual departments and proceeds with requesting a vendor quote.	
C	Local vendors are accessible through Texas DIR	
D	Adheres to the College's policy procurement requirements	
E	Most commonly-used method of procurement by Texas colleges for copiers	
F	Gives the College flexibility to choose the lease/rental term for each copier: 36, 48, or 60 months	
G	Choice of allowances (number of copies per copier per month) which helps meet the needs of every individual department	
H	There are no third-party contracts that need to be reviewed and signed	
I	All the preliminary research and due diligence has already been completed	

Texas DIR Pros:		Texas DIR Cons:
J	If issues come up with vendors and the College is having difficulty resolving the matter, Texas DIR is our advocate and will work on our behalf (at no cost to us) to make sure the issues are resolved in a timely manner.	

College staff recommended continuing contracting with Texas DIR for the lease/rental procurement of district-wide copiers.

Reviewers – The lease/rental procurement of district-wide copiers was reviewed by Mrs. Mary Elizondo, Vice President for Finance and Administrative Services and Becky Cavazos, Director of Purchasing.

Funds for this expenditure were budgeted in the various requesting department budgets for FY 2021 – 2022.

Mrs. Mary Elizondo, Vice President for Finance and Administrative Services and Becky Cavazos, Director of Purchasing, attended the Committee meeting to address any questions by the Committee.

Upon a motion by Mr. Rene Guajardo and a second by Dr. Alejo Salinas, Jr., the Finance, Audit, and Human Resources Committee recommended Option #2 for the lease/rental procurement of district-wide copiers through the Texas Department of Information Resources. The motion carried.

Review and Action as Necessary for Assignment of Current Contract for Bank Depository Services from BBVA to PNC Bank

Approval of assignment of current contract for bank depository services from BBVA to PNC Bank, for the period ending January 31, 2023, will be requested at the September 28, 2021 Board meeting.

Purpose – The current bank depository services contract with BBVA would expire on January 31, 2023 and approval was needed to accept the assignment of the current bank depository services contract to PNC Bank, which acquired BBVA on June 1, 2021.

Justification – A continuation of the current bank depository services contract for the College was essential for safekeeping of College funds, maintaining a check issuing system and

providing electronic payments to students, employees, and vendors, and for funds received by the College.

Background – On October 27, 2021, the Board of Trustees awarded the bank depository services contract to BBVA for a period beginning February 1, 2021 through January 31, 2023, with three two-year options to renew.

The College was notified that effective June 1, 2021, PNC Bank acquired BBVA.

The conversion of accounts, products, and services to PNC was anticipated for October 2021. PNC would be issuing communication to customers on what to anticipate as the two banks integrate as PNC.

Reviewers – Notification was reviewed by the Vice President for Finance and Administrative Services, Comptroller, and Purchasing Department.

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

Upon a motion by Dr. Alejo Salinas, Jr. and a second by Mr. Rene Guajardo, the Finance and Human Resources committee recommended Board approval the assignment of current contract for bank depository services from BBVA to PNC Bank, for the period ending January 31, 2023, as presented. The motion carried.

Review and Recommend Action to Revise Policy #4520: Compensation for Overtime

Approval to revise Policy #4520: Compensation for Overtime will be requested at the September 28, 2021 Board meeting.

Purpose – The proposed revisions to the policy were necessary improve overtime process efficiency by including a President designee.

Justification – The request for the revisions to the policy were necessary to allow the President to delegate additional authority to other designees, including Vice Presidents, to expedite the process while maintaining strong internal controls.

Background – South Texas College adopted Policy # 4520: Compensation for Overtime on November 9, 1995 and amended the Policy on September 15, 2004.

Key revisions were as follows:

1. Authorize the President to designate the approval of overtime to other College personnel, including the Vice Presidents.
2. A monthly overtime report provided to the President by the Business Office.

Reviewers – The revised policies were reviewed by administrative staff and Vice Presidents

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

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

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

The Committee provided feedback to clarify and improve the proposed revisions to the policy. Administration agreed to review the feedback and incorporate it into a revised proposal for Board approval.

The Finance, Audit, and Human Resources Committee did not act on the policy revisions, and asked that the proposed revisions to Policy #4520: Compensation for Overtime be amended to incorporate the feedback provided by the Committee.

Review and Recommend Action to Revise Policy #5320: Preparation and Processing Of Budget Changes

Approval to revise Policy #5320: Preparation and Processing Of Budget Changes will be requested at the September 28, 2021 Board meeting.

Purpose – The proposed revisions to the policy were necessary to improve budget change efficiency by increasing the approval limits required by the President, Vice President, and Financial Manager for Unrestricted, Auxiliary, Restricted, and Plant Fund changes.

Justification – The request for the revisions to the policy were necessary to allow the President to delegate additional authority to other designees, including Vice Presidents, to expedite the process while maintaining strong internal controls.

Background – South Texas College adopted both Policy #5320: Preparation and Processing Of Budget Changes on November 9, 1995.

Key revisions were as follows:

1. Authorize the President to designate higher dollar amount levels of approval of Budget Changes to Vice Presidents.
2. President approval requirement will increase from \$5,000 and over to \$25,000 and over for Unrestricted, Auxiliary, and Restricted Fund changes.
3. President approval requirement will increase from \$10,000 and over to \$50,000 and over for Plant Fund construction budget changes.
4. Vice President and Financial Manager approval requirement will increase from under \$5,000 to under \$25,000 for Unrestricted, Auxiliary, and Restricted Fund changes.
5. Vice President and Financial Manager approval requirement will increase from under \$10,000 to under \$50,000 for Plant Fund construction budget changes.
6. A monthly budget transfer report provided to the President by the Business Office.

Reviewers – The revised policies were reviewed by administrative staff and the Vice President for Finance and Administrative Services.

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

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

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

The Committee provided feedback to clarify and improve the proposed revisions to the policy. Administration agreed to incorporate the feedback in the final presentation to the Board.

Upon a motion by Dr. Alejo Salinas, Jr. and a second by Mr. Rene Guajardo, the Finance, Audit, and Human Resources Committee recommended Board approval to revise Policy #5320: Preparation and Processing Of Budget Changes, as presented and which supersedes any previously adopted Board policy. The motion carried.

Update on No-Cost Extension (NCE) Request for the Higher Education Emergency Relief Fund (HEERF) Institutional Award

Mary Elizondo, Vice President for Finance and Administrative Services, provided an update on the no-cost extension (NCE) request for the Higher Education Emergency Relief Fund (HEERF) Institutional Award.

Purpose – Administration updated the Committee on the status of the no-cost extension (NCE) request for the HEERF Institutional Award.

Justification – Guidance provided by the US Department of Education (DOE) stated that the HEERF Institutional Funds may be used for the installation or renovation of an HVAC system, to improve air filtration to prevent the spread of COVID-19. Grantees may request to initiate a one-time extension to expand the final budget period of the grant up to 12 additional months.

Background – The US Department of Education, Higher Education Emergency Relief Fund II (HEERF II) Institutional Portion allocation under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) in the amount of \$32,178,403 was ratified by the Board of Trustees on January 26, 2021. In addition, the US Department of Education, Higher Education Relief Fund III (HEERF III) Institutional Portion allocation under the American Rescue Plan (ARP) in the amount of \$36,274,751 was ratified by the Board of Trustees on May 25, 2021.

On July 27, 2021, the South Texas College Board of Trustees approved to use Higher Education Emergency Relief Fund (HEERF) Institutional funds in the amount of \$8,719,740 for the district wide air handler replacement project, which has an estimated completion date of September 2022, subject to approval of a no-cost extension by the Department of Education.

A no-cost extension (NCE) request was necessary because the estimated completion timeline for the project extends beyond the end date of the HEERF Institutional Awards of May 19, 2022.

On August 5, 2021, the College initiated a no-cost extension request for the HEERF Institutional Award to the Department of Education (DOE). The NCE request indicated that remaining funds from the preliminary estimate would be used for other allowable expenses, such as air filters and student emergency awards.

On August 30, 2021, the DOE provided a response indicating the no-cost extension may only be requested 90 days prior to end of the grant. Based on the award period for the HEERF II and HEERF III Institutional Funds, the earliest the College may submit a request for the no-

cost extension is February 19, 2022. The College would submit the no-cost extension after February 19, 2022, if institutional funds were available for this purpose.

No action was required from the Committee. This item was presented for information purposes.

Review and Recommend Action to Use HEERF Institutional Funds to Discharge Student Debt for Summer Sessions 2020

Approval to use Higher Education Emergency Relief Fund (HEERF) Institutional Funds to discharge student debt for Summer Sessions 2020 will be requested at the September 28, 2021 Board meeting.

Purpose – To use HEERF Institutional Funds to discharge student debt for Summer Sessions 2020, as allowed by the Department of Education guidance and to offer students the opportunity to eliminate their debt burden.

Justification – Guidance provided by the Department of Education stated that the HEERF Institutional Funds may be used to reimburse sources of lost revenue including unpaid student accounts. If approved for this use, student unpaid delinquent account balances for the Summer 2020 term would be discharged with HEERF Institutional Funds. As a result, approximately 508 students with a total of \$198,457 in debt would be not expected to pay this outstanding debt in the future. In addition, collection fees of approximately \$2,092 associated with this debt would be funded with the College Auxiliary Fund.

Background – The US Department of Education, Higher Education Emergency Relief Fund II (HEERF II) Institutional Portion allocation under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) in the amount of \$32,178,403 was ratified by the Board of Trustees on January 26, 2021. In addition, the US Department of Education, Higher Education Emergency Relief Fund III (HEERF III) Institutional Portion allocation under the American Rescue Plan (ARP) in the amount of \$36,274,751 was ratified by the Board of Trustees on May 25, 2021.

As of August 24, 2021, the proposed estimated student debt that would be discharged from Summer Sessions 2020 is as follows:

Term	Number of Students	Proposed Discharged Student Debt (Estimated)
Summer 2020	508	\$198,457
Total	508	\$198,457

Reviewers – The President and the Vice Presidents reviewed the proposal to discharge student debt with HEERF Institutional Funds for Summer Sessions 2020.

Dr. Ricardo Solis, President, and Mrs. Mary Elizondo, Vice President for Finance and Administrative Services, attended the Committee meeting to address any questions by the Committee.

Upon a motion by Mr. Rene Guajardo and a second by Dr. Alejo Salinas, Jr., the Finance, Audit, and Human Resources Committee recommended Board approval to use Higher Education Emergency Relief Fund (HEERF) Institutional Funds to discharge student debt for Summer Sessions 2020 as presented. The motion carried.

Review and Recommend Action to Use HEERF Institutional Funds to Discharge Student Debt for Fall Semester 2020, Spring Semester 2021, and Summer Sessions 2021

Approval to use Higher Education Emergency Relief Fund (HEERF) Institutional Funds to discharge student debt for Fall Semester 2020, Spring Semester 2021, and Summer Sessions 2021 will be requested at the September 28, 2021 Board meeting.

Purpose – To use HEERF Institutional Funds to discharge student debt for Fall Semester 2020, Spring Semester 2021, and Summer Sessions 2021, as allowed by the Department of Education guidance and to offer students the opportunity to eliminate their debt burden.

Justification – Guidance provided by the Department of Education stated that the HEERF Institutional Funds may be used to reimburse sources of lost revenue including unpaid student accounts. If approved for this use, student unpaid delinquent account balances for the Fall Semester 2020, Spring Semester 2021, and Summer Sessions 2021, terms would be discharged with HEERF Institutional Funds. As a result, approximately 1,147 students with a total of \$605,480 in debt would be not expected to pay this outstanding debt in the future. In addition, the debt would not be referred to a collection agency as per Board Policy #5537: Collection of Delinquent Accounts.

Background – The US Department of Education, Higher Education Emergency Relief Fund II (HEERF II) Institutional Portion allocation under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) in the amount of \$32,178,403 was ratified by the Board of Trustees on January 26, 2021. In addition, the US Department of Education, Higher Education Emergency Relief Fund III (HEERF III) Institutional Portion allocation under the American Rescue Plan (ARP) in the amount of \$36,274,751 was ratified by the Board of Trustees on May 25, 2021.

On June 22, 2021, the Board of Trustees approved the discharge of student debt in the amount of \$1,009,841 and \$920,718 for the Fall Semester 2020 and Spring Semester 2021, respectively.

As of September 9, 2021, 367 additional students' debt in the amount of \$1,873 and \$292,490 was outstanding for the Fall Semester 2020 and Spring Semester 2021, respectively. In addition, students' debt in the amount of \$311,117 was outstanding for the Summer Sessions 2021.

As of August 24, 2021, the proposed estimated student debt that would be discharged is as follows:

Term	Number of Students	Proposed Discharged Student Debt (Estimated)
Fall 2020 (additional)	3	\$1,873
Spring 2021(additional)	364	292,490
Summer 2021	780	311,117
Total	1,147	\$605,480

Reviewers – The President and the Vice Presidents reviewed the proposal to discharge student debt with HEERF Institutional Funds for Fall Semester 2020, Spring Semester 2021, and Summer Sessions 2021.

Dr. Ricardo Solis, President, and Mrs. Mary Elizondo, Vice President for Finance and Administrative Services, attended the Committee meeting to address any questions by the Committee.

Upon a motion by Mr. Rene Guajardo and a second by Dr. Alejo Salinas, Jr., the Finance, Audit, and Human Resources Committee recommended Board approval to use HEERF Institutional Funds to discharge student debt for Fall Semester 2020, Spring Semester 2021, and Summer Sessions 2021 as presented. The motion carried.

Presentation and Action as Necessary on Acceptance of South Texas College Chief Executive Officer Reporting Requirements for Academic Year 2020 – 2021 of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking Incidents Under Texas Education Code, Section 51.253(c)

Acceptance of South Texas College Chief Executive Officer Reporting Requirements for Academic Year 2020 - 2021 of Sexual Harassment, Sexual Assault, Dating Violence, and

Stalking Incidents Under Texas Education Code, Section 51.253(c) will be requested at the September 28, 2021 Board Meeting.

Purpose – Under the Texas Education Code (TEC), Section 51.253(a), the institution's Title IX Coordinator is required to submit a written report no less than every three months to the Institution's Chief Executive Officer regarding reports **received from employees** who are required to report under the TEC, Section 51.252.

The Chief Executive Officer of every higher education institution must also submit a data report at least once during each fall or spring semester to the Board of Trustees and submit the report to the Texas Higher Education Coordinating Board and certify that it has been presented to the Board and posted on the College's website.

Justification -- During academic year 2020-2021 (commencing January 1, 2021), the College had received reports concerning sexual harassment, sexual assault, dating violence, or stalking incidents from employees.

Background – TEC Section 51.252 requires **employees** of higher education institutions to report incidents of sexual harassment, sexual assault, dating violence, or stalking allegedly committed by or against a student or employee to a Title IX Coordinator or Deputy Title IX Coordinator. If an employee fails to report or falsely reports such incidents, SB212 subjects these employees to criminal liability (misdemeanor) and termination of employment.

Thus, these reports **only include incidents submitted by employees** and does not include incidents submitted by students or others. Therefore, this is not a summary of all sexual harassment or sexual misconduct cases received by the College. Any additional reports received by the Title IX Coordinator that do not meet the required reporting criteria in the TEC have been omitted for compliance purposes of this specific report.

On April 27, 2021, the Interim President presented the FY 2020-2021 Quarter 1 and Quarter 2 reports.

The College President was now presenting the FY 2020-2021 Annual Report.

The Annual Report (September 2020-August 2021) included incidents defined in the TEC, Section 51.251 as "sexual harassment," "sexual assault," "dating violence," or "stalking," which are also violations of the sexual misconduct provisions of South Texas College Policy #4216: Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited.

For the purposes of complying with the reporting requirements under TEC Section 51.253(a), these reports were modeled following guidance by the Texas Higher Education Coordinating Board.

Reviewers – The Vice President for Finance and Administrative Services and Title IX Coordinator reviewed the information being presented.

Enclosed documents – The South Texas College's CEO's SB212 Annual Report (September 2020 - August 2021) was provided in the packet for the Committee's information and review.

Dr. Ricardo J. Solis, President, and Mary Elizondo, Vice President for Finance and Administrative Services and Title IX Coordinator, attended the Committee Meeting to address any questions by the Committee.

Upon a motion by Mr. Rene Guajardo and a second by Dr. Alejo Salinas, Jr., the Finance, Audit, and Human Resources Committee recommended Board approval the acceptance of South Texas College Chief Executive Officer Reporting Requirements for Academic Year 2020 - 2021 of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking Incidents under Texas Education Code Section 51.253(c) as presented. 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 7:44 p.m.

I certify that the foregoing are the true and correct Minutes of the September 14, 2021 Finance, Audit, and Human Resources Committee Meeting of the South Texas College Board of Trustees.

Mr. Rene Guajardo
Committee Chair

Review and Discussion of the Issuance of South Texas College District, Limited Tax Refunding Bonds, Taxable Series 2021

On August 24, 2021, the Board approved the College and Estrada Hinojosa & Company, the College's Financial Advisor, to compile proposed bond refunding parameters.

On August 24, 2021, the Board of Trustees authorized Resolution 2021-005 Authorizing the Issuance of South Texas College Limited Tax Refunding Bonds, Taxable Series 2021; Delegating the Authority to Certain College Officials to Execute Certain Documents Related to the Sale of the Bonds; Entering into a Bond Purchase Agreement, an Escrow Agreement, and a Paying Agent/Registrar Agreement; Approving an Official Statement for Use in the Marketing of the Bonds; and Authorizing and Approving Other Matters Related Thereto as presented.

Moody's Investor Services and S & P Global affirmed the ratings of "Aa2" and "AA", respectively, to the Refunding Bonds, Taxable Series 2021.

The College's Financial Advisor, Estrada Hinojosa & Company, will present on the issuance of South Texas College District, Limited Tax Refunding Bonds, Taxable Series 2021.

Estrada Hinojosa & Company served as Financial Advisor. The Perez Law Firm, PLLC, served as Bond Counsel. Underwriters were UBS and Wells Fargo Corporate and Investment Banking serving as Co-Senior Managers and RBC Capital Markets and FHN Financial Capital Markets serving as Co-Managers. Underwriter's Counsels were Orrick, Herrington & Sutcliffe LLP.

Dr. Miguel de los Santos from Estrada Hinojosa & Company will provide a presentation on the issuance of South Texas College District, Limited Tax Refunding Bonds, Taxable Series 2021.

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

Review and Recommend Action to Revise Policy #5120: Investment Policy and Investment Strategy Statement

Approval to revise Policy #5120: Investment Policy and Investment Strategy Statement will be requested at the October 26, 2021 Board meeting.

Purpose – The Public Funds Investment Act (PFIA), Chapter 2256.005 (e) and the College's Policy requires the governing body of an investing entity to review its Investment Policy and Investment Strategy Statement not less than annually. The governing body must adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the Investment Policy and Investment Strategy Statement and that the written instrument so adopted shall record any changes made to either the Investment Policy or Investment Strategy Statement.

Justification – Revisions to Policy #5120: Investment Policy and Investment Strategy Statement were last approved and authorized on October 27, 2020. Administration brings the Investment Policy and Investment Strategy Statement to the Board of Trustees annually, as required.

Background – The College has received the Certification of Investment Policy from the Government Treasurers' Organization of Texas (GTOT) for the past six two-year periods, beginning August, 2009. The College's Investment Policy and Investment Strategy Statement was submitted and reviewed by the Government Treasurers' Organization of Texas (GTOT). In September 2020, the College was awarded the Certificate of Distinction by GTOT for the Investment Policy. This Certificate is for a two-year period ending August 31, 2022.

Reviewers – The Investment Policy and the Investment Strategy Statement have been reviewed by staff and also by South Texas College's legal counsel, Valley View Consulting, LLC (Investment Advisor) and Carr, Riggs & Ingram, LLC (external auditors).

The current Investment Policy complies with the Public Funds Investment Act.

The revisions recommended include a reduction to the number of hours required for Investment Officer PFIA training, from 10 hours to 5 hours not less than once each state fiscal biennium or within the first twelve months after taking office or assuming duties, and minor changes to wording in an effort to provide clarification.

The revisions included in the Investment Policy are as follows:

	Section	From	To
1	On page 5, Section III E 2	In order to	To
2	On page 9, Section III G 1	10 hours	5 hours
3	On page 1, Investment Strategy Statement	In order to	To

Mr. Dick Long, from Valley View Consulting, LLC., will be presenting on the revisions to the Investment Policy.

Enclosed Documents – The Investment Policy and Investment Strategy Statement and the Certification of Investment Policy follow in the packet for the Committee's information and review.

Dr. Ricardo J. Solis, President, and Mary Elizondo, Vice President for Finance and Administrative Services, will be present at the October 19, 2021 Finance, Audit, and Human Resources 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 October 26, 2021 Board meeting, to revise Policy #5120: Investment Policy and Investment Strategy Statement, as presented and which supersedes any previously adopted Board Policy.

MANUAL OF POLICY

Title	Investment Policy	5120
Legal Authority	Approval of the Board of Trustees	Page 1 of 12
Date Approved by Board	As Amended by Board Minute Order Dated <u>October 2627, 20202021</u>	

PREFACE

It is the policy of South Texas College that, giving due regard to the safety and risk of investment, all available funds shall be invested in conformance with State and Federal Regulations, applicable Tax Exempt Bond Issue requirements, adopted Investment Policy and adopted Investment Strategy Statement.

Effective cash management is recognized as essential to good fiscal management. Aggressive cash management and effective investment strategy development will be pursued to take advantage of interest earnings as viable and material revenue to all South Texas College funds. The South Texas College investment portfolio shall conform to the strict requirements of the Act and this Policy.

Investments shall be made with the primary objectives of:

- Preservation of capital and safety of South Texas College funds,
- Maintenance of sufficient liquidity,
- Maximization of return within acceptable risk constraints, and
- Diversification of investments.

I. PURPOSE

A. Formal Adoption

This Investment Policy (hereinafter “Investment Policy” or “Policy”) is adopted by South Texas College (hereinafter “South Texas College” or the “College”) in accordance with Chapter 2256, Texas Government Code, the Public Funds Investment Act (hereinafter the “Act,” “Public Funds Investment Act,” or “PFIA”) and shall be interpreted at all times to comply with the Act.

B. Scope

This Investment Policy applies to all financial assets of South Texas College and includes the following funds or fund types: Unrestricted, Auxiliary, Restricted, Loan, Endowment, Agency, Funds for Renewal and Replacement, Unexpended Plant Funds, Funds for Retirement of Indebtedness, and any other funds which have been contractually delegated to South Texas College for management purposes.

This Policy establishes guidelines for:

- 1) Designation of Investment Officers and Investment Committee to invest South Texas College funds,
- 2) Authorized investments, and
- 3) Review and oversight of investments.

In addition to this Policy, bond funds (as defined by the Internal Revenue Service) shall be managed in accordance with their issuing documentation and all applicable State and Federal Laws.

MANUAL OF POLICY

Title	Investment Policy	5120
Legal Authority	Approval of the Board of Trustees	Page 2 of 12

C. Review and Amendment

This Policy shall be reviewed annually by the Board of Trustees. Amendments must be adopted by the Board of Trustees.

D. Investment Strategy

In conjunction with the annual Policy review, the Board of Trustees shall review the separate written investment strategy for each of South Texas College's funds. The investment strategy must describe the investment objectives for each fund according to the following priorities:

- 1) understanding of the suitability of the investment to the financial requirements of South Texas College,
- 2) preservation and safety of principal,
- 3) liquidity,
- 4) marketability of the investment if the need arises to liquidate the investment prior to maturity,
- 5) diversification of the investment portfolio, and
- 6) yield.

II. INVESTMENT OBJECTIVES

A. Safety of Principal

The primary objective of all investment activity is the preservation of capital and the safety of principal in the overall portfolio. Each investment transaction shall seek to ensure first that capital losses are minimized, whether they result from securities investments defaults or erosion of market value.

The objective will be to mitigate credit and interest rate risk.

- **Credit Risk:** In accordance with State law and the College's Investment Policy, the College limits its exposure to credit risk (the risk that the issuer of a debt security will not pay its par value upon maturity) by limiting its investments to only those authorized in Section III.A in accordance with the PFIA. In Section III.E.1, the College's Investment Policy seeks to further minimize its concentration of credit risk by establishing maximum investment percentages of classes of investments and a diversification strategy for the total College portfolio.
- **Interest Rate Risk:** In accordance with its Investment Policy, the College limits its exposure to interest rate risk by utilizing investments whose maturities will not exceed the anticipated cash flow requirements for the funds. College policy states that investments of all fund types, except for Unexpended Plant Funds and Funds for Retirement of Indebtedness, are limited to a weighted average maturity of 365 days for all investments, with a maximum allowable maturity of two years for any investment type. The investment maturities of Unexpended Plant Funds and of Funds for Retirement of Indebtedness are generally limited to the anticipated cash flow requirements of the funds.

MANUAL OF POLICY

Title

Investment Policy

5120

Legal Authority

Approval of the Board of Trustees

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B. Maintenance of Adequate Liquidity

The investment portfolio will remain sufficiently liquid to meet the cash flow requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturity with forecasted cash flow requirements, investing in securities with active secondary markets, and maintaining appropriate portfolio diversification.

C. Market Rate of Return (Yield)

The College's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, consistent with the College's investment risk constraints and the cash flow needs projected. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk investments in anticipation of earning a fair return relative to the risk being assumed. Weighted Average Yield to Maturity shall be the standard for calculating portfolio rate of return.

III. INVESTMENT POLICIES

A. Authorized Investments

South Texas College restricts its investments to the following eligible securities, as authorized by the Act.

- 1) Obligations, including letters of credit, of the United States or its agencies and instrumentalities, including the Federal Home Loan Banks.
- 2) Direct obligations of the State of Texas, or its agencies and instrumentalities.
- 3) Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
- 4) Obligations of states, agencies, counties, cities, and other political subdivisions of any State rated as to investment quality by a nationally recognized investment rating firm not less than "A" or its equivalent.
- 5) Financial institution deposits issued by a depository institution that has its main office or branch in Texas and is:
 - a) guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successors or the National Credit Union Share Insurance Fund or its successor~~;~~
 - b) secured by obligations that are described by the Public Funds Collateral Act (Chapter 2257, Texas Government Code), including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than 102% of the principal amount plus accrued interest of the deposit less the applicable level of FDIC insurance, or by Letters of Credit issued by the Federal Home Loan Bank with a value of 100% of the principal amount plus accrued interest of the deposit less the applicable level of FDIC insurance~~;~~ or
 - c) secured in any other manner and amount provided by law for deposits of the College~~;~~
 - d) issued in a manner consistent with the Act that distributes the deposit among multiple financial institutions to effectively provide FDIC insurance for the entire deposit~~;~~
 - e) governed by a Depository Agreement, as described in Section E.4 herein, that complies with Federal and State Regulation~~;~~ and
 - f) solicited for bid orally, in writing, electronically, or any combination of those methods, unless acquired exclusively from the South Texas College depository.

MANUAL OF POLICY

Title	Investment Policy	5120
Legal Authority	Approval of the Board of Trustees	Page 4 of 12

- 6) No-load government money market mutual funds registered with and regulated by the Securities and Exchange Commission whose investment objectives seek to maintain a stable \$1.0000 net asset value and that comply with the requirements of State law.
- 7) Eligible investment pools organized and operating in compliance with the Act that have been authorized by the Board of Trustees by rule, order, ordinance, or resolution and whose investment philosophy and strategy is consistent with this Policy and South Texas College's ongoing investment strategy. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

To the extent the bonds or other obligations of the College or a municipal bond insurance policy further limits the types of investments the College makes with funds pledged to the payment of those bonds or obligations, the provisions thereof shall govern.

B. Existing Investments

The College is not required to liquidate investments that were authorized investments at the time of the purchase.

C. Prohibited Investment

In accordance with Texas state law, the following are not authorized investments:

- 1) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
- 2) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- 3) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
- 4) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

D. Credit Rating Review and Effect of Loss of Required Rating

The College will seek to control the risk of loss due to failure of an investment issuer by monitoring the ratings of portfolio positions to ensure compliance with the rating requirements imposed by the Act. Not less than quarterly, the Investment Officers will obtain, from a reliable source, the current credit rating for each held investment that has a PFIA-required minimum rating. Any authorized investment that requires a minimum rating does not qualify during the period the investment does not have the minimum rating. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

E. Protection of Principal

South Texas College shall seek to control the risk of loss due to the failure of an investment issuer or grantor. Such risk shall be limited by utilizing only the least-risk types of investments as defined in the Act and the Policy, by qualifying the broker, dealer, and financial institution with whom the College will transact, by collateralization as required by law, and through portfolio diversification by maturity and type.

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The purchase of individual securities shall be executed on “delivery versus payment” (DVP) terms through the South Texas College Safekeeping Agent. By so doing, South Texas College’s funds are not released until South Texas College has received, through the Safekeeping Agent, the securities purchased.

1. Diversification by Investment Type

Diversification by investment type shall be maintained by ensuring an active and efficient secondary market in portfolio securities and by opportunity risks associated with specific security types.

Diversification by investment type shall be established by the following maximum percentages of investment type to the total South Texas College investment portfolio at the time of each investment transaction:

- a. U.S. Treasury Bills/Notes/Bonds 100%
- b. U.S. Agencies and Instrumentalities 100%
- c. States, Counties, Cities, and Other 25%
- d. Financial Institution Deposits 100%
- e. Government Money Market Mutual Funds 25%
- f. Eligible Investment Pools 50%

Bond proceeds may be invested in a single security or investment if the Investment Committee determines that such an investment is necessary to comply with Federal arbitrage restrictions or to facilitate arbitrage record-keeping and calculations.

2. Diversification by Investment Maturity

In order to minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirements of the funds. Maturity guidelines by fund are as follows: (Investment transactions made prior to the adoption of this Policy are not subject to these guidelines).

a) Unrestricted, Auxiliary, Restricted, Loan, Endowment, Agency and Plant Renewal and Replacement Funds

The weighted average days to maturity for the portfolio of these funds shall be less than 365 days and the maximum allowable maturity shall be two years for any investment type.

b) Unexpended Plant Funds

The investment maturity of Unexpended Plant Funds, allocable to a bond issue, shall generally be limited to the anticipated cash flow requirements or the “Temporary Period,” as defined by the U.S. Tax Code and the regulations thereunder. During the Temporary Period, bond proceeds may be invested at an unrestricted yield. After the expiration of the Temporary Period, bond proceeds subject to yield restriction shall be invested consistent with the yield restrictions under the U.S. Tax Code and the regulations thereunder.

The weighted average days to maturity for the Unexpended Plant Funds not allocable to a bond issue shall be less than 365 days and the maximum allowable maturity shall be two years for any investment type.

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c) Funds for Retirement of Indebtedness

Funds, along with other available monies, shall be invested to ensure adequate funding for debt service payment. The Investment Officers shall ensure that the investments mature on dates such that the available monies and the anticipated receipts from investments will be sufficient to pay, when due, the principal, interest and call premiums, if any, of the outstanding obligations.

South Texas College's funds that are considered "bond proceeds" for arbitrage purposes will be invested using a more conservative approach than the standard investment strategy when arbitrage rebate rules require rebate of excess earnings. All earnings in excess of the allowable arbitrage earnings ("rebate liability") will be segregated and made available for any necessary payments to the U.S. Treasury.

3. South Texas College Liquidity

Liquidity shall be achieved by investing in securities with active secondary markets and by maintaining minimum balances in financial institution deposits, eligible money market mutual funds and eligible investment pools.

A security may be liquidated to meet unanticipated cash requirements, to redeploy cash into other investments expected to outperform current holdings, or to otherwise adjust the portfolio.

4. Depository Agreements

Consistent with the requirements of State law, South Texas College requires all bank deposits to be federally insured or collateralized with eligible securities. Financial institutions serving as South Texas College's Depositories will be required to sign a Depository Agreement (hereinafter "Agreement") with South Texas College and South Texas College's safekeeping agent.

The safekeeping portion of the Agreement shall define South Texas College's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- the Agreement must be in writing;
- the Agreement has to be executed by the Depository and South Texas College contemporaneously with the acquisition of the asset;
- the Agreement must be executed in compliance with the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) and approved by the Board of Directors or the loan committee of the Depository and a copy of the meeting minutes must be delivered to South Texas College;
- the Agreement must be part of the Depository's "official record" continuously since its execution; and
- the Agreement states the securities and collateral will be held in South Texas College's name as evidenced by safekeeping receipts of the institution with which the securities are deposited.

a) Allowable Collateral

Eligible securities for collateralization of deposits are defined by the Public Funds Collateral Act, Chapter 2257, Texas Government Code, as amended, and those that meet the constraints of this Policy.

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b) Collateral Levels

The market value of the principal portion of securities that are pledged as collateral must at all times be equal to or greater than 102%, or 100% for Letters of Credit issued by a Federal Home Loan Bank, of par value of the time and demand deposits plus accrued interest, less the applicable level of FDIC insurance.

c) Monitoring Collateral Adequacy

South Texas College shall require monthly reports with market values of pledged securities from all financial institutions with which South Texas College has collateralized deposits. The bank shall be responsible and liable for monitoring and maintaining the collateral and collateral margins on a daily basis and for reporting these activities monthly. The Investment Officers will monitor adequacy of collateralization levels to verify market values and total collateral positions.

d) Additional Collateral

If the market value of the securities pledged as collateral for a deposit falls below 102%, or 100% for Letters of Credit issued by a Federal Home Loan Bank, of par value of time and demand deposits plus accrued interest, less the applicable level of FDIC insurance, the institution holding the deposit will be notified by the Investment Officers and will be required to pledge additional allowable collateral as defined above no later than the end of the next succeeding business day.

e) Security Substitution

Collateralized deposits often require substitution of securities. Any financial institution requesting substitution must contact the Investment Officers for approval and settlement. The substituted security's value will be calculated and substitution approved if the substitution maintains a pledged value equal to or greater than the required security level. An Investment Officer must provide written notification of the decision to the bank or the safekeeping agent holding the security prior to any security release. Substitution is allowable for all transactions, but should be limited, if possible, to minimize potential administrative problems and transfer expense. The Investment Officers may limit substitution and assess appropriate fees if substitution becomes excessive or abusive.

5. Safekeeping

a) Safekeeping Agreement

South Texas College shall contract with a bank or banks for the safekeeping and custody of securities either owned by South Texas College as a part of its investment portfolio or as part of its depository agreements or held as collateral to secure time and demand deposits. Securities and collateral will be held in an account in South Texas College's name as evidenced by safekeeping receipts of the institution with which the securities are deposited.

b) Safekeeping of Deposit Collateral

All collateral securing bank and savings and loan deposits must be held by a third-party banking institution acceptable to and under contract with South Texas College or by the Federal Reserve Bank.

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6. Competitive Bidding

The College will require at least three competitive offers or bids for all individual security purchases and sales (excluding those transactions with financial institution deposits, eligible money market mutual funds, and eligible investment pools) and require any investment advisor to do the same. Rather than relying solely on yield, investments in financial institution deposits, eligible money market mutual funds, and eligible investment pools shall be based on criteria determined by the Investment Officers.

F. Investment Advisors and Investment Providers

Investment Advisors shall adhere to the spirit, philosophy, and terms of this Policy and shall invest within the same “Standard of Care.” Investment Providers shall adhere to the spirit and philosophy of this Policy and shall avoid recommending or suggesting transactions outside that “Standard of Care.”

Selection of Investment Advisors and Investment Providers will be performed by the Board of Trustees. The Board of Trustees may contract with an investment management firm registered under the Investment Advisers Act of 1940 or with the State Securities Board to provide for the investment and management of public funds under its control. The contract period will be for a maximum of two years, and a renewal or extension of the contract must be made by the Board of Trustees by order, ordinance, or resolution. The criteria to evaluate Investment Advisors and Investor Providers include the following:

- a) Adherence to South Texas College’s policies and strategies,
- b) Investment performance and transaction pricing within accepted risk constraints,
- c) Responsiveness to South Texas College’s requests for services, information and open communication,
- d) Understanding of the inherent fiduciary responsibility of investing public funds, and
- e) Similarity in philosophy and strategy with South Texas College’s objectives.

Selected Investment Advisors and Investment Providers shall provide timely transaction confirmations and monthly activity reports.

Business organizations eligible to transact investment business with South Texas College shall be presented a written copy of this Investment Policy. Local Government Investment Pools and discretionary investment management firms seeking to transact investment business shall execute a written instrument substantially to the effect that the qualified representative has:

- 1) received and thoroughly reviewed this Investment Policy, and
- 2) acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between South Texas College and the organization that are not authorized by the College’s Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the College’s entire portfolio or requires an interpretation of subjective investment standards, or relates to investment transactions that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority .

South Texas College shall not enter into an investment transaction with a Local Government Investment Pool or discretionary investment advisor prior to receiving the written instrument described above.

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The Board of Trustees of South Texas College shall, at least annually, review, revise, and adopt a list of qualified Investment Providers (brokers/dealers/banks/pools) that are authorized to engage in investment transactions with the College.

G. Responsibility and Controls

1. Authority to Invest

South Texas College's "Investment Officers" are the Vice President for Finance and Administrative Services, the Comptroller, and one of South Texas College's elected officials (selected by the Board of Trustees). The Investment Officers are authorized to deposit, withdraw, invest, transfer, execute documentation, and otherwise manage South Texas College's funds according to this Policy. The Investment Officers may authorize one Investment Officer to deposit, withdraw, or transfer funds out of or into financial institutions, an investment pool or money market mutual fund ~~in order~~ to meet daily operating needs of South Texas College.

The Board of Trustees' Finance and Human Resources Committee shall be the Investment Committee. The Investment Committee shall review the investment portfolio's status and performance, determine and implement appropriate portfolio adjustments, review brokers/dealers/banks/pools and independent training sources, oversee South Texas College's Investment Advisor, monitor compliance with the Investment Policy and Investment Strategy Statement, and perform other duties as necessary to manage South Texas College's funds.

Each member of the Board of Trustees and the Investment Officers shall attend at least one training session, relating to the person's responsibilities under the Act within six months after taking office or assuming duties. The Texas Higher Education Coordinating Board shall provide the training.

The Investment Officers shall accumulate not less than **10-5 hours** of instruction within the first twelve months after taking office or assuming duties. The Investment Officer shall prepare a report on any changes in the Act and deliver the report to the Board of Trustees not later than the 180th day after the last day of each regular session of the legislature.

To ensure qualified and capable investment management, the Investment Officers shall receive investment training not less than once each state fiscal biennium and accumulate not less than **10-5 hours** of instruction relating to investment responsibilities that addresses investment controls, security risks, strategy risks, market risks, diversification of investment portfolio and compliance with the Act. The investment training shall be provided by the following approved training sources: the Texas Higher Education Coordinating Board, the Government Finance Officers Association of Texas, the Government Treasurers' Organization of Texas, the Texas Municipal League, Texas Association of Community College Business Officers or the University of North Texas Center for Public Management.

2. Prudent Investment Management

The Investment Officers shall perform their duties in accordance with the adopted Investment Policy and internal procedures. In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the investment of all funds over which the Investment Officer had responsibility, rather than the prudence of a single investment, shall be considered. Investment Officers acting in good faith and in accordance with these policies and procedures shall be relieved of personal liability.

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3. Standard of Care

The standard of care used by the College shall be the “prudent person rule” and shall be applied in the context of managing the overall portfolio within the applicable legal constraints. The Act states:

“Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person’s own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.”

4. Standard of Ethics and Conflicts of Interest

The Investment Officers shall act as custodians of the public trust avoiding any transaction which might involve a conflict of interest, the appearance of a conflict of interest, or any activity which might otherwise discourage public confidence. Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. If the Investment Officer has a personal business relationship with a business organization offering to engage in an investment transaction with South Texas College, the Investment Officer shall file a statement disclosing that personal business interest. If the Investment Officer is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to sell an investment to South Texas College, the Investment Officer shall file a statement disclosing that relationship as stated in the Act. This disclosure statement must be filed with the Texas Ethics Commission and the Board of Trustees. An Investment Officer has a personal business relationship with a business organization if:

- a) the Investment Officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;¹
- b) funds received by the Investment Officer from the business organization exceed 10 percent of the Investment Officer’s gross income for the previous year;² or
- c) the Investment Officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the Investment Officer.

5. Establishment of Internal Controls

South Texas College’s Investment Officers will maintain a system of internal controls over the investment activities of South Texas College.

6. Reporting

Investment performance will be monitored and evaluated by the Investment Officers. The Investment Officers shall submit an investment report to the Board of Trustees and the President quarterly. This investment report shall:

- 1) describe in detail the investment position of South Texas College;³
- 2) be prepared jointly by all Investment Officers of the College;⁴
- 3) be signed by each Investment Officer of the College;⁵
- 4) contain a summary statement of each pooled fund group that states the:
 - a. beginning market value for the reporting period;⁶
 - b. ending market value for the period;⁷ and

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- c. fully accrued interest for the reporting period²;
- 5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested²;
- 6) state the maturity date of each separately invested asset that has a maturity date²;
- 7) state the account or fund or pooled group fund in the College for which each individual investment was acquired²;
- 8) provide the credit rating for each separately invested asset that has a required minimum rating² and
- 9) state the compliance of the investment portfolio of the College as it relates to:
 - a) the investment strategy expressed in the College's Investment Policy² and
 - b) relevant provisions of the Act.

7. Methods used to Monitor the Market Price of Acquired Investments

The methods/sources to be used to monitor the market price of investments that have been acquired with public funds shall be from sources deemed reliable by an Investment Advisor, including safekeeping agent, brokers/dealers, the Wall Street Journal, Bloomberg, or other market pricing services.

8. Investment Transactions must be Settled on a Delivery Versus Payment Basis

Investment transactions will be settled on a delivery versus payment (DVP) basis with the exception of financial institution deposits, investment pool funds and mutual funds.

9. Review by Independent Auditor

In conjunction with its annual financial audit, the auditor shall perform a compliance audit of management controls on investments and adherence to the College's established Investment Policy.

If the College invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the Investment Officers must be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the Board of Trustees by the auditor.

10. Investment Policy Adoption

The Investment Policy and Investment Strategy Statement shall be reviewed annually by the Investment Committee and any modifications made thereto must be approved by the Board of Trustees. The Board of Trustees shall review the Investment Policy and Investment Strategy Statement not less than annually. The Board shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the Investment Policy and Investment Strategy Statement and that the written instrument so adopted shall record any changes made to either the Investment Policy or Investment Strategy Statement.

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IV. HISTORY

Origination Date Approved by Board	October 12, 1995
Date Amended and Approved by Board	August 8, 1996 December 11, 1997 October 15, 1998 October 17, 2002 October 16, 2003 October 21, 2004 November 17, 2005 October 19, 2006 February 15, 2007 October 18, 2007 October 13, 2008 June 25, 2009 November 23, 2009 October 25, 2010 October 27, 2011 October 30, 2012 October 28, 2013 October 28, 2014 October 27, 2015 October 25, 2016 October 24, 2017 October 30, 2018 October 29, 2019 October 27, 2020 October 26, 2021

INVESTMENT STRATEGY STATEMENT

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PREFACE

It is the policy of South Texas College that, giving due regard to the safety and risk of investment, all available funds shall be invested in conformance with State and Federal Regulations, applicable Bond Resolution requirements, adopted Investment Policy and adopted Investment Strategy Statement.

In accordance with the Act, South Texas College's investment strategies shall address the following priorities (in order of importance):

- * Understanding of the suitability of the investment to the financial requirements of South Texas College,
- * Preservation and safety of principal,
- * Liquidity,
- * Marketability of the investment if the need arises to liquidate the investment prior to maturity,
- * Diversification of the investment portfolio, and
- * Yield

Effective investment strategy development coordinates the primary objectives of South Texas College's Investment Policy and cash management procedures to enhance interest earnings and reduce investment risk. Aggressive cash management will increase the available "investment period" and subsequently interest earnings. Maturity selections shall be based on cash flow and market conditions to take advantage of various interest rate cycles. South Texas College's portfolio shall be designed and managed in a manner responsive to the public trust and consistent with the Investment Policy.

Each major fund type has varying cash flow requirements and liquidity needs. Therefore, specific strategies shall be implemented considering the fund's unique requirements. South Texas College's funds shall be analyzed and invested according to the following fund types:

- a) Unrestricted,
- b) Auxiliary,
- c) Restricted,
- d) Loan,
- e) Endowment,
- f) Agency,
- g) Funds for Renewal and Replacement,
- h) Unexpended Plant Funds, and
- i) Funds for Retirement of Indebtedness

INVESTMENT STRATEGY

To ~~In order to~~ minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirements of the fund. Investment guidelines for all fund-types are as follows:

A. Funds

South Texas College's funds include:

- Unrestricted Fund
- Auxiliary Fund
- Restricted Fund
- Loan Fund
- Endowment Fund
- Agency Fund
- Funds for Renewal and Replacement

INVESTMENT STRATEGY STATEMENT

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Unexpended Plant Funds
Funds for Retirement of Indebtedness

Suitability: Any investment eligible in the Investment Policy is suitable for all fund types.

Safety of Principal: All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur, however by managing the weighted average days to maturity for all fund types, except for Unexpended Plant Funds and Funds for Retirement of Indebtedness, to less than 365 days for all investments and restricting the maximum allowable maturity to two years for any investment type, the price volatility of the overall portfolio will be minimized. Unexpended Plant Funds investments should be as per Section III.E.2.b and Funds for Retirement of Indebtedness investments should be as per Section III.E.2.c.

Marketability: Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash requirement. Historical market “spreads” between the bid and offer prices of a particular security-type of less than ten basis points shall define an efficient secondary market. Unexpended Plant Funds investment should be as per Section III.E.2.b and Funds for Retirement of Indebtedness investment should be as per Section III.E.2.c.

Liquidity: All fund types, except for Unexpended Plant Funds and Funds for Retirement of Indebtedness require short-term liquidity. Short-term investment pools, bank deposits, and eligible money market mutual funds shall provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Diversification: Investment maturities shall be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of South Texas College. Market cycle risk will be reduced by diversifying the appropriate maturity structure out over two years.

Yield: Attaining a competitive market yield for comparable security-types and portfolio restrictions is the desired objective. The yield of a rolling three-month Treasury bill portfolio shall be the minimum yield objective.

Review and Recommend Action on Resolution 2022-005 Authorizing Investment Brokers, Dealers, Banks, and Investment Pools

Approval of Resolution Authorizing Investment Brokers, Dealers, Banks, and Investment Pools will be requested at the October 26, 2021 Board meeting.

Purpose – A change to the approved Investment Brokers, Dealers, Banks and Investment Pools list is proposed.

The Texas Public Funds Investment Act (PFIA) requires that the Board of Trustees approve any broker and dealer firms that will be used to transact investment business with the College. In addition, the College's Investment Policy requires that the Board of Trustees approve any banks and investment pools that will be used to transact investment business with the College. As per Policy #5120: *Investment Policy* and Investment Strategy Statement and in accordance with the PFIA, the Board of Trustees shall at least annually, review, revise, and adopt a list of qualified Investment Providers.

Justification – The Resolution Authorizing Investment Brokers, Dealers, Banks, and Investment Pools was approved and authorized on October 27, 2020, as amended. A revised list of brokers, dealers, banks, and investment pools, which shows a name change from BBVA to PNC Bank is included on Exhibit "A".

The recommended change to the investment brokers, dealers, and banks list is as follows:

	Section	From	To
1	List of Authorized Banks:	BBVA	PNC Bank

Background – The Board adopted specific limitations on banks that could be used for College deposits with the adoption of Resolution Authorizing Investment Brokers, Dealers, Banks, and Investment Pools on October 27, 2020, as amended. Valley View Consulting, LLC, the investment advisor under contract with the College, has confirmed the change in name from BBVA to PNC Bank.

Reviewers – The Resolution was reviewed by Valley View Consulting, LLC (Investment Advisor) and was previously reviewed by South Texas College's legal counsel.

Enclosed Documents – The revised Resolution Authorizing Investment Brokers, Dealers, Banks, and Investment Pools follows in the packet for the Committee's information and review.

Dr. Ricardo J. Solis, President, Mary Elizondo, Vice President for Finance and Administrative Services, and Mr. Dick Long, Valley View Consulting, LLC., will be present at the October 19, 2021 Finance and Human Resources Committee meeting to address any questions by the Committee.

It is requested that the Finance and Human Resources Committee recommend for Board approval at the October 26, 2021 Board meeting, Resolution Authorizing Investment Brokers, Dealers, Banks, and Investment Pools as presented, and which supersedes any previously adopted Board Resolution.

Resolution No. 2022-005

A RESOLUTION BY THE SOUTH TEXAS COLLEGE RELATING TO THE COLLEGE'S ADOPTION AND ANNUAL REVIEW OF ITS LIST OF AUTHORIZED BROKERS/DEALERS/BANKS/INVESTMENT POOLS AND AMENDING SUCH BROKERS/DEALER/BANK/INVESTMENT POOL LIST AS REQUIRED BY BOARD POLICY AND STATE LAW; AND AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

WHEREAS, the Board of Trustees (the "Board") of the South Texas College (the "College") has adopted a written Investment Policy which primarily emphasizes safety of principal and liquidity and addresses investment diversification, yield, and maturity and the quality and capability of investment management provisions in accordance with the Public Funds Investment Act, Texas Government Code Chapter 2256, Subchapter A, as amended, (the *Act*); and

WHEREAS, the Board must annually review the list of authorized brokers/dealers/banks/investment pools that are authorized to engage in investment transactions with the College and adopt a written instrument stating that it has reviewed such list of authorized brokers/dealers/banks/investment pools; and

WHEREAS, a written copy of the College's Investment Policy must be presented to any person offering to engage in an investment transaction with an investment entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio; and

WHEREAS, the authorized representatives of a business organization offering to engage in an investment transaction with the College must provide a written acknowledgement that the business organization has received the College's Investment Policy; now, therefore,

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SOUTH TEXAS COLLEGE THAT:

SECTION 1: The Board has reviewed list of authorized brokers/dealers/banks/investment pools authorized to engage in investment transactions with the College (Exhibit "A" attached hereto), and the Board further wishes to memorialize this review by the adoption of this Resolution.

SECTION 2: Prospective authorized brokers/dealers/banks/investment pools will be provided with written copies of the College's Investment Policy and such authorized representatives will provide written acknowledgments of receipt of the College's Investment Policy.

SECTION 3: This Resolution may be relied upon by all appropriate government officials and others interested in this Resolution and establishes the College's compliance with the requirements of the Act and the College's Investment Policy.

SECTION 4: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 5: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 6: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 8: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

PASSED AND APPROVED this the ____ day of _____, 2021.

SOUTH TEXAS COLLEGE

Rose Benavidez, Chair
Board of Trustees

ATTEST:

Alejo Salinas, Jr., Vice Chair
Board of Trustees

(COLLEGE SEAL)

Exhibit “A”

List of Authorized Brokers/Dealers:

FHN Securities
Duncan Williams
Multi-Bank Securities
Rice Financial
SAMCO
Wells Fargo Securities

List of Authorized Banks:

Allegiance Bank
PNC Bank
Bank of Texas
Bank OZK
Bank of South Texas
BTH Bank
BOK Financial
Capital One Bank
Comerica Bank
East West Bank
Falcon Bank
First Community Bank
Frost Bank
Greater South Texas Bank
Veritex Bank
Independent Financial
International Bank of Commerce
Vantage Bank
JPMorgan Chase
Lone Star National Bank
NexBank
PlainsCapital Bank
Prosperity Bank
Rio Bank
Southwest Bank
Southside Bank
Texas Capital Bank
Texas Regional Bank
Wallis Bank
Wells Fargo Bank

List of Authorized Investment Pools:

TexPool
TexStar

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

Approval of the following rescind of award, purchases, and renewals will be requested at the October 26, 2021 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. Rescind of Award

B. Purchases and Renewals

a. Instructional Items

b. Non-Instructional Items

c. Technology Items

A. Rescind of Award

1) Pest Control Services (Rescind)

Rescind the June 22, 2021, award to **Zaap It Pest Control** for Pest Control Services, since the vendor withdrew their proposal on September 14, 2021.

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

2) Admission Assessment Exams (Purchase)

Purchase admission assessment exams from **Elsevier, Inc.** (New York NY), a sole source vendor, for the period beginning September 1, 2021 through August 31, 2022, at an estimated amount of \$82,800.00.

Purpose – The Student Assessment Center is requesting to purchase eighteen hundred (1,800) Registered Nurse Admission Assessment Exams which will be used through the Fall 2021, Spring 2022, and Summer 2022 semesters.

Justification and Benefit – These assessments and preparation products improve student performance, promote clinical judgement, and help students achieve higher levels of success.

Funds for this expenditure are budgeted in the Testing Center budget for FY 2021 – 2022.

3) Fire Science Training Simulator (Purchase)

Purchase a fire science training simulator from **W.S. Darley & Co. / Darley Fire Equipment Division** (Itasca, IL) (New), a sole source vendor, at a total amount of \$60,500.00.

Purpose – The Division of Business, Public Safety and Technology is requesting to purchase a fire science training simulator for student instruction in the Fire Science and Law Enforcement programs at the Technology Campus Virtual Reality Lab.

Justification and Benefit –The simulation vest generates heat and instructors are able to properly demonstrate to students real life scenarios that law enforcement and fire professionals face in their industry and throughout the community. Additionally, this simulator will be used to demonstrate some of the technology available and make a great attraction for potential students visiting the Technology Campus.

Funds for this expenditure are budgeted in the Carl Perkins grant budget for FY 2021 – 2022.

4) Headwalls and Furniture for Skills Labs (Purchase)

Purchase headwalls and furniture for skills labs from **Pocket Nurse** (Monaca, PA), an Omnia Partners Purchasing Cooperative approved vendor, at a total amount of \$57,539.31.

Purpose – The Vocational Nursing and Associate Degree Nursing programs in the Division of Nursing and Allied Health is requesting to purchase fourteen (14) headwalls, three (3) bedside cabinets, and three (3) overbed tables for student instruction at the McAllen-Nursing and Allied Health and Mid Valley campuses.

Justification and Benefit – The headwalls will assist in the assembly of the skills labs used to simulate oxygen, suction, and air needed teach fundamental patient treatment skills. In addition, the requested furniture adds to the overall teaching space as it creates an opportunity for students to learn patient safety and work in a layout similar to a real-life clinic-patient setting as it heightens an essential awareness to the students to incorporate in daily practices like patient transfers.

Funds for this expenditure are budgeted in the Carl Perkins grant budget for FY 2021 – 2022.

5) Nursing Equipment and Supplies (Purchase)

Purchase nursing equipment and supplies from **Bound Tree Medical** (Dublin, OH), a Texas Association of School Boards – Buyboard approved vendor, for the period beginning September 1, 2021 through August 31, 2022, at an estimated total amount of \$80,000.00, which is based on prior year expenditures.

Purpose – The Emergency Medical Technology program in the Division of Nursing and Allied Health is requesting to purchase nursing equipment and supplies for student instruction.

Justification and Benefit – The nursing equipment and supplies will include dressing, gauzes, tubes, needles, catheter, alcohol pads, syringes, glucose test strips, intubation, IV kit, infant IV leg, skin and vein system, thorax simulator, airway trainer, etc.

Funds for this expenditure are budgeted in the Emergency Medical Technology budget for FY 2021 – 2022.

6) 3D Printers, Accessories, and Supplies (Purchase)

Purchase 3D printers, accessories, and supplies from **Technical Laboratory Systems** (Houston, TX), The Interlocal Purchasing System (TIPS) approved vendor, at a total amount of \$153,095.00.

Purpose – The Architectural and Engineering Design Technology (AEDT) program is requesting to purchase two (2) 3D printers and materials for student instruction at the Technology Campus.

Justification and Benefit – The AEDT program trains students in the latest software and technologies in the architectural civil engineering and graphics visualization fields. In the fast-developing new technologies of design and building industry, it is essential to train students using the most current technology. It will allow students to design and create 3D models of buildings, bridges, and other structures.

Funds for this expenditure are budgeted in the Texas Workforce Commission – Jobs and Education for Texans (JET) grant budget for FY 2021 – 2022.

7) Training Manikin I (Purchase)

Purchase a training manikin I from **Gaumard Scientific Co., Inc.** (Miami, FL), a Choice Partner Purchasing Cooperative approved vendor, at a total amount of \$80,278.15.

Purpose – The Emergency Medical Technology program in the Division of Nursing and Allied Health is requesting to purchase a training manikin for student instruction in the simulation center. This traumatology adult manikin is a high-fidelity trauma simulator which is necessary for creating scenarios in the classroom.

Justification and Benefit – Although students attend real emergencies in their practicum and hospital rotations, they are not always exposed to scenarios that require the use of specific knowledge or skill gained in the classroom. By using manikins with the capabilities of simulating a wide range of trauma complications such as tension pneumothorax, difficult trauma airway requiring cricothyrotomy, rapid intraosseous access, and control of major bleeding. Instructors are able to create simulated scenarios that provide students with hands-on practice on critical trauma situations and hone in on critical thinking skills. Manikins also provide the flexibility of creating scenarios in a safe environment that allows the instructor to breakdown curriculum objectives without placing any patient at risk.

Funds for this expenditure are budgeted in the Carl Perkins grant budget for FY 2021 – 2022.

8) Training Manikin II (Purchase)

Purchase a training manikin II from **Laerdal Medical Corporation** (Wappingers Falls, NY), a Texas Association of School Boards (TASB) – Buyboard approved vendor, at a total amount of \$78,281.30.

Purpose – The Vocational Nursing and Associate Degree Nursing programs in the Division of Nursing and Allied Health is requesting to purchase one (1) manikin for student instruction at the Mid Valley Campus. It will provide students with the opportunity to perform realistic assessments on the patient manikin and will allow them to practice realistic scenarios which help students learn concepts and skills. The students will perform patient treatments in an advanced simulated clinic environment.

Justification and Benefit – The patient simulator has the ability to create clinical reality-based scenarios for student education. It allows faculty to evaluate the student's care of patients and provide effective and consistent feedback. In addition, this new avenue of clinical teaching methodology in nursing, allows the faculty to evaluate student's provision of safe and competent care to assigned patients in a simulation environment. The manikin assists the students in correcting practical skills and enhancing critical thinking. This hands-on experience reinforces theory and skills that help with the board exam and/or a certification. Finally, this simulation clinical pedagogy permits students to be exposed to clinical environments and situations that allow very few students for actual observations and practices in the real clinical setting.

Funds for this expenditure is budgeted in the Carl Perkins grant budget for FY 2021 – 2022.

9) Virtual Reality Trainers (Purchase)

Purchase virtual reality trainers from **zSpace** (San Jose, CA) (New), The Interlocal Purchasing System (TIPS) purchasing cooperative approved vendor, at a total amount of \$64,536.20.

Purpose – The Automotive Technology and Welding programs are requesting to purchase ten (10) virtual reality trainers for student instruction at the Technology Campus.

Justification and Benefit – The trainers provide virtual reality techniques to career and technical education students in the automotive and welding industry. These trainers provide tools and techniques that are encountered in the industry such diagnostics on hybrid model vehicles, or welding techniques in a virtual reality setting.

Funds for this expenditure are budgeted in the Carl Perkins grant budget for FY 2021 – 2022.

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

10) Building Automation Control Equipment, Parts, and Equipment Maintenance (Purchase)

Purchase building automation control equipment, parts, and equipment maintenance from **Siemens Industry, Inc.** (Buffalo Grove, IL/La Feria, TX), a Sourcewell Cooperative approved vendor, for the period beginning September 1, 2021 through August 31, 2022, at an estimated amount of \$50,000.00, which is based on prior year expenditures.

Purpose – Facilities Operations and Maintenance is requesting building automation control equipment, parts, and equipment maintenance, which will include replacement parts and services for all the buildings through the College.

Justification and Benefit – It will include ordering and replacing parts for the air conditioning building control systems as needed.

Funds for this expenditure are budgeted in the Facilities Maintenance budget for FY 2021 – 2022.

11) Graduation Caps and Gowns (Renewal)

Renew the graduation caps and gowns contract with **Jostens, Inc.** (Minneapolis, MN), for the period January 1, 2022 through December 31, 2022, at an estimated annual amount of \$65,000.00. The graduation caps and gowns are for the May 2022 and December 2022 ceremonies.

Purpose – The Office of Admissions and Records is requesting to purchase graduation caps and gowns, as needed, which will be used to distribute to South Texas College graduates.

Justification and Benefit – The graduation caps and gowns will be used for all South Texas College graduates participating in the May 2022 and December 2022 commencement ceremonies.

Background – The Board awarded the contract for the graduation caps and gowns at the October 27, 2020 Board of Trustees meeting for one year with two one-year annual renewals. The first renewal period begins January 1, 2022 and ends December 31, 2022.

Award	Board Meeting Date	Original Term	Renewal Term
Original	10/27/20	01/01/21 – 12/31/21	2 – one year options
1 st Renewal	10/26/21		01/01/22 – 12/31/22

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 Graduation budget for FY 2021 – 2022 and FY 2022 - 2023 pending Board approval of the budget.

12) Vehicle Fuel Program (Renewal)

Renew the vehicle fuel program with **U.S. Bank/Voyager Fleet Systems** (Kansas City, MO), a State of Texas Procurement and Support Services (TPASS) approved vendor, acting by and through the State of Texas Council of Competitive Government (CCG), for the period beginning January 1, 2022 through December 31, 2022, at an estimated amount of \$130,000.00, which is based on prior year expenditures.

Purpose – The vehicle fuel program is used for College owned vehicles used by Mail Services, Central Receiving, Operations and Maintenance, Nursing and Allied Health Emergency Medical Technician Program, Police Academy, Fire Science Program, Educational Technologies, Student Activities, Information Technology, and the South Texas College Department of Public Safety for the day-to-day operations of the College.

Justification and Benefit – Use of the fuel cards is controlled by the Business Office and Purchasing Department in coordination with supervisors, financial managers, and program chairs using the cards. The Business Office has the ability to monitor all fuel purchase transactions on-line.

The advantages of using the vehicle fuel program are as follows:

- Each card is set up with a dollar amount, weekly usage, and daily usage limits
- Each employee using the card has a personal identification number, transaction limit, and dollar amount limit
- Odometer readings are required at the pump
- Business Office staff monitors transaction online
- Rebates/Discounts are paid quarterly
- 40,000 approved locations, which include locations less than a mile from the College's campuses
- The gas station with the best price is selected
- Net 30 days from monthly payment with no additional charge
- Various reports are available online for reference

The College is billed for the actual fuel charges on a monthly basis with no other type of fees assessed. As per the agreement, a quarterly rebate will be sent to the College.

Voyager's rebate is calculated by using their sales volume average for Texas, which can range from 1.150% to 1.760% per gallon, as stated in the agreement.

The rebate amounts vary based on the state average volume and usage, which brings the overall amount paid per gallon to be reduced by \$.02 to \$.052. The College has received the following rebates:

Fiscal Year	Amount
2021	\$1,828.65
2020	\$2,175.31
2019	\$2,459.42
2018	\$2,584.80
2017	\$1,610.82
2016	\$1,435.84

Funds for this expenditure are budgeted in various programs and department budgets for FY 2021 – 2022.

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

13) Computers and Laptops (Purchase)

Purchase of computers and laptops from the State of Texas Department of Information Resources (DIR) approved vendor, **Dell Marketing, LP.** (Dallas, TX), at a total amount of \$87,293.96.

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 need 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:

- Student Computers
 - ⇒ 44 Computers for Computer Science Program (Student Lab)
- Student Laptops
 - ⇒ 6 Laptops for Biology Program (Student Lab)
- Staff Computers
 - ⇒ 1 Computer for Facility Maintenance Department
 - ⇒ 3 Computers for Bachelor of Applied Technology/Science Program
 - ⇒ 1 Computer for Bachelor of Applied Science Organizational Leadership Program
- Staff Laptops
 - ⇒ 1 Laptop for Facility Maintenance Department
 - ⇒ 1 Laptop for Associate Degree Nursing Program
 - ⇒ 1 Laptop for Division of Nursing and Allied Health
 - ⇒ 1 Laptop for Information Security Department
 - ⇒ 1 Laptop for Division of Academic Affairs
 - ⇒ 2 Laptops for Division of Technology
 - ⇒ 2 Laptops for Division of Social and Behavioral Sciences
 - ⇒ 1 Laptop for Research and Analytical Services Department
- Faculty Computers
 - ⇒ 3 Computers for Emergency Medical Technology Program
- Faculty Laptops
 - ⇒ 1 Laptop for Psychological Science Program
 - ⇒ 1 Laptop for Heating, Ventilation, Air Conditioning, and Refrigeration (HVAC-R) Program
 - ⇒ 2 Laptops for Health Administrative Services Program
 - ⇒ 3 Laptops for Biology Program

Funds for these expenditures are budgeted in the requesting department budgets for FY 2020 - 2021 as follows: Computer Science, Facility Maintenance, Bachelor of Applied

Technology/Science Program, Bachelor of Applied Science Organizational Leadership, Emergency Medical Technology, Associate Degree Nursing, Division of Nursing and Allied Health, Information Security, Psychological Science, Heating, Ventilation, Air Conditioning, and Refrigeration, Academic Affairs, Technology Campus, Division of Social and Behavioral Sciences, Health Administrative Services, Biology, and Research and Analytical Services.

14) Microsoft Campus License Agreement (Renewal)

Renew the Microsoft campus license agreement with **Software House International (SHI) Government Solutions, Inc.** (Austin, TX), a State of Texas Department of Information Resources (DIR) approved vendor, for the period beginning November 1, 2021, through October 31, 2022, at a total amount of \$199,335.80.

Purpose - Information Technology is requesting to purchase a non-perpetual license from Microsoft software that includes a one-year price assurance, a non-perpetual license that includes upgrades for currently used software products, and to ensure that all of the College-owned computers have copyright complaint software installed. These software licenses are used by faculty, staff, and students for instructional and operational purposes.

Justification and Benefit – The Microsoft campus license agreement includes the following software: Microsoft Enterprise Client Access License (CAL) Suite, CAL for: Office 365 A3 for faculty and staff, and Office 365 A3 for students, Microsoft Exchange Online Advanced Thread Protection for faculty, staff, and students, one hundred seventy (170) Microsoft Windows Server Datacenter Licenses and software assurance, twenty (20) Microsoft Visual Studio Professional with MSDN Licenses, four hundred (400) Windows Server Standard Licenses and software assurance, three hundred fifty (350) Microsoft Windows Virtual Desktop Access, fifty (50) Microsoft Windows Remote Desktop Services Licenses and software assurance, six (6) Microsoft Project Online Premium Subscription Licenses, and thirty (30) Power BI Pro Subscription Licenses.

Funds for this expenditure are budgeted in the Information Technology Client Services budget for FY 2021 - 2022.

15) Syllabus Management Software Agreement (Renewal)

Renew the syllabus management software agreement with **Intellidemia, Inc.** (New York, NY), for the period beginning October 1, 2021, through September 30, 2022, at a total amount of \$20,700.00.

Purpose – The Division of Academic Affairs – Curriculum and Student Learning is requesting to renew the syllabus management software. South Texas College faculty and administrators use the software for developing, modifying, updating, and tracking syllabi across the College.

Justification and Benefit – This software allows South Texas College to meet the requirements of House Bill 2504, which mandates that each institution of higher education make available to the public on the institution's website a syllabus that satisfies any standard adopted by the institution, provides a brief description of each major course requirement, includes each major assignment and examination, lists any required or recommended reading, and provides a

general description of the subject matter of each lecture. The institution shall make the information available by not later than the seventh day after the first day of the classes for the semester or other academic term during which the course is offered.

Other benefits of the software system include the following:

- **Reporting to Accreditors:** Aggregate syllabus content from programs, departments, or the entire institution can be made available within seconds.
- **Consistency:** Institution-wide consistency can be achieved with syllabus templates. Changes, edits, and updates scale out to all syllabi, instantly.
- **Integration:** Single sign-on, LMS and SIS integration enables all faculty and other users to have a seamless user experience and it would boost the number of faculty and students using Blackboard.
- **Collaborate:** Faculty will maintain the freedom to author their syllabi while Deans, assistant Deans, and Chairs may monitor progress through audits and workflow.
- **Access:** Being cloud-based software means syllabi will be available on any device, anywhere, anytime.
- **ADA Accessibility:** Ensures all faculty syllabi contain technical requirements for accessibility by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.
- **Time saving:** The software would alleviate the burden of managing multiple emails, Word templates, and hardcopy archival.
- **Other benefits:** We will possess the ability to quickly and easily compile information regarding learning outcomes and assessments. What took a team of people weeks will now done in few clicks.

Background – The Board awarded the contract for syllabus management software agreement at the September 25, 2018 Board of Trustees meeting for three years and two one-year annual renewals. The first renewal period begins October 1, 2021 and ends September 30, 2022.

Award	Board Meeting Date	Original Term	Renewal Term
Original	9/25/18	10/01/18 – 9/30/21	2 – one year options
1 st Renewal	10/26/21		10/01/21 – 9/30/22

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 Curriculum and Student Learning budget for FY 2021 – 2022.

Recommendation:

It is requested that the Finance, Audit, and Human Resources Committee recommend for Board approval at the October 26, 2021 Board meeting the rescind of award, purchases, and renewals as listed below:

A. Rescind of Award

B. Purchases and Renewals

- a. Instructional Items**
- b. Non-Instructional Items**
- c. Technology Items**

A. Rescind of Award

- 1) Pest Control Services (Rescind):** rescind the June 22, 2021, award to **Zaap It Pest Control** for Pest Control Services, since the vendor withdrew their proposal on September 14, 2021:

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

- 2) Admission Assessment Exams (Purchase):** purchase admission assessment exams from **Elsevier, Inc.** (New York, NY), a sole source vendor, for the period beginning September 1, 2021 through August 31, 2022, at an estimated amount of \$82,800.00;
- 3) Fire Science Training Simulator (Purchase):** purchase a fire science training simulator from **W.S. Darley & Co. / Darley Fire Equipment Division** (Itasca, IL) (New), a sole source vendor, at a total amount of \$60,500.00;
- 4) Headwalls and Furniture for Skills Labs (Purchase):** purchase headwalls and furniture for skills labs from **Pocket Nurse** (Monaca, PA), an Omnia Partners Purchasing Cooperative approved vendor, at a total amount of \$57,539.31;
- 5) Nursing Equipment and Supplies (Purchase):** purchase nursing equipment and supplies from **Bound Tree Medical** (Dublin, OH), a Texas Association of School Boards – Buyboard approved vendor, for the period beginning September 1, 2021 through August 31, 2022, at an estimated total amount of \$80,000.00, which is based on prior year expenditures;
- 6) 3D Printers, Accessories, and Supplies (Purchase):** purchase 3D printers, accessories, and supplies from **Technical Laboratory Systems** (Houston, TX), The Interlocal Purchasing System (TIPS) approved vendor, at a total amount of \$153,095.00;
- 7) Training Manikin I (Purchase):** purchase a training manikin I from **Gaumard Scientific Co., Inc.** (Miami, FL), a Choice Partner Purchasing Cooperative approved vendor, at a total amount of \$80,278.15;
- 8) Training Manikin II (Purchase):** purchase a training manikin II from **Laerdal Medical Corporation** (Wappingers Falls, NY), a Texas Association of School Boards (TASB) – Buyboard approved vendor, at a total amount of \$78,281.30;
- 9) Virtual Reality Trainers (Purchase):** purchase virtual reality trainers from **zSpace** (San Jose, CA) (New), The Interlocal Purchasing System (TIPS) purchasing cooperative approved vendor, at a total amount of \$64,536.20;

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

- 10) Building Automation Control Equipment, Parts, and Equipment Maintenance (Purchase):** purchase building automation control equipment, parts, and equipment maintenance from **Siemens Industry, Inc.** (Buffalo Grove, IL/La Feria, TX), a

Sourcewell Cooperative approved vendor, for the period beginning September 1, 2021 through August 31, 2022, at an estimated amount of \$50,000.00, which is based on prior year expenditures;

11) Graduation Caps and Gowns (Renewal): renew the graduation caps and gowns contract with **Jostens, Inc.** (Minneapolis, MN), for the period beginning January 1, 2022 through December 31, 2022, at an estimated annual amount of \$65,000.00. The graduation caps and gowns are for the May 2022 and December 2022 ceremonies;

12) Vehicle Fuel Program (Renewal): renew the vehicle fuel program with **U.S. Bank/Voyager Fleet Systems** (Kansas City, MO), a State of Texas Procurement and Support Services (TPASS) approved vendor, acting by and through the State of Texas Council of Competitive Government (CCG), for the period beginning January 1, 2022 through December 31, 2022, at an estimated amount of \$130,000.00, which is based on prior year expenditures;

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

13) Computers and Laptops (Purchase): purchase of computers and laptops from the State of Texas Department of Information Resources (DIR) approved vendor, **Dell Marketing, LP.** (Dallas, TX), at a total amount of \$87,293.96;

14) Microsoft Campus License Agreement (Renewal): renew the Microsoft campus license agreement with **Software House International (SHI) Government Solutions, Inc.** (Austin, TX), a State of Texas Department of Information Resources (DIR) approved vendor, for the period beginning November 1, 2021 through October 31, 2022, at a total amount of \$199,335.80;

15) Syllabus Management Software Agreement (Renewal): renew the syllabus management software agreement with **Intellidemia, Inc.** (New York, NY), for the period beginning October 1, 2021, through September 30, 2022, at a total amount of \$20,700.00.

Recommend Action - The total for all rescind of award, purchases, and renewals is \$1,209,379.72.

NO BACKUP FOR

1. Pest Control Services (Rescind Award)

SOUTH TEXAS COLLEGE
2. ADMISSION ASSESSMENT EXAMS

VENDOR			Elsevier, Inc.	
ADDRESS			P O Box 9555	
CITY/STATE/ZIP			New York, NY 10087	
PHONE			314-447-8581	
CONTACT			Jizelle Conopio	
#	Qty	Description	Unit Price	Extension
1	1,800	Registered Nurse Admission Assessment Exams Period: 9/1/21 - 8/31/22	\$ 46.00	\$ 82,800.00
TOTAL AMOUNT			\$ 82,800.00	

SOUTH TEXAS COLLEGE
3. FIRE SCIENCE TRAINING SIMULATOR

VENDOR			W.S. Darley & Co. / Darley Fire Equipment Division	
ADDRESS			325 Spring Lake Dr	
CITY/STATE/ZIP			Itasca, IL 60143	
PHONE			630-735-3500	
CONTACT			Brandon Santiago	
#	Qty	Description	Unit Price	Extension
1	1	FLAIM Trainer V2 System includes SCBA backpack with computer, HTC VIVE PRO VR headset, patented force feedback hose reel, TFT nozzle, full face mask breathing apparatus, fire proximity heat suit, cables, system peripherals.	\$ 49,500.00	\$ 49,500.00
2	1	FLAIM Trainer extended 1 year software subscription license, full hardware system warranty, technical support, quarterly release software upgrades and access to expanding scenario library.	\$ 7,000.00	\$ 7,000.00
3	1	2 Days Training and Coaching inclusive of travel expenses.	\$ 4,000.00	\$ 4,000.00
TOTAL AMOUNT			\$ 60,500.00	

SOUTH TEXAS COLLEGE
4. HEADWALLS AND FURNITURE FOR SKILLS LABS

VENDOR			Pocket Nurse	
ADDRESS			610 Frankfort Rd	
CITY/STATE/ZIP			Monaca, PA 15061	
PHONE			800-225-1600	
CONTACT			Brad Herskovitz	
#	Qty	Description	Unit Price	Extension
1	14	Headwall Horizontal Private Functional with Vertical Chase	\$ 3,921.00	\$ 54,894.00
2	3	Bedside 3-Drawer Cabinet	\$ 298.94	\$ 896.82
3	3	Table Overbed Standard - Medium Oak	\$ 138.94	\$ 416.82
4	1	Shipping and Handling	\$ 1,331.67	\$ 1,331.67
TOTAL AMOUNT			\$ 57,539.31	

SOUTH TEXAS COLLEGE
5. NURSING EQUIPMENT AND SUPPLIES

VENDOR			Bound Tree Medical	
ADDRESS			5000 Tuttle Crossing Blvd	
CITY/STATE/ZIP			Dublin, OH 43016	
PHONE			800-533-0523	
CONTACT			Chris Fyffe	
#	Qty	Description	Unit Price	Extension
1	1	Nursing Equipment and Supplies Period: 9/1/21 - 8/31/22	\$ 80,000.00	\$ 80,000.00
TOTAL AMOUNT			\$ 80,000.00	

SOUTH TEXAS COLLEGE
6. 3D PRINTERS, ACCESSORIES, AND SUPPLIES

VENDOR			Technical Laboratory Systems	
ADDRESS			P O Box 218609	
CITY/STATE/ZIP			Houston, TX 77218	
PHONE			800-445-1088	
CONTACT			Mike Sudduth	
#	Qty	Description	Unit Price	Extension
1	1	Stratasys J55 Printer System	\$ 116,475.00	\$ 116,475.00
2	1	Stratasys J55 Material Cabinet	\$ -	\$ -
3	1	Pack of 1-RGD810 Veroclear 1.1KG	\$ -	\$ -
4	1	Pack of 1-RDG837 Veropure White 1.1KG	\$ -	\$ -
5	1	Pack of 1-RDG838 Veroyellow 1.1KG	\$ -	\$ -
6	1	Pack of 1-RGD845 Verocyan V 1.1KG	\$ -	\$ -
7	1	Pack of 1-RGD852 Veromagenta V 1.1KG	\$ -	\$ -
8	1	Pack of 1-SUP706 Support 1.1KG	\$ -	\$ -
9	1	Pack of 1-RGD810 Veroclear 1.1KG	\$ 400.00	\$ 400.00
10	1	Pack of 1-RDG837 Veropure White 1.1KG	\$ 400.00	\$ 400.00
11	1	Pack of 1-RDG838 Veroyellow 1.1KG	\$ 400.00	\$ 400.00
12	1	Pack of 1-RGD845 Verocyan V 1.1KG	\$ 400.00	\$ 400.00
13	1	Pack of 1-RGD852 Veromagenta V 1.1KG	\$ 400.00	\$ 400.00
14	1	Pack of 1-SUP706 Support 1.1KG	\$ 130.00	\$ 130.00
15	1	Proaero Air Extractor	\$ 2,945.00	\$ 2,945.00
16	1	J55 HOW Scale Kit	\$ 330.00	\$ 330.00
17	1	J55 Scanner Kit	\$ 260.00	\$ 260.00
18	1	Water Jet System	\$ 3,580.00	\$ 3,580.00
19	1	Installation and Training	\$ 4,000.00	\$ 4,000.00
20	1	Shipping and Handling	\$ 1,027.00	\$ 1,027.00
21	1	Stratasys F120 Printer System	\$ 13,235.00	\$ 13,235.00
22	1	Material FDM (S) SR-30 200CI Long Lead	\$ 607.00	\$ 607.00
23	1	Material FDM (M) ABS Black 200CI Long Lead	\$ 623.00	\$ 623.00
24	1	Material FDM (M) ASA IVR 200CI Long Lead	\$ 670.00	\$ 670.00
25	1	SCA 1200 HT Support Cleaning Apparatus	\$ 3,915.00	\$ 3,915.00
26	2	Waterworks/P400-SC Soluble Concentrate (12)	\$ 149.00	\$ 298.00
27	1	Installation and Training	\$ 2,250.00	\$ 2,250.00
28	1	Shipping and Handling	\$ 750.00	\$ 750.00
TOTAL AMOUNT			\$ 153,095.00	

SOUTH TEXAS COLLEGE
7. TRAINING MANIKIN I

VENDOR			Gaumard Scientific Co., Inc.	
ADDRESS			14700 SW 136th St	
CITY/STATE/ZIP			Miami, FL 33196	
PHONE			305-971-3790	
CONTACT			Abigail Rodriguez	
#	Qty	Description	Unit Price	Extension
1	1	HAL Medium Skin Tone Adult Tetherless Simulator - Turn-Key Solution Package	\$ 48,995.00	\$ 48,995.00
2	1	Traumatic Leg Amputation Accessory	\$ 795.00	\$ 795.00
3	1	Traumatic Arm Amputation Accessory	\$ 795.00	\$ 795.00
4	1	Emergency Wound Kit Medium Skin Tone	\$ 495.00	\$ 495.00
5	1	Trauma Wound Kit Medium Skin Tone	\$ 450.00	\$ 450.00
6	1	Casualty Wound Kit Medium Skin Tone	\$ 595.00	\$ 595.00
7	1	Burns Wound Kit Medium Skin Tone	\$ 395.00	\$ 395.00
8	1	Training Services and Installation for HAL Adult Tetherless Simulator	\$ 2,500.00	\$ 2,500.00
9	1	Gaumard Cares Gold 5 Year Service Plan for Adult Simulator	\$ 25,995.00	\$ 25,995.00
10	1	Less Discount	\$ (1,469.85)	\$ (1,469.85)
11	1	Shipping and Handling	\$ 733.00	\$ 733.00
TOTAL AMOUNT			\$ 80,278.15	

SOUTH TEXAS COLLEGE
8. TRAINING MANIKIN II

VENDOR			Laerdal Medical Corporation	
ADDRESS			167 Myers Corners Rd	
CITY/STATE/ZIP			Wappingers Fall, NY 12590	
PHONE			254-404-7189	
CONTACT			Sherri Brister	
#	Qty	Description	Unit Price	Extension
1	1	SimMan 3G Pluss Medium Manikin and Accessories	\$ 74,189.50	\$ 74,189.50
2	1	Laptop for Ultrasound or Patient Monitor	\$ 1,865.90	\$ 1,865.90
3	1	SimMan Onsite Installation	\$ 1,874.36	\$ 1,874.36
4	1	Shipping and Handling	\$ 351.54	\$ 351.54
TOTAL AMOUNT			\$ 78,281.30	

SOUTH TEXAS COLLEGE
9. VIRTUAL REALITY TRAINERS

VENDOR			zSpace	
ADDRESS			2050 Gateway Pl Ste 100-302	
CITY/STATE/ZIP			San Jose, CA 95110-1036	
PHONE			408-498-4050	
CONTACT			Jennifer King	
#	Qty	Description	Unit Price	Extension
1	10	--zSpace All-In-One (AIO) PRO Station (includes zSpace Studio and Leopoldy Maker) with 1 year warranty and configuration. --zView Camera and Armature for zSpace AIO	\$ 4,692.02	\$ 46,920.20
2	10	--AIO Software License: GTAFE Virtual Automotive Expert, Mechanic, and Diagnostics. --AIO Software License: GTAFE Electric Automotive Mechanic & Hybrid Automotive Mechanic --Perpetual AIO Software License: zView Software	\$ 1,014.75	\$ 10,147.50
3	10	Warranty on zSpace AIO or AIO PRO for an additional 2 years	\$ 371.85	\$ 3,718.50
4	1	zSpace hosts and facilitates a remote Onboarding Call, Review & Sign Off of technical requirements, completes a remote network check, facilitates a remote orientation to zSpace training. --1 Day Onsite Professional Development for zSpace designed to train end user on the technology, hardware, software, and instructional application of zSpace. (2-20) participates)	\$ 3,750.00	\$ 3,750.00
TOTAL AMOUNT			\$ 64,536.20	

SOUTH TEXAS COLLEGE
10 BUILDING AUTOMATION CONTROL EQUIPMENT, PARTS, AND
EQUIPMENT MAINTENANCE

VENDOR			Siemens Industry, Inc.	
ADDRESS			1000 Deerfield Parkway	
CITY/STATE/ZIP			Buffalo Grove, IL 60089	
LOCAL ADDRESS			2805 W Expway 83 La Feria, TX	
PHONE			956-797-5075	
CONTACT			Samuel Davis	
#	Qty	Description	Unit Price	Extension
1	1	Building Automation Control Equipment, Parts, and Equipment Maintenance Period: 9/1/21 - 8/31/22	\$ 50,000.00	\$ 50,000.00
TOTAL AMOUNT			\$ 50,000.00	



Purchasing Department
Pecan Campus Bldg N

P.O. Box 9701

McAllen, TX 78502

Phone: (956) 872-4681

Fax: (956) 872-4688

October 19, 2021

Jostens, Inc.
 Attn: Chris Poitras
 7760 France Ave S Ste 400
 Minneapolis, MN 55435

Dear Mr. Poitras:

On October 27, 2020, South Texas College awarded a contract to Jostens, Inc. for Graduation Caps and Gowns. 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 first year of the contract and would like to renew for an additional one-year period. The first renewal period will be from January 1, 2022 through December 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 December 31, 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
12. VEHICLE FUEL PROGRAM

VENDOR			U. S. Bank / Voyager Fleet Systems	
ADDRESS			P O Box 412535	
CITY/STATE/ZIP			Kansas City, MO 64141	
PHONE			800-987-6591	
CONTACT			Pam Pradhan	
#	Qty	Description	Unit Price	Extension
1	1	Vehicle Fuel Program Period: 1/1/22 - 12/31/22	\$ 130,000.00	\$ 130,000.00
TOTAL AMOUNT			\$ 130,000.00	

SOUTH TEXAS COLLEGE
13. DISTRICT WIDE TECHNOLOGY REQUEST
OCTOBER 26, 2021

#	Qty	Description	Unit Price	Extension	Financial Manager / Program / Department
COMPUTERS					
1	3	Dell OptiPlex 5090 Tower, Intel Core i7-10700, 16GB Memory	\$ 833.42	\$ 2,500.26	Carlos Tello - Emergency Medical Technology Program
		512GB Hard Drive, Intel Integrated Graphics, Warranty			Replacement of outdated systems for dept faculty
2	1	Dell OptiPlex 5090 Tower, Intel Core i7-10700, 16GB Memory	\$ 833.42	\$ 833.42	Emma Miller - BAS Organizational Leadership
		512GB Hard Drive, Intel Integrated Graphics, Warranty			Replacement of out-of-warranty system for dept staff
3	1	Dell OptiPlex 5090 Tower, Intel Core i7-10700, 16GB Memory	\$ 1,025.14	\$ 1,025.14	Luis De La Garza - Facility Maintenance
		512GB Hard Drive, Intel Integrated Graphics, 22" Monitor, Warranty			New system for new dept staff
4	44	Dell OptiPlex 5090 Tower, Intel Core i7-10700, 16GB Memory	\$ 1,025.14	\$ 45,106.16	Saeed Molki - Computer Science Program
		512GB Hard Drive, Intel Integrated Graphics, 22" Monitor, Warranty			Replacement of out-of-warranty systems for student computer lab
5	3	Dell OptiPlex 5090 Tower, Intel Core i7-10700, 16GB Memory	\$ 833.42	\$ 2,500.26	Ali Esmaeili - Bachelor of Applied Technology/Bachelor of Applied Science
		512GB Hard Drive, Intel Integrated Graphics, Warranty			New systems for new dept staff
		COMPUTER TOTAL		\$ 51,965.24	
LAPTOPS					
6	1	Laptop Latitude Bundle 5420 BTX Base, Intel Core i5-1145G7, 8GB Memory,	\$ 1,190.59	\$ 1,190.59	Anahid Petrosian - Division of Academic Affairs
		256GB Hard Drive, Intel Iris Xe Graphics, Keyboard and Mouse, Docking Station, Warranty			New system for new dept staff
7	1	Laptop Mobile Precision 5560 CTO, Intel Core i7-11800H, 16GB Memory,	\$ 2,514.99	\$ 2,514.99	Jose Vela - Heating, Ventilation, Air Conditioning, and Refrigeration Program
		512GB Hard Drive, NVIDIA T1200 w/4GB, Docking Station, Warranty			New system for dept faculty
8	2	Laptop Latitude 5320 BTX Base, Intel Core i5-1135G7, 8GB Memory, 256GB Hard Drive	\$ 1,207.46	\$ 2,414.92	Theresa L. Garza - Health Administrative Services Program
		Intel WiFi 6 AX201, Power Adapter, Active Pen, Warranty			New systems for dept faculty
9	1	Laptop Latitude 5420 BTX Base, Intel Core i5-1145G7, 8GB Memory,	\$ 946.25	\$ 946.25	Luis De La Garza - Facility Maintenance
		256GB Hard Drive, Intel Iris Xe Graphics, Warranty			Replacement of non-working system for dept staff
10	2	Laptop Latitude Bundle 5420 BTX Base, Intel Core i5-1145G7, 8GB Memory,	\$ 1,993.57	\$ 3,987.14	Sara Lozano - Division of Technology
		256GB Hard Drive, Intel Iris Xe Graphics, Keyboard and Mouse, Docking Station,			New systems for new dept staff
		(4) 27" Monitors, Warranty			
11	2	Laptop Mobile Precision 5560 CTO, Intel Core i7-11800H, 16GB Memory,	\$ 2,514.99	\$ 5,029.98	Eric L. Reitinger - Division of Social and Behavioral Sciences
		512GB Hard Drive, NVIDIA T1200 w/4GB, Docking Station, Warranty			New systems for dept staff
12	1	Laptop Latitude 5420 BTX Base, Intel Core i5-1145G7, 8GB Memory,	\$ 946.25	\$ 946.25	Carlo Gonzalez - Psychological Science Program
		256GB Hard Drive, Intel Iris Xe Graphics, Warranty			New system for dept faculty
13	1	Laptop Mobile Precision 5560 CTO, Intel Core i7-11800H, 16GB Memory,	\$ 2,514.99	\$ 2,514.99	Luis Gonzalez - Information Security
		512GB Hard Drive, NVIDIA T1200 w/4GB, Docking Station, Warranty			Replacement of out-of-warranty system for dept staff

SOUTH TEXAS COLLEGE
13. DISTRICT WIDE TECHNOLOGY REQUEST
OCTOBER 26, 2021

#	Qty	Description	Unit Price	Extension	Financial Manager / Program / Department
14	1	Laptop Latitude Bundle 5420 BTX Base, Intel Core i5-1145G7, 16GB Memory, 256GB Hard Drive, Intel Iris Xe Graphics, Keyboard, Mouse, Docking Station, Warranty	\$ 1,388.73	\$ 1,388.73	Serkan Celtek - Research and Analytical Services Replacement of out-of-warranty system for dept staff
15	1	Laptop Mobile Precision 5560 CTO, Intel Core i7-11800H, 16GB Memory, 512GB Hard Drive, NVIDIA T1200 w/4GB, Docking Station, Warranty	\$ 2,514.99	\$ 2,514.99	Jayson Valerio - Division of Nursing and Allied Health Replacement of out-of-warranty system for dept staff
LAPTOPS					
16	1	Laptop Latitude 5320 BTX Base, Intel Core i5-1135G7, 8GB Memory, 256GB Hard Drive (1)Monitor Stand, Warranty	\$ 2,630.62	\$ 2,630.62	Mariano Acevedo - Associate Degree Nursing Program Replacement of non-working system for dept staff
17	6	Laptop Latitude 5420 BTX Base, Intel Core i5-1145G7, 8GB Memory, 256GB Hard Drive, Intel Iris Xe Graphics, Warranty	\$ 946.25	\$ 5,677.50	Maria Cervantes - Biology Program New systems for student Biology lab
18	1	Laptop Latitude Bundle 5420 BTX Base, Intel Core i5-1145G7, 8GB Memory, 256GB Hard Drive, Intel Iris Xe Graphics, Keyboard, Mouse, Docking Station, Warranty	\$ 1,190.59	\$ 1,190.59	Maria Cervantes - Biology Program New system for dept faculty
19	1	Laptop Latitude Bundle 5420 BTX Base, Intel Core i5-1145G7, 8GB Memory, 256GB Hard Drive, Intel Iris Xe Graphics, Keyboard, Mouse, Docking Station, Warranty	\$ 1,190.59	\$ 1,190.59	Maria Cervantes - Biology Program New system for dept faculty
20	1	Laptop Latitude Bundle 5420 BTX Base, Intel Core i5-1145G7, 8GB Memory, 256GB Hard Drive, Intel Iris Xe Graphics, Keyboard, Mouse, Docking Station, Warranty	\$ 1,190.59	\$ 1,190.59	Maria Cervantes - Biology Program New system for dept faculty
		LAPTOP TOTAL		\$ 35,328.72	
		COMPUTERS/LAPTOPS TOTAL		\$ 87,293.96	

SOUTH TEXAS COLLEGE
14. MICROSOFT CAMPUS LICENSE AGREEMENT

VENDOR			Software House International (SHI) Government Solutions, Inc.	
ADDRESS			3828 Pecana Trail	
CITY/STATE/ZIP			Austin, TX 78749	
PHONE			512-914-3884	
CONTACT			Valerie Vacek	
#	Qty	Description	Unit Price	Extension
Period: 11/1/2021 - 10/31/2022				
1	2,400	Microsoft 365 A3 - Subscription License - 1 User - Hosted - Academic EES All Languages	\$ 56.22	\$ 134,928.00
2	96,000	Microsoft 365 A3 - Subscription License - 1 User-Hosted-Academic, Student-EES All Languages	\$ -	\$ -
3	170	Microsoft Windows Server Datacente Edition - License and Software Assurance - 2 Cores - Enterprise - All Languages	\$ 44.03	\$ 7,485.10
4	20	Microsoft Visual Studio Professional with MSDN - License and Software Assurance - 1 User - Select ESS - Win - All Languages	\$ 62.21	\$ 1,244.20
5	400	Microsoft Windows Server Standard Edition - License and Software Assurance - 2 Cores - Enterprise - All Languages	\$ 6.70	\$ 2,680.00
6	350	Microsoft Windows Virtual Desktop Access - Subscription License - 1 Device Select, Select Plus EES - Win - All Languages	\$ 35.83	\$ 12,540.50
7	2,400	Microsoft Exchange Online Advanced Threat Protection - Subscription License - 1 User - Hosted - Academic Faculty - Campus School EES - All Languages	\$ 16.00	\$ 38,400.00
8	36,000	Microsoft Exchange Online Advanced Threat Protection - Subscription License - 1 User - Hosted - Academic, Student	\$ -	\$ -
9	50	Microsoft Windows Remote Desktop Services - License and Software Assurance - 1 Device CAL - Academic - Campus School Enterprise Select, Select Plus, EES - Win - All Languages	\$ 9.00	\$ 450.00
10	6	Microsoft Project Online Premium - Subscription License - 1 User - Hosted - Academic, Faculty - Campus School EES - All Languages	\$ 113.00	\$ 678.00
11	30	Power BI Pro - Subscription License - 1 User - Hosted - Academic - Campus School EES - All Languages	\$ 31.00	\$ 930.00
TOTAL AMOUNT			\$ 199,335.80	



Purchasing Department
Pecan Campus Bldg N

P.O. Box 9701

McAllen, TX 78502

Phone: (956) 872-4681

Fax: (956) 872-4688

October 19, 2021

Intellidemia, Inc.
 Attn: Mr. George Cook
 244 Fifth Ave Ste J-290
 New York, NY 10001

Dear Mr. Cook:

On September 25, 2018, South Texas College awarded a contract to Intellidemia, Inc. for Syllabus Management Software. 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 third year of the contract and would like to renew for an additional one-year period. The first renewal period will be from October 1, 2021 through September 30, 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 September 30, 2022 with no change in terms and conditions as per the South Texas College bid previously submitted.

Authorized Signature: _____

Name Printed: _____

Date: _____

Discussion and Action as Necessary on Solicitation of a Request for Proposals for Food Services

Approval for the solicitation of a Request for Proposals (RFP) for Food Services will be requested at the October 26, 2021 Board meeting.

Purpose –The College is seeking Cafeteria Dining, Fast Food/Coffeehouse, and/or Food Truck Services to provide meals and beverages to students and employees at all campuses.

Justification – Due to the negative impact of the pandemic on the volume of sales resulting in a net loss, on December 16, 2020, the College discontinued Food Services, which were operated by College employees. Administration has been monitoring the number of students and employees on campus and the need to re-establish the Food Services operation. In an effort to address the current needs and have the flexibility to scale up or down, depending on sale volume without affecting College personnel, Administration is purposing the option of outsourcing the food services operations. The agreements between the College and food service vendors will allow flexibility on the contract terms regarding the begin and end date, variety of meals, number of vendor types, and hours and days of operations.

The award may be made to one or more of these types of vendors to offer students, employees, and visitors a variety of meals, beverages, and snacks at different locations and times.

Background – The Food Services Department was established to provide food, beverages, and snacks to students on campus and was operated by College employees. On November 24, 2020, the Board approved to cease Food Services operations on December 16, 2020, due to the significant reduction of customers resulting from COVID-19 restrictions, safety measures in place, and associated negative financial impact.

At this time, Administration recommends not to manage the Food Services Department internally due to the uncertain financial sustainability. An in-house operation would require hiring appropriate personnel for each location, which includes the hiring process of interviews and onboarding.

The College is proposing to prepare a Request for Proposals (RFP) to seek different types of food services vendors for the five (5) campuses to include the following:

A. Cafeteria Dining Services

The awarded vendors will be allowed to operate the cafeteria, including the kitchen area, dining area, and ancillary spaces.

The cafeteria dining services vendor will prepare and cook breakfast and lunch meals on-site using the cafeteria's kitchen to sell hot-and-ready special entrées, daily lunch specials, and other items such as pizza, hot dogs, tacos, hamburgers, sandwiches, salads, other special diets, desserts, snacks, and beverages.

B. National or Locally-Owned Fast-Food/Coffeehouse Vendors

The awarded vendors will be allowed to operate at a designated cafeteria space or other location on campus.

The national or locally-owned fast food/coffeehouse vendors will prepare and cook their exclusive menu items that are recognized as the vendor's branded food and/or coffee. If needed, the vendor has the option to use the cafeteria's kitchen or use another location on campus to sell the food to go.

C. Food Truck Services

The awarded authorized vendors will be allowed to operate at a designated parking space convenient for students, employees, and visitors.

The local food truck vendors will offer students a variety of meal options to go. The College may leverage using a food truck to enhance students' overall experience during student activity events such as enrollment and recruitment events. The food truck location may be in a high traffic area for students to quickly pick up breakfast, lunch, drinks, or snacks in a convenient manner. Food trucks have recently become a trend option because of their low maintenance cost, variety of meals, mobility and accessibility, and are being used at other colleges.

Locations appropriate for food trucks have been identified in each of the five (5) campuses.

Cafeteria dining and national or locally-owned fast-food/coffeehouse vendors may use the cafeteria at each campus, as follows:

Location	Cafeterias Sq. Ft.
Pecan Campus	9,141 sq.ft.
Technology Campus	1,801 sq.ft.
Nursing and Allied Health Campus	3,798 sq.ft.
Mid Valley Campus	5,414 sq.ft.
Starr County Campus	2,705 sq.ft.

Considerations

Upon Board approval to solicit and based on the number of RFP respondents, the main following factors and other pertinent factors will determine the outcome in proposing the selection of the vendors, number of vendors, and the type of vendors:

- The number and availability of food service and food truck vendors responding at each campus.
- The availability of campus cafeterias and other locations/ancillary spaces.
- The availability to provide catering services for College meetings or special events.
- The contract terms such as dates, commission rates, and lease space rates.

- The hours and days of operation.
- The types of food and drinks.

Tentative Timeline

The following table illustrates a tentative timeline:

Month	Activity
October 2021	Receive Board approval to solicit
November 2021	STC advertises and evaluates
December 2021	Receive Board approval to award food vendors
January 2022	Food Service Vendors begins at the start of the Spring 2022 semester

The recommendation to award the food service vendors is tentatively scheduled to be presented to the Board of Trustees at the December 2021 Board meeting.

Funding Source – Funds are budgeted in Auxiliary Services for FY 2021 – 2022.

Mary Elizondo, Vice President for Finance and Administrative Services 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 October 26, 2021 Board meeting, the solicitation of a Request for Proposals (RFP) for Food Services.

Review and Recommend Action to Revise Policy #4216: Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited

Approval to revise Policy #4216: Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited will be requested at the October 26, 2021 Board meeting.

Purpose - The proposed revisions to Policy #4216: Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited ("Policy #4216") are necessary to ensure continued compliance with state and federal law.

Justification - The request for the revisions to the policy are necessary for the following reasons:

- To enhance continued compliance with Title IX regulations and Texas state law, including relevant provisions of the Texas Education Code and the Texas Administrative Code.
- To remove unnecessary and duplicative language in order to streamline the policy.
- To update the position designated as the Title IX Coordinator from the Vice President for Finance and Administration to the Interim Director for the Office of Institutional Equity and provide contact information for reporting as required by law.
- To correct minor errors and ensure a better flow of Policy #4216 overall.

Background - South Texas College originally adopted Policy #4216: Harassment, Discrimination, and Sexual Misconduct on May 26, 2015. Over the past six years, Policy #4216 has been regularly updated, reviewed, and approved by the Board. Policy #4216 was most recently updated on December 15, 2020 to ensure compliance with certain requirements of Chapter 51 of the Texas Education Code as well as the Title IX regulations promulgated by the Department of Education. The College now needs to incorporate additional revisions to Policy #4216 to ensure continued compliance with all applicable laws.

Reviewers -The revised policy has been edited and reviewed by the Office of Institutional Equity, reviewed by the Vice President for Finance and Administrative Services, the College's Legal Counsel, and the Director of Human Resources.

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

Initial additions to the policies are highlighted in yellow, and deletions are marked with a red strikethrough.

It is requested that the Finance, Audit, and Human Resources Committee recommend the Board approve the revised Policy #4216: Policy #4216: Sex Discrimination, Sexual

Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited as presented and which supersedes any previously adopted Board Policy #4216.

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 24
Date Approved by Board	As Amended by Board Minute Order dated October 26, 2021	

I. Purpose

The purpose of this policy is to ensure compliance with the anti-discrimination provisions of 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 24
Date Approved by Board	As Amended by Board Minute Order dated October 26, 2021	

“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 24
Date Approved by Board	As Amended by Board Minute Order dated October 26, 2021	

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 sex 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 (hereinafter “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 24
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3. **“Sexual assault”** as defined in 20 U.S.C. 1092(f)(6)(A)(v), **“dating violence”** as defined in 34 U.S.C. 12291(a)(10), **“domestic violence”** as defined in 34 U.S.C. 12291(a)(8), or **“stalking”** as defined in 34 U.S.C. 12291(a)(30).

V. Sexual Harassment and other Prohibited Behavior under Chapter 51

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

A. Sexual Harassment

Chapter 51 defines sexual harassment, as follows:

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

B. Other Prohibited Behavior under Chapter 51

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

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

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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.

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 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

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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.

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

A. Formal Complaints

Formal complaints or reports concerning alleged incidents of sexual harassment,

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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:

Lauren E. Starnes
Interim Director of Institutional Equity
Title IX Coordinator
3201 W. Pecan Blvd. A 102
McAllen, TX 78501
(956) 872-2307
TitleIX@southtexascollege.edu
~~Maria G. Elizondo~~
~~Vice President for Finance and Administration~~
~~Services, Title IX Coordinator~~
~~3201 W. Pecan Blvd., X 224 A 102~~
~~McAllen, TX 78501~~
~~(956) 872-3558~~

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

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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.

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":

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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 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.

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,

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- 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 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.

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

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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.

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://ocras.ed.gov/welcome-to-the-ocr-complaint-assessment-system>

For Employees:

U.S. Equal Employment Opportunity Commission
San Antonio EEOC Field Office

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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>

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

A. General Response

If the College has actual knowledge of Sexual Harassment or of Prohibited Behavior-without a Formal Complaint, it will respond promptly in a manner that is not deliberately indifferent. In its response, the College will treat Complainants and Respondents equitably by offering Supportive Measures, as defined herein, to a Complainant, and by following a grievance process that complies with §106.45 of the Title IX implementing regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent. In instances of actual knowledge of sexual harassment of prohibited behavior, the Title IX Coordinator will promptly contact the Complainant to: (1) discuss the availability of Supportive Measures, (2) consider the Complainant's wishes with respect to Supportive Measures, (3) inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and (4) 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.

Upon receipt of a Formal Complaint, will initiate at least one of three responses:

1. Offering supportive measures; and/or
2. An informal resolution; and/or

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3. A Grievance Resolution Process including an investigation and a live hearing.

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) 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

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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 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

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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 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

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- 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 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

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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 or other Prohibited Behavior 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.

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.

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

9. Live Hearings

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

a. Policy applicable to all Hearings

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

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

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

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

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

More information about the procedure for all hearings is available by contacting the Title IX Coordinator or Deputy Title IX Coordinator or here:

https://www.southtexascollege.edu/about/pdf/Complaint_and_Grievance_Procedures.pdf

10. Notice of Outcome and Sanctions

a. For Title IX Hearings

Once a hearing has been conducted, the Hearing Officer or Panel

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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. Dismissal of Complaint

An allegation of Sexual Harassment presented as a Formal Complaint is subject to the mandatory dismissal procedures under Title IX. A Formal Complaint may be dismissed at any time upon the request of the Complainant. However, the Title IX Coordinator must first assess the Complainant's request to dismiss in accordance with Section XI(C)(2) (Formal, Complaint Signed by Complainant or Title IX Coordinator Required). A Formal Complaint may also be dismissed

if specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or any of the allegations therein.

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12. 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.

13. 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.

14. 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 with 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

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- 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
- 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.

15. 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.

16. 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

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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.

17. 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.

18. 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;

19. 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,

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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

XII. Periodic Review of Policy

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

XIII. History

Origination Date Approved by Board	May 26, 2015
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Date Reviewed and Approved by Board	December 15, 2015 April 26, 2016 April 24, 2018 August 27, 2019 December 10, 2019 July 28, 2020 December 15, 2020
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Review and Recommend Action to Revise Policy #4306: Vacation Leave Accrual

Approval to revise Policy #4306: Vacation Leave Accrual will be requested at the October 26, 2021 Board meeting.

Purpose – The proposed revisions to the policy are necessary to increase the amount of vacation hours accrued by eligible employee on a monthly basis based on length of employment.

Justification – The request for the revisions to the policy are necessary to remain competitive in job market, to improve employee satisfaction and retention, and to align the tiered structure to the vacation accrual benefits of other Community Colleges and state law.

Background – South Texas College adopted Policy # 4306: Vacation Leave Accrual on April 11, 1996.

In an effort to improve the benefit of the accrual of vacation leave for eligible employees, the College reviewed the vacation accrual procedure of eleven other peer Community Colleges and one University (Exhibits A, B, and C) and found that the majority have a vacation accrual tiered structure that increases the monthly accrued vacation hours based on years of continuous eligible full-time employment.

The key revisions to the policy are as follows:

1. Modify vacation accruals from 8 hours per month to:
 - a. Less than 5 years of employment - accrue eight (8) vacation hours a month
 - b. At least 5 years but less than 10 years of employment - accrue ten (10) vacation hours a month
 - c. At least 10 years but less than 15 years of employment - accrue twelve (12) vacation hours a month
 - d. At least 15 years but less than 20 years of employment - accrue fourteen (14) vacation hours a month
 - e. At least 20 years or more of employment - accrue sixteen (16) vacation hours a month
2. Establish a maximum number of hours transferred to the next fiscal year in order to minimize the compensable absence liability increase at fiscal year-end:
 - a. The Texas Higher Education Coordinating Board Annual Financial Reports Requirements mandates the College to recognize as a liability the value of the balance of vacation hours not stated at the end of the fiscal year, August 31, 2021. As of August 31, 2021, the compensable absences liability amount was \$1,001,446.61. The liability is estimated to increase by 56%, or approximately \$565,720 to \$1,567,166 if the vacation accrual methodology is approved.

Reviewers – The revised policies have been reviewed by Administrative staff and Vice Presidents.

Enclosed Documents - The revised policy 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.

Mary Elizondo, Vice President for Finance and Administrative Services will be present at the Committee Meeting to address questions by the Committee.

It is requested that the Finance, Audit, and Human Resources Committee recommend for Board approval at the October 26, 2021 Board meeting, to revise Policy #4306: Vacation Leave Accrual, as presented and which supersedes any previously adopted Board policy.

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Title	Vacation Leave Accrual	4306
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I. Purpose

The purpose of this policy is to provide provisions for the vacation leave accrual for eligible employees.

II. Policy

With the exception of faculty members who have appointments of less than 12 months, full-time regular employees accrue vacation leave hours based on length of employment as follows below. ~~leave time at the rate of 8 hours per month of employment.~~

Length of Employment	Work Days/Hours Accrued per Month	Work Days/Hours Accrued per Year
Less than 5 years	1.00 Day/8 Hrs	12 Days/96 Hrs
At least 5 years but less than 10	1.25 Days/10 Hrs	15 Days/120 Hrs
At least 10 years but less than 15	1.50 Days/12 Hrs	18 Days/144 Hrs
At least 15 years but less than 20	1.75 Days/14 Hrs	21 Days/168 Hrs
At least 20 years or more	2.00 Days/16 Hrs	24 Days/192 Hrs

Employment of less than one month will accrue on a pro-rated basis. Part-time employees with regular weekly schedules of 20 hours or more accrue vacation on a prorated basis. An employee is eligible to take vacation on or after the first day of the month following the first full month of employment. Carry over of vacation leave earned in a fiscal year (September 1 through August 31) to the following fiscal year may not exceed 12 days or 96 hours. Any excess of vacation leave is forfeited on August 31st.

All vacation leave requests must be approved by the immediate supervisor and the leave will be granted according to the staffing needs and availability.

Leave time for holidays, spring break and semester break are not charged against vacation time.

~~All hours of unused accumulated vacation leave must be used by March 1 following the fiscal year in which it was accumulated. Any vacation leave not used by that date will be forfeited, unless a time extension has been approved by the supervising administrator, Vice President/Executive Director, and President. A time extension of not more than 60 days may be granted for extenuating circumstances.~~

An employee terminating employment, will be expected to utilize accrued vacation prior to the last day of employment. ~~In extenuating circumstances,~~ A lump sum payment may be paid for unused accrued vacation with the approval of the supervising Administrator, Vice President/Executive Director, and President.

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Procedures are maintained by the Office of Human Resources.

III. Definitions

N/A

IV. History

Origination Date Approved by Board	April 11, 1996
Dates Amended and Approved by Board	April 8, 1998 December 18, 2003 October 26, 2021

Exhibit A - Comparison with other Community Colleges/University Accrued Hours a Month

College Name	0-2 Years	2-3 Years	3-5 Years	5-7 Years	7-9 Years	9-10 Years	10-15 Years	15-16 Years	16-20 Years	20-25 Years	25-30 Years	30-35 Years	35+ Years
San Jacinto College	6.67	6.67	6.67	6.67	6.67	10	10	10	13.33	13.33	16.67	16.67	16.67
Lone Star College - Non Contractual	8	8	8	10.67	10.67	10.67	13.33	13.33	13.33	13.33	13.33	13.33	13.33
Lone Star College - Contractual	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33
Austin Community College	10	10	10	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33
Collin College - Staff	8	8	10	13.3	13.3	13.3	14	14	14	14	14	14	14
Collin College - Administrator	13.33	13.33	13.33	13.33	13.33	13.33	14	14	14	14	14	14	14
Dallas College - Staff	8	8	8	10	10	10	12	14	14	16	16	16	16
Dallas College - Administrative	16	16	16	16	16	16	16	16	16	16	16	16	16
El Paso Community College - Staff	8	8	8	10	10	10	12	13.33	13.33	13.33	13.33	13.33	13.33
El Paso Community College - Administrative	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33
Houston Community College - Employees	6.67	6.67	6.67	10	10	10	10	10	10	13.33	13.33	13.33	13.33
Houston Community College - Administrators (E40 and above)	20	20	20	20	20	20	20	20	20	20	20	20	20
Laredo College	6.67	6.67	6.67	6.67	6.67	6.67	6.67	6.67	6.67	6.67	6.67	6.67	6.67
Tarrant County College	6.67	6.67	6.67	6.67	8	8	10	13.33	13.33	13.33	13.33	13.33	13.33
Texas Southmost College	8	8	8	8	8	8	8	8	8	8	8	8	8
Texas State Technical College	8	9	9	10	10	10	11	13	13	15	17	19	21
UTRGV	8	9	9	10	10	10	11	13	13	15	17	19	21
Texas Statute (University Requirements) Gov Code Sec.661.52	8	9	9	10	10	10	11	13	13	15	17	19	21
South Texas College-Current	8	8	8	8	8	8	8	8	8	8	8	8	8
South Texas College-Proposed	8	8	8	10	10	10	12	14	14	16	16	16	16

Exhibit B - Comparison with other Community Colleges/University Accrued Days a Month

College Name	0-2 Years	2-3 Years	3-5 Years	5-7 Years	7-9 Years	9-10 Years	10-15 Years	15-16 Years	16-20 Years	20-25 Years	25-30 Years	30-35 Years	35+ Years
San Jacinto College	0.83	0.83	0.83	0.83	0.83	1.25	1.25	1.25	1.67	1.67	2.08	2.08	2.08
Lone Star College - Non Contractual	1	1	1	1.33	1.33	1.33	1.67	1.67	1.67	1.67	1.67	1.67	1.67
Lone Star College - Contractual	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67
Austin Community College	1.25	1.25	1.25	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67
Collin College - Staff	1	1	1.25	1.67	1.67	1.67	1.75	1.75	1.75	1.75	1.75	1.75	1.75
Collin College - Administrator	1.67	1.67	1.67	1.67	1.67	1.67	1.75	1.75	1.75	1.75	1.75	1.75	1.75
Dallas College - Staff	1	1	1	1.25	1.25	1.25	1.5	1.75	1.75	2	2	2	2
Dallas College - Administrative	2	2	2	2	2	2	2	2	2	2	2	2	2
El Paso Community College - Staff	1	1	1	1.25	1.25	1.25	1.5	1.67	1.67	1.67	1.67	1.67	1.67
El Paso Community College - Administrative	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67	1.67
Houston Community College - Employees	0.83	0.83	0.83	1.25	1.25	1.25	1.25	1.25	1.25	1.67	1.67	1.67	1.67
Houston Community College - Administrators (E40 and above)	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Laredo College	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Tarrant County College	0.83	0.83	0.83	0.83	1	1	1.25	1.67	1.67	1.67	1.67	1.67	1.67
Texas Southmost College	1	1	1	1	1	1	1	1	1	1	1	1	1
Texas State Technical College	1	1.13	1.13	1.25	1.25	1.25	1.38	1.63	1.63	1.88	2.13	2.38	2.63
UTRGV	1	1.13	1.13	1.25	1.25	1.25	1.38	1.63	1.63	1.88	2.13	2.38	2.63
Texas Statute (University Requirements) Gov Code Sec.661.52	1	1.13	1.13	1.25	1.25	1.25	1.38	1.63	1.63	1.88	2.13	2.38	2.63
South Texas College-Current	1	1	1	1	1	1	1	1	1	1	1	1	1
South Texas College-Proposed	1	1	1	1.25	1.25	1.25	1.5	1.75	1.75	2	2	2	2

Exhibit C - Comparison with other Community Colleges/University Accrued Days a Year

College Name	0-2 Years	2-3 Years	3-5 Years	5-7 Years	7-9 Years	9-10 Years	10-15 Years	15-16 Years	16-20 Years	20-25 Years	25-30 Years	30-35 Years	35+ Years
San Jacinto College	10	10	10	10	10	15	15	15	20	20	25	25	25
Lone Star College - Non Contractual	12	12	12	16	16	16	20	20	20	20	20	20	20
Lone Star College - Contractual	20	20	20	20	20	20	20	20	20	20	20	20	20
Austin Community College	15	15	15	20	20	20	20	20	20	20	20	20	20
Collin College - Staff	12	12	15	20	20	20	21	21	21	21	21	21	21
Collin College - Administrator	20	20	20	20	20	20	21	21	21	21	21	21	21
Dallas College - Staff	12	12	12	15	15	15	18	21	21	24	24	24	24
Dallas College - Administrative	24	24	24	24	24	24	24	24	24	24	24	24	24
El Paso Community College - Staff	12	12	12	15	15	15	18	20	20	20	20	20	20
El Paso Community College - Administrative	20	20	20	20	20	20	20	20	20	20	20	20	20
Houston Community College - Employees	10	10	10	15	15	15	15	15	15	20	20	20	20
Houston Community College - Administrators (E40 and above)	30	30	30	30	30	30	30	30	30	30	30	30	30
Laredo College	10	10	10	10	10	10	10	10	10	10	10	10	10
Tarrant County College	10	10	10	10	12	12	15	20	20	20	20	20	20
Texas Southmost College	12	12	12	12	12	12	12	12	12	12	12	12	12
Texas State Technical College	12	13.5	13.5	15	15	15	16.5	19.5	19.5	22.5	25.5	28.5	31.5
UTRGV	12	13.5	13.5	15	15	15	16.5	19.5	19.5	22.5	25.5	28.5	31.5
Texas Statute (University Requirements) Gov Code Sec.661.52	12	13.5	13.5	15	15	15	16.5	19.5	19.5	22.5	25.5	28.5	31.5
South Texas College-Current	12	12	12	12	12	12	12	12	12	12	12	12	12
South Texas College-Proposed	12	12	12	15	15	15	18	21	21	24	24	24	24

Review and Discussion on College's Higher Education Emergency Relief Fund Allocations

Mary Elizondo, Vice President for Finance and Administrative Services, will present on the Higher Education Emergency Relief Funds (HEERF).

Matthew Hebbard, Vice President for Student Affairs and Enrollment Services, will present on the student portion.

Background on HEERF Received by the College

HEERF I

- 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. The College received Federal CARES Act funds in three allocations that included Student Funds, Institutional Funds, and Minority Serving Institution Funds. On December 20, 2020, the Minority Service Institution Funds were increased by \$11,550.

Total HEERF I funds are as follows:

Allocations	Amounts
Student	\$10,011,199
Institutional	10,011,199
Minority Serving Institutions	1,266,639
Total	\$21,289,037

HEERF II

- On January 26, 2021, the South Texas College Board of Trustees ratified the acceptance and use of the Higher Education Emergency Relief Funds II (HEERF II) Student and Institutional grant awards under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) allocations received by the College. The College received Federal CRRSAA funds in two formula allocations in January 2021 consisting of Student Funds and Institutional Funds. On March 4, 2021, the College received an additional CRRSAA allocation for the Minority Serving Institutions (MSI) which was presented to the Board on March 30, 2021. In August 2021, the College received an additional CRRSA allocation for the Supplemental Assistance to Institutions of Higher Education (SAIHE) which was presented to the Board on August 24, 2021.

Total HEERF II funds are as follows:

Allocations	Amounts
Student	\$10,011,199
Institutional	32,178,403
Minority Serving Institutions	2,283,123
Supplemental Assistance to Institutions of Higher Education	10,136,521
Total	\$54,609,246

HEERF III

- On May 24, 2021, the South Texas College Board of Trustees ratified the acceptance and use of the Higher Education Emergency Relief Funds III (HEERF III) Student and Institutional grant awards under the American Rescue Plan Act of 2021 (ARP) allocation received by the College. The College received Federal ARP funds in two formula allocations in May 2021 consisting of Student Funds and Institutional Funds. In August 2021, the College received an additional ARP allocation for the Minority Serving Institutions (MSI) which was presented to the Board on August 24, 2021.

Total HEERF III funds are as follows:

Allocations	Amounts
Student	\$37,592,196
Institutional	36,274,751
Minority Serving Institutions	3,873,690
Total	\$77,740,637

Total HEERF Funds Revenue and Expenses - Summary

The table below shows a summary of all HEERF funds received and their remaining balances.

Allocations	Revenue	Expenses	Remaining Balance
Student	\$57,614,594	\$47,174,199	\$10,440,395
Institutional	78,464,353	21,811,615	56,652,738
Minority Serving Institution	7,423,452	3,428,099	3,995,353
Supplemental Assistance to Institutions of Higher Education	10,136,521	-	10,136,521
Grand Total	\$153,638,920	\$72,413,913	\$81,225,007

Total Student, Minority Serving Institutions (MSI) - Detail

The table below summarizes the HEERF funds received for Student, Minority Serving Institutions (MSI) and Supplemental Assistance to Institutions of Higher Education (SAIHE) and how much the College has awarded in student scholarships.

	Student	Minority Serving Institutions	Supplemental Assistance to Institutions of Higher Education	Total
Revenue	\$57,614,594	\$7,423,452	\$10,136,521	\$75,174,567
Scholarship Expense	47,174,199	3,428,099	-	50,602,298
Remaining Balance	\$10,440,395	\$3,995,353	\$10,136,521	\$24,572,269

Total Institutions - Detail

The table below summarizes the HEERF funds received as Institutional portion and what the College has spent the funds on:

	Institutional
Total Revenue	\$78,464,353
Expenses	
Lost Revenue	9,582,576
Scholarships	6,516,572
Salaries and Benefits	3,313,874
Student Debt Discharge	1,758,193
Personal Protective Equipment (PPE)	415,590
Laptop and Distance Learning Equipment and Software	224,810
Total Expense	\$21,811,615
Remaining Balance	\$56,652,738

The proposed use for the remaining balance is the following:

- For the Student portion:
 - ⇒ Minority Serving Institutions (MSI) and Supplemental Assistance to Institutions of Higher Education (SAIHE), the funds will be used to assist students with their cost of attendance, including food, housing, course materials, technology, health care, and child care.
- For the Institutional portion:
 - ⇒ The funds will be used for lost revenue, student debt discharge, HVAC filtration system, air purifiers, hotspots, salaries and benefits, personal protective equipment (PPE) and scholarships for students.

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

Discussion and Action as Necessary on Interlocal Agreement for Compensation Study between South Texas College and Texas Association of School Boards

Approval of an interlocal agreement for a compensation study between South Texas College and Texas Association of School Boards will be requested at the October 26, 2021 Board meeting.

Mary Elizondo, Vice President for Finance and Administrative Services, will present on entering into an interlocal agreement with the Texas Association of School Boards (TASB) for a compensation study for the College.

Purpose – The proposed TASB compensation study is necessary to analyze the College's full-time faculty and staff current pay practices and structures and determine if they are competitive to our industry and geographic location.

Justification – The objective is for the Human Resources Services Division of the Texas Association of School Boards (TASB) to conduct a comprehensive review of the College's employee compensation plans and examine the competitive job market and determine whether pay practices are internally fair and externally competitive.

Background – South Texas College's last compensation study for staff was conducted in FY 2014. The TASB Compensation Services includes delivering wage and salary surveys and consulting to develop and maintain effective pay systems for full-time faculty and staff.

South Texas College annually participates in the TASB comprehensive salary survey submission.

On September 30, 2021, a meeting was conducted with a TASB representative, who indicated that the cost of the study will be \$25,000.00 plus reimbursement of any travel expenses. The estimated timeline of the process is approximately three (3) to four (4) months before a final presentation of recommendations.

The proposed services/deliverables will include the following:

- Set up pay file modeling templates using a snapshot of current employee data;
- Analyze competitive pay position in the local job market;
- Build or adjust pay structures aligned with market rates;
- Develop implementation models with cost estimates for pay adjustments;
- Review a preliminary draft of findings and recommendations with Client leaders;
- Advise in the development of administrative processes;
- Document and present a final report of findings and recommendations; and
- Provide final employee data file with board-adopted general pay increase.

Enclosed Documents – The Interlocal Agreement follows in the packet for your review and information.

Mary Elizondo, Vice President for Finance and Administrative Services 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 October 26, 2021 Board meeting, on the interlocal agreement for a compensation study between South Texas College and Texas Association of School Boards, as presented.

TEXAS ASSOCIATION OF SCHOOL BOARDS, INC.

HR Services • Service Agreement for Pay Systems Review

South Texas College (“Client”)

Proposal: October 1, 2021 • Expiration: November 12, 2021

1. Scope of Work

TASB will evaluate Client pay systems and practices and develop strategies and implementation plans to achieve Client goals. The scope of work will include all employee base pay systems. Pay for other duty assignments are not included in the scope of this review.

TASB services/deliverables will include:

1. Set up pay file modeling templates using a snapshot of current employee data;
2. Analyze competitive pay position in the local job market;
3. Build or adjust pay structures aligned with market rates;
4. Develop implementation models with cost estimates for pay adjustments;
5. Review a preliminary draft of findings and recommendations with Client leaders;
6. Advise in the development of administrative processes;
7. Document and present a final report of findings and recommendations; and
8. Provide final employee data file with board-adopted general pay increase.

2. Cost

\$25,000 consulting fee plus reimbursement of travel expenses. TASB will invoice the Client upon completion of services.

3. Schedule

March 2022 will be targeted for delivery of a draft report, after beginning in January 2022. To meet this delivery schedule, TASB must receive approval of this agreement before the expiration date below and must receive the electronic pay data requested from the Client within the timeframe specified in the data request.



HR Services

4. Cancellation of Agreement

In the event either party terminates this Agreement before the completion of services, the Client will reimburse TASB for all costs incurred up to the date of cancellation and will pay TASB's fee for consulting hours actually rendered at TASB's then current hourly rate.

5. Term of Agreement

This Agreement is effective upon the Client's delivery (by mail or facsimile) of an executed counterpart of this Agreement to TASB and either party may rely upon a facsimile or photocopy of the Agreement for all purposes.

6. Limitation of Liability

TASB's liability under this Agreement is limited to the fees paid by the Client to TASB under this Agreement. The parties agree that, in the event of a lawsuit between the parties relating to this Agreement, the prevailing party is entitled to recover reasonable and necessary attorney's fees.

Texas Association of School Boards, Inc.

Amy Campbell

Amy Campbell

Director, HR Services

Client

Signature of Authorized Official

Purchase Order Number

Date Approved

