LAMAR INSTITUTE OF TECHNOLOGY

MEMBER **THE TEXAS STATE UNIVERSITY SYSTEM™**

POLICY AND PROCEDURE MANUAL

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SECTION 1: PURPOSE/FUNCTION

POLICY 1.1 POLICY MANUAL PURPOSE

SCOPE: STUDENTS, FACULTY, STAFF, AND VISITORS

1. **Purpose:** This manual comprises the official Lamar Institute of Technology (LIT) policies and procedures. The SCOPE of each policy defines which employees, students or guests are covered.

   This published manual is an effort to create a better understanding of the policies of LIT. It should enhance personnel decisions, protect the rights of all employees and assure uniformity of action throughout LIT. Each member of management is responsible for administering these policies in a consistent and impartial manner.

   Nothing in this Policy and Procedures Manual in any way creates an expressed or implied contract of employment. Employment is terminable at will so that both the Institute and its staff remain free to choose to terminate their work relationship at any time. Nor is this manual to be construed as a contract, express or implied, for any purpose whatsoever. In the event of conflict between the provision(s) of this manual and The Texas State University System Rules and Regulations or other System policies, the System rules, regulations, and policies shall govern.

   Policies in this Policy and Procedures Manual are subject to modification and further development in the light of experience. Policies in this manual are subject to review and change as approved by Executive Team and/or the President.

2. **Distribution of Manual:** This policy manual will be issued to appropriate management and supervisory officials and available on the LIT website. Each department shall have at least one copy. Employees shall have access to the department copy or may review the manual in the Office of Human Resources. The person to whom the manual is issued shall be responsible for its safekeeping and maintenance. It is the responsibility of each employee to be familiar with the information contained in the policy manual and any amendments thereto. This policy manual must remain on the premises and in the department at all times. Management officials who transfer within LIT must transfer the policy manual to their replacement or return it to the Director of Human Resources. In addition to the LIT website, employees may review the manual in the Office of Human Resources. Texas State University System Rules and Regulations may be found on the LIT web site and in the Office of the President.

3. **Authority for Human Resource Policies:** The personnel policies contained in this manual have been approved by the President under the authority delegated by the Board of Regents and are hereby established as official policy for Lamar Institute of Technology.

4. **Establishing New or Revised Policies:** Standard policies concerning the relationship between the Institute and its employees will be written and made available to all concerned through inclusion in the policy manual. The President may direct that the policy be issued and administered at his discretion.

Section1: Purpose/Function

The Office of Human Resources is responsible for disseminating all new or revised policies. Each management official and supervisor who is furnished a policy manual is responsible for keeping that manual current by including all changes as they are issued.

Reviewed: May 2023
Revised: May 2023

POLICY 1.2 FUNCTIONS OF THE OFFICE OF HUMAN RESOURCES

SCOPE: FACULTY AND STAFF

1. **Organization and Jurisdiction:** The Office of Human Resources provides human resource administrative and support services to all offices and departments of Lamar Institute of Technology (LIT). The activities of the Office of Human Resources are supervised by the Director of Human Resources. The Office of Human Resources reports to the President.

2. **General Responsibilities to Staff Members:** The Office of Human Resources has specific responsibilities for staff human resource functions in the following areas:

   2.1. Recruitment and Employment: Human Resources is responsible for maintaining a centralized employment office. The recruitment and employment functions of Human Resources include but are not restricted to, the following:

      2.1.1. Accepting requests from all offices and departments of the Institute for employment of staff personnel, both supervisory and non-supervisory;

      2.1.2. Recruiting, and screening applicants for administrative, classified and other staff positions;

      2.1.3. Referring employable applicants to requesting offices and departments;

      2.1.4. Reviewing screening/selection procedures used by departments prior to hiring approval.

      2.1.5. Teaching and Learning

   2.2. Human Resource Policy and Procedures: The Office of Human Resources is responsible for the formulation of new or revised human resource policies and procedures within the scope of existing statutes and regulations.

   2.3. Job Classification and Compensation Administration: The Office of Human Resources will develop and maintain LIT's Classification/Pay Plan. It will monitor classification and compensation of positions in order to insure standardization and consistency at LIT, internal equity of positions within LIT, and salary relationship to market pricing. It will attempt to maintain uniform salary treatment of employees engaged in comparable work, recognizing the variable of market pricing. For purposes of recruitment, testing, orientation, training, transfer and promotion of employees, The Office of Human Resources will verify, by written descriptions and job analysis, the requirements of all classified positions.

   2.4. Equal Employment Opportunity Program: Human Resources will assist with the equal employment efforts outlined in the LIT EEO Program.

   2.5. Employee Relations: The Office of Human Resources shall strive to maintain good employee-management relations and promote a problem-solving work environment by administering LIT's policies, providing counseling for supervisors and employees, providing mediation services and Employee Assistance Program referral, and overseeing the Appeal and Grievance Policy/Procedure.

2.6. Performance Evaluation Program: The Office of Human Resources will assist LIT in the development and maintenance of procedures for evaluating the performance of employees. It assists other LIT offices and departments in the evaluation process, particularly in encouraging standardization of evaluation areas and uniformity of interpretation; investigating the relation of such appraisals to wage and salary administration; and submitting appropriate recommendations. This program is offered for the purpose of employee development and communication only and shall not be construed as limiting in any way LIT's authority to terminate employees at will.

3. **General Responsibilities to Faculty and Staff:** The Office of Human Resources will be responsible for:

3.1. Personnel Records: The Office of Human Resources will provide for the development and maintenance of centralized personnel records. All requests from outside sources for employee information, employee reference checks, and verification of employment, are the direct responsibility of Human Resources. Human Resources will also maintain records on all individual applications for non-academic positions with Lamar Institute of Technology.

3.2. Training Programs: The Office of Human Resources will develop and conduct training programs for the improvement of job performance of managers, supervisors, and employees.

3.3. Employee Benefits (Insurance and Retirement Programs): The Office of Human Resources is responsible for administering LIT's Group Insurance and Retirement programs, making these programs available to employees, and assisting employees in the resolution of problems. The Office of Human Resources will also provide retirement counseling for employees who desire it.

3.4. Unemployment Compensation: The Office Human Resources is responsible for compliance with the Texas Unemployment Compensation Act, handling all unemployment compensation claims, and developing procedures to ensure that claims are held to a minimum.

3.5. Workers' Compensation: The Office Human Resources is responsible for administering the State Workers' Compensation Program, processing claims, and maintaining required records.

3.6. Family Medical Leave: The Office of Human Resources is responsible for counseling employees, approval of, and administration of the Family Medical Leave Act and the associated benefits.

3.7. Compliance with State and Federal Regulations: Human Resources is responsible for ensuring that the Institute, its offices and departments comply with the various State and Federal regulations regarding all human resource procedures.

3.8. New Faculty/Staff Orientation: The Office Human Resources is responsible for providing New Employee Orientation which includes: the mandatory distribution of certain policies and an explanation of and enrollment in the Institute's benefit programs. These orientation sessions will be scheduled regularly to ensure that new employees are familiar with the Institute and are enrolled in the available insurance and retirement programs in a timely manner.

3.9. Exit Interview: The Office of Human Resources are responsible for administering the exit interview process for employees terminating employment. Terminating employees will be advised regarding withdrawal of their retirement contributions, processing retirement forms if they are terminating due to retirement, canceling insurance, or converting from group to individual coverage, etc. At the time of the exit interview, The Office of Human Resources will record the reason(s) for the employee's termination.

3.10. Faculty Recruitment/Selection: The Office Human Resources will complete the necessary paperwork to open a position and will assist the search committees to be sure the guidelines for non-discriminatory hiring are met. All applications and Vitas will be received in the Office of Human Resources and forwarded to the designated search committee or administrator. Records of the search and selection will be sent to The Office of Human Resources upon the approval of the recommended hire. Approval of the selection is dependent upon the anti- discrimination review by The Office of Human Resources.

Reviewed: May 2023
Revised:

POLICY 1.3 AUTHORITY, DUTIES, AND RESPONSIBILITIES OF THE PRESIDENT

SCOPE: STUDENTS, FACULTY, STAFF, AND VISITORS

1. The President is the chief executive officer of the College and is appointed by The Texas State University System (TSUS) Board of Regents upon recommendation from the Chancellor.

2. TSUS Rules and Regulations, Chapter IV, Section 2, establishes the authorities, duties, and responsibilities of the President.

   2.1 "The President shall be answerable to the Chancellor and shall have discretionary powers broad enough effectively to administer the Component within the policies and guidelines as set forth by the Chancellor and Board of Regents."

3. In order to efficiently and effectively administer the College, the President may delegate authority as deemed appropriate and necessary unless specifically prohibited by TSUS Rules and Regulations or Texas Statutes.

Created: October, 2023
Reviewed:
Revised:

SECTION 2: GENERAL POLICIES

POLICY 2.1 SEXUAL MISCONDUCT

SCOPE: STUDENTS, FACULTY, STAFF, AND VISITORS

1. Introduction

1.1. Institutional Values. The Texas State University System (TSUS), its colleges, and universities (collectively referred to as "System" and/or "Components" and used interchangeably herein) are committed to creating and maintaining educational communities in which each individual is respected, appreciated, and valued. The System's focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from all forms of Sexual Misconduct, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Any report of behavior that threatens our institutional values and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, fairness, and equity to all Parties involved.

1.2. Purpose of Policy. The purpose of this Policy is to ensure that:

1.2.1. Sexual Misconduct is not tolerated on any System property or in any System Education Program or Activity;

1.2.2. System offices and Components maintain an environment that promotes prompt reporting of all forms of Sexual Misconduct and the timely and fair resolution of Sexual Misconduct Complaints or Reports;

1.2.3. Components take prompt and appropriate action to eliminate Sexual Misconduct, prevent its recurrence, and remedy its effects;

1.2.4. System offices and Components comply with all applicable federal and state laws regarding Sexual Misconduct – including sexual discrimination – in higher education; and,

1.2.5. The System and Components have a uniform Policy that defines and describes prohibited sexual conduct, establishes procedures for processing Complaints or Reports of Sexual Misconduct, permits appropriate sanctions, and identifies available resources.

1.3. Notice of Sexual Misconduct Violations. Sexual Misconduct as defined in the Glossary constitutes a violation of this Policy. Students and Employees reported as having engaged in Sexual Misconduct are subject to investigation for violating this Policy. Should an investigation result in a Finding that this Policy was violated, the violator may be subject to sanctions as defined herein.

1.4. Applicability of this Policy. This Policy applies to all students, faculty, staff, and Third Parties within the System or its Components' Education Programs or Activities and prohibits Sexual Misconduct, as defined in the Glossary, committed by or against students, faculty, staff, or Third Parties.

1.4.1. This Policy applies to:

- All incidents of Sexual Misconduct (including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct) occurring on or after the effective date of this Policy; and
- All incidents of Title IX Sexual Harassment, regardless of when they occurred or were reported.

1.4.2. All incidents of Non-Title IX Sexual Misconduct occurring prior to the effective date of this Policy, regardless of when such allegations are reported, are controlled by the Policy in effect at the time the incidents occurred.

1.4.2.1. Incidents of Non-Title IX Sexual Misconduct occurring over a period of time are controlled by the Policy in effect at the time the last incident occurred.

1.5. Supersedes Existing Policies. In the case of allegations of Sexual Misconduct, this Policy supersedes any conflicting Sexual Misconduct procedures and policies set forth in other Component policies.

1.6. Equal Access. Each Component shall ensure, to the greatest extent practicable, equal access for Students enrolled at or Employees of the institution who are persons with disabilities. The Component shall make reasonable efforts to consult with a disability services office of the Component, advocacy groups for people with disabilities, and other relevant stakeholders to assist the Component with complying with the Component's duties under this Policy.

1.7. First Amendment Rights. Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Misconduct under this Policy.

1.8. Biennial Policy Review. This Policy shall be reviewed each biennium and, with approval of the System's governing board, shall be revised as necessary.

1.9. Notice of Non-Discrimination. The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in Education Programs or Activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; Campus Sexual Violence Elimination Act (SaVe); Violence Against Women Act (VAWA); and the Clery Act. Sexual Misconduct constitutes a form of sex discrimination prohibited by Title IX and Title VII.

1.10. Extent of Authority. This Policy applies to all incidents of Sexual Misconduct. However, provisions of the Policy that do not apply to Title IX Sexual Harassment are so indicated, as are provisions of the Policy that are exclusive to Title IX Sexual Harassment.

1.11. Employment at Will. Nothing herein to the contrary shall be construed in derogation of the Texas State University System Board of Regents' employment-at-will policy.

2. Definitions

A Glossary with definitions of Title IX and Non-Title IX-related offenses and other terms used in this Policy is attached.

3. Provisions Applicable to the Title IX Sexual Harassment & Non-Title IX Sexual Misconduct Grievance Processes

3.1. Equitable Treatment. A Component's response to an allegation of Sexual Misconduct must treat Complainants and Respondents equitably by offering Supportive Measures to Complainants and Respondents, and by following a grievance process as described herein against a Respondent prior to the imposition of any disciplinary sanctions or other actions that are not Supportive Measures.

3.2. Standard of Evidence.

3.2.1. Presumption of Non-Responsibility. Any person accused of Sexual Misconduct under this Policy is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

3.2.2. Preponderance of the Evidence Standard. The Decision Maker will weigh the admissible evidence using the preponderance of the evidence standard

3.3. Conflicts of Interest. Any individual designated by a Component as a Title IX Coordinator, Investigator, Decision Maker, Informal Resolution Facilitator, Appellate Authority, or Campus Administrator may not have a conflict of interest or bias for or against Complainants or Respondents generally, or against an individual Complainant or Respondent. The Title IX Coordinator shall not serve as Decision Maker, Informal Resolution Facilitator, or Appellate Authority.

3.4. Promptness. The Component shall make every reasonable effort to ensure that the resolution of a Sexual Misconduct Complaint or Report occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within one hundred and twenty (120) calendar days of the date a Complaint or Report is submitted.

3.5. Modification of Deadlines. The Title IX Coordinator may modify any deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, complexity of the investigation and to accommodate semester breaks.

3.6. Immunity/Amnesty. Reporting, investigating, and adjudicating incidents of Sexual Misconduct is of paramount importance. The Component does not condone underage drinking, illegal use of drugs, or other criminal behavior. However, the Component will not take any disciplinary action for prohibited conduct in relation to or concurrently with an incident of Sexual Misconduct, against a person who is enrolled with or employed by the Component for any violation of the Component's applicable code of conduct, provided:

3.6.1. the person acts in good faith;

3.6.2. the violation of the code of conduct arises out of the same facts or circumstances as a Complaint or Report of Sexual Misconduct;

3.6.3. expulsion; and,

3.6.4. the person is not reporting his or her own commission or assistance in the commission of Sexual Misconduct.

3.7. Prohibition on Providing False Information. Any individual who knowingly makes a false Complaint or Report under this Policy, or knowingly provides false information to Component officials, or who intentionally misleads Component officials who are involved in the investigation or resolution of a Complaint or Report shall be subject to disciplinary action. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited by Section 3.14 herein. A determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

3.8. Supportive Measures (Including Immediate and Appropriate Corrective Action.

3.8.1. Generally. When an incident of Sexual Misconduct is reported, the Component will consider Supportive Measures while the incident is investigated and adjudicated. The determination of appropriate Supportive Measures in a given situation must be based on the facts and circumstances of that situation. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures, and the duration of such measures. Supportive Measures may include, but are not limited to:

3.8.1.1. Counseling provided by a counselor who does not provide counseling to any other person involved in the incident, including a person who reports an incident of Sexual Misconduct, as long as the Component employs a sufficient number of counselors;

3.8.1.2. extensions of deadlines or other course-related adjustments;

3.8.1.3. without any academic penalty, modifications of work or class schedules or assignments, including the option of dropping a course in which both parties are enrolled;

3.8.1.4. campus escort or transportation services;

3.8.1.5. mutual restrictions on contact between the Parties;

3.8.1.6. changes in work or housing locations;

3.8.1.7. leaves of absence;

3.8.1.8. restrictions from specific activities or facilities; and,

3.8.1.9. increased security and monitoring of certain areas of the campus.

3.8.2. Orders of Protection. The Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil, or tribal court.

3.8.3. Confidentiality of Supportive Measures. The Component shall maintain as confidential any measures provided to the Complainant and/or Respondent, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures.

3.8.4. Emergency Removal. Emergency removal of an Employee or Student prior to a final decision in a Sexual Misconduct matter must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.131, and VI § 5.(14). A Component may remove a Respondent from the Component's Education Program or Activity on an emergency basis, provided that the Component undertakes an individualized safety and risk analysis, determines that an

immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The removal challenge does not require a hearing and the burden is on the Respondent to show why the removal should be rescinded.

3.8.5. Administrative Leave. Nothing herein precludes a Component from placing a non-student employee Respondent on administrative leave with or without pay during the pendency of the grievance or any judicial process.

3.8.6. Supportive Measures when Anonymity is Required. The Component's inability to take disciplinary action against an alleged Respondent because of a Complainant's insistence on anonymity will not restrict the Component's ability to provide appropriate measures for the reasonable safety of the Component community.

3.8.7. Unreasonable Burden. Supportive Measures may not impose an unreasonable burden on the other Party.

3.8.8. Failure to Adhere to Supportive Measures. Failure to adhere to the parameters of any Supportive Measures may be considered a separate violation of this Policy and may result in disciplinary sanctions.

3.9. Informal Resolution

3.9.1. Eligibility for Informal Resolution. Informal Resolution is available after a Formal Complaint has been filed in a Title IX Sexual Harassment incident or a Report has been received in a Non-Title IX Sexual Misconduct incident. Informal Resolution may be pursued if:

- 3.9.1.1. both Parties are willing to engage in Informal Resolution and consent to do so in writing;
- 3.9.1.2. the Complainant and the Respondent are both Students or are both Employees of the Component;
- 3.9.1.3. the Title IX Coordinator agrees that Informal Resolution is an appropriate mechanism for resolving the Complaint; and
- 3.9.1.4. the Component provides written notice to the Parties in accordance with Section 3.9.2.1.

3.9.2. Informal Resolution Procedures.

- 3.9.2.1. Notice. The Title IX Coordinator shall provide written notice to the Parties of the availability of informal resolution, including:
  - 3.9.2.1.1. the allegations;
  - 3.9.2.1.2. the requirements of the informal resolution process, including the circumstances under which the Parties are precluded from resuming a Formal Complaint arising from the same allegations;
  - 3.9.2.1.3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and,

3.9.2.1.4. the Parties' right to withdraw consent to informal resolution at any time prior to reaching an agreement, and resume the grievance process.

3.9.2.2. Scheduling. When a Sexual Misconduct Complaint or Report meets the requirements for informal resolution, the Title IX Coordinator will make the requisite arrangements. Informal resolution may take place at any point in the grievance process after a Formal Complaint is filed and any time prior to reaching a determination regarding responsibility.

3.9.2.3. Referral for Investigation. The Title IX Coordinator will terminate informal resolution and continue the investigation if:

3.9.2.3.1. The Parties are not able to reach an agreement prior to the exhaustion of the administrative process,

3.9.2.3.2. One or more of the Parties withdraws consent to informal resolution, or,

3.9.2.3.3. Title IX Coordinator determines that informal resolution is no longer appropriate.

3.9.2.4. Agreements. Informal resolutions will be reduced to writing, and signed by both Parties. Agreements will be maintained by the Title IX Coordinator and disclosed only as necessary to implement the provisions of the agreed resolution or as required by law.

3.9.2.5. No Waiver. A Component may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Misconduct consistent with this Policy.

3.9.2.6. No Recording and no use of statements. No recording of the informal resolution will be made and all statements made during the informal resolution process may not be used for or against either Party should the Parties be unable to reach an informal resolution and resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

3.10. Withholding of Transcript. The Component may not issue a transcript to a student Respondent until the institution makes a final determination of responsibility.

3.11. Remedies. Remedies for a Finding of a violation of this Policy must be designed to restore or preserve equal access to the Component's Education Program or Activity to the Complainant. Such remedies may include the same individualized services described in Section 3.8 as "Supportive Measures"; however, remedies need not be non- disciplinary or non-punitive and need not avoid burdening the Respondent.

3.11.1. The Title IX Coordinator is responsible for the effective implementation of remedies.

3.11.2. Any remedy that does not directly affect the Respondent must not be disclosed to the Respondent.

3.12. Sanctions. Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for Sexual Misconduct. Sanctions include, but are not limited to, the following:

3.12.1. Students

3.12.1.1. no-contact orders
3.12.1.2. probation (including disciplinary and academic probation);
3.12.1.3. expulsion from campus housing;
3.12.1.4. restricted access to activities or facilities;
3.12.1.5. mandated counseling (this may include, but not be limited to education programs and batterer intervention);
3.12.1.6. disqualification from student employment positions;
3.12.1.7. revocation of admission and/or degree;
3.12.1.8. withholding of official transcript or degree;
3.12.1.9. bar against readmission;
3.12.1.10. monetary restitution;
3.12.1.11. withdrawing from a course with a grade of W, F, or WF;
3.12.1.12. relevant training;
3.12.1.13. suspension;
3.12.1.14. deferred suspension
3.12.1.15. written warning; or
3.12.1.16. expulsion.

3.12.2. Employees

3.12.2.1. withholding a promotion or pay increase;
3.12.2.2. reassigning employment, including, but not limited to demotion in rank;
3.12.2.3. terminating employment;
3.12.2.4. barring future employment from System or Component;
3.12.2.5. temporary suspension without pay;
3.12.2.6. compensation adjustments;
3.12.2.7. no-contact orders;
3.12.2.8. relevant training; or,
3.12.2.9. recommendation to revoke tenure.

3.13. Notification of Finding to Postsecondary Institutions. On request by another postsecondary educational institution, a Component shall provide to the requesting institution information relating to a determination by the Component that a student enrolled at the Component violated this Policy.

3.14. Retaliation. No Component or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a Complaint or Report, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Any person, who believes that she or he has been subjected to Retaliation, should immediately report this concern to the Title IX Coordinator.

3.14.1. By the Component

3.14.1.1. A Component may not discipline or discriminate against an employee who in good faith makes a Report of Sexual Misconduct as required by this Policy.
3.14.1.2. Subsection 3.14.1.1 does not apply to an employee who perpetrates or assists in perpetrating an incident of Sexual Misconduct.

3.14.2. By Others. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

3.14.3. Confidentiality

3.14.4. The identity of the following individuals is confidential and not subject to disclosure under the Texas Public Information Act, unless such individual(s) waive nondisclosure in writing:

- 3.14.4.1. an alleged victim of an incident of Sexual Misconduct;
- 3.14.4.2. a person who reports an incident of Sexual Misconduct;
- 3.14.4.3. a person who sought guidance from the Component concerning such an incident;
- 3.14.4.4. a person who participated in the Component's investigation of such an incident; or,
- 3.14.4.5. a person who is alleged to have committed or assisted in the commission of Sexual Misconduct, provided that after completion of the investigation, the Component determines the Complaint or Report to be unsubstantiated or without merit.

3.14.5. The identity of the individual(s) referenced in Section 3.15.1 may only be disclosed to the following:

- 3.14.5.1. a Component, as necessary to conduct an investigation and resolution of the investigation;
- 3.14.5.2. the person or persons alleged to have perpetrated the incident of Sexual Misconduct defined in this Policy, to the extent required by other law;
- 3.14.5.3. a law enforcement officer, as necessary to conduct a criminal investigation;
- 3.14.5.4. potential witnesses to the incident, as necessary to conduct an investigation; or,
- 3.14.5.5. a health care provider in an emergency situation, as determined necessary by the Component.

3.14.6. Information reported to a health care provider or other medical provider employed by a Component is confidential, and may be shared by the provider only with the Complainant’s consent. The provider must provide aggregate data or other non-identifying information regarding incidents of Sexual Misconduct to the Component’s Title IX Coordinator.

3.14.7. Breaches of confidentiality or privacy committed by Employees receiving a Complaint or Report of alleged Sexual Misconduct or investigating the Report of alleged Sexual Misconduct may result in disciplinary sanctions.

3.14.8. Release of information to the individuals referenced in Section 3.15.2 shall not be construed as a voluntary disclosure for purposes of the Texas Public Information Act.

3.14.9. If there is a direct conflict between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions.

4. Reporting Incidents of Sexual Misconduct General Information. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the Component's website; the Student's handbook; the Dean of Students Office; Human Resources; and Campus Police or Security; or their equivalents. Once a Complaint or Report of Sexual Misconduct is received by the Component, the Title IX Coordinator will determine the appropriate grievance process for resolution.

4.1. Victim Reporting Options. Although a victim of Sexual Misconduct may decline to report the incident, the Component supports, encourages, and will assist those who have been the victim of Sexual Misconduct to report the incident to any of the sources below. The alleged victim may use a pseudonym form when making a report to a law enforcement agency.

4.1.1. Title IX Coordinator. Any incident of Sexual Misconduct may be brought to the attention of the Title IX Coordinator. The Title IX Coordinator will discuss with the reporting Party the options for:

4.1.1.1. Filing a Formal Complaint of a Title IX Sexual Harassment incident, if applicable; or,

4.1.1.2. Filing a Report of a Non-Title IX Sexual Misconduct incident, if applicable.

4.1.2. Responsible Employee. An individual may report alleged Sexual Misconduct to a Responsible Employee.

4.1.3. Official with Authority. An individual may report alleged Sexual Misconduct to an Official with Authority. A Report to an Official with Authority will impose Actual Knowledge on the Component provided the reported incident of Sexual Misconduct meets the definition of Title IX Sexual Harassment. Each Component will identify and provide contact information of the Official with authority in various locations, including but not limited to the Component's website and the applicable online handbooks.

4.1.4. Component Police or Security. An individual may report an incident of Sexual Misconduct to the Component police or security. Although the Component strongly encourages reporting Sexual Misconduct to the police, a victim may request administrative action by the Component with or without filing a police report. Filing a police report does not obligate the victim to continue with

criminal proceedings or Component disciplinary action. Components shall provide to the victim the contact information for the campus police or security personnel.

4.1.5. Campus Security Authority. A Report of Sexual Misconduct may be made to a Campus Security Authority (CSA) as defined in each Component's Annual Security Report. All CSAs will promptly inform the Title IX Coordinator of the Complaint or Report and comply with all other reporting obligations required by the Clery Act.

4.1.6. Local Law Enforcement. An individual may, but is not required to, report an incident of Sexual Misconduct directly with local law enforcement agencies. At the victim's request, the Component will assist the victim with reporting the incident of Sexual Misconduct to law enforcement.

4.1.7. Electronic Reporting. Each Component shall provide an option for electronic reporting of an incident of Sexual Misconduct. The electronic reporting option must:

4.1.7.1. enable an individual to report the alleged offense anonymously; and

4.1.7.2. be easily accessible through a clearly identifiable link on the Component's internet website home page. (For more information on anonymity, see Section 4.2.8 and Section 4.8.)

4.1.8. Anonymous Reports. Individuals who chose to file anonymous reports are advised that:

4.1.8.1. it may be very difficult, and in some cases, not possible for the Component to investigate an anonymous Report; and

4.1.8.2. filing a Report is not necessary in order to secure Supportive Measures through the Component.

4.2. Preservation of Evidence. Preservation of evidence is critical in incidents of Sexual Misconduct. If you experience sexual violence, you are encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident. With the victim's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of the nearest hospital that provides SAFE services.

4.3. Employee Mandatory Reporting. A Responsible Employee who has knowledge of Sexual Misconduct must report promptly to the Title IX Coordinator all relevant details known to the Employee about the alleged Sexual Misconduct shared by the Complainant or Reporting Party. A Responsible Employee must share all information relevant to the investigation, and if applicable, redress of the incident, including whether the Complainant has expressed a desire for confidentiality in reporting the incident.

4.3.1. Before a Complainant reveals any information to a Responsible Employee, the Employee should inform the Complainant of the Employee's reporting obligations. If the Complainant requests anonymity and confidentiality, the Employee should refer the Complainant to Confidential Employees. A Responsible Employee may not honor a request for anonymity or confidentiality.

4.3.2. A Responsible Employee should not share information with law enforcement without the Complainant's consent, unless the Complainant has also reported the incident to law enforcement.

4.3.3. If the Complainant reports an incident to the Responsible Employee and requests confidentiality or no investigation, the Employee should tell the Complainant that the Component will consider the request, but cannot guarantee that the Component will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will inform the Title IX Coordinator of the Complainant's request for confidentiality or no investigation.

4.3.4. A Responsible Employee will promptly report to the Title IX Coordinator all incidents of Sexual Misconduct, provided:

4.3.4.1. the employee is in the course and scope of employment at the time the employee witnesses or receives information regarding the occurrence of Sexual Misconduct;

4.3.4.2. the employee reasonably believes the incident constitutes Sexual Misconduct; and,

4.3.4.3. the incident of Sexual Misconduct was committed either by or against an enrolled Student or an Employee of the Component at the time of the Sexual Misconduct.

4.3.5. A Component may expand, but shall not narrow, the reporting obligations of Responsible Employees under this subsection.

4.3.5.1. A Component that expands the reporting obligations of a Responsible Employee shall inform such Responsible Employees of their mandatory reporting obligations.

4.4. Termination for Failure to Report or Making a False Report. A Component shall terminate an Employee it determines to have either:

4.4.1. knowingly failed to make a report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking when the Responsible Employee was required to do so; or

4.4.2. knowingly made a false Report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking with intent to harm or deceive.

4.5. No Report Required. An Employee is not required to report an incident of Sexual Misconduct to the Title IX Coordinator if:

4.5.1. the Employee was the victim of such conduct; or,

4.5.2. the Employee received information due to a disclosure made at a public awareness event sponsored by a Component or by a Student organization affiliated with the Component.

4.6. Confidential Employees. Each Component will identify and provide contact information for Confidential Employees in various locations, including but not limited to the Component's website and appropriate online handbooks. These Confidential Employees will assist in a crisis and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, Component disciplinary action, immigration services, and criminal prosecution. Training for Confidential

Employees may be through their professional organizations, if any, or through the Title IX Coordinator.

4.6.1. A Confidential Employee who receives information about an incident of Sexual Misconduct shall report to the Title IX Coordinator only the type of incident reported.

4.6.2. A Confidential Employee shall also provide such information to the Component's Clery Act Coordinator for purposes of the Component's Annual Security Report.

4.7. Request for Anonymity by Complainant.

4.7.1. When considering reporting options, Complainants should be aware that Confidential Employees are permitted to honor a request for anonymity and can maintain confidentiality.

4.7.2. With the exception of Confidential Employees, Component personnel have mandatory reporting and response obligations, regardless of the Complainant's request for anonymity or confidentiality.

4.7.3. The Complaint or Report shall be used as an anonymous Report for data collection purposes under the Clery Act.

4.8. Classifying Sexual Misconduct Matters, Possible Dismissals, and TransfersTitle IX Coordinator's Role in Classifying Sexual Misconduct. The Title IX Coordinator shall review all allegations of Sexual Misconduct to determine if the allegation will be classified as Title IX Sexual Harassment or Non-Title IX Sexual Misconduct at any point during the grievance process.

4.9. Title IX Sexual Harassment. Allegations of Sexual Misconduct shall be classified as Title IX Sexual Harassment provided:

4.9.1. the Sexual Misconduct meets the definition of Title IX Sexual Harassment;

4.9.2. the Sexual Misconduct occurred against a person participating in or attempting to participate in a Component's Education Program or Activity; and,

4.9.3. the Sexual Misconduct occurred against a person located within the United States.

4.10. Non-Title IX Sexual Misconduct. Sexual Misconduct that does not meet all the requirements in Section 5.2 does not constitute Title IX Sexual Harassment and shall be classified as Non-Title IX Sexual Misconduct.

4.11. Mandatory Dismissal of Formal Complaint. If a Formal Complaint has been submitted by a Complainant and the Sexual Misconduct described in the Formal Complaint does not meet all the requirements in Section 5.2, the Title IX Coordinator shall dismiss the Formal Complaint for purposes of the Title IX Sexual Harassment process.

4.11.1. If a Formal Complaint is dismissed for failing to meet the requirements in Section 5.2, a Component may address such Non-Title IX Sexual Misconduct through the Non-Title IX Sexual Misconduct provisions of this Policy.

4.11.2. If the allegation does not meet the definition of Sexual Misconduct, the Component may address the misconduct through the applicable code of conduct process.

4.12. Permissive Dismissal of Formal Complaint and/or Transfer to Alternative Disciplinary Process.

4.12.1. A Component may, but is not required to, dismiss a Formal Complaint or any allegations therein, if at any time during the Title IX Sexual Harassment investigation or live hearing:

4.12.1.1. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

4.12.1.2. if the Respondent is no longer enrolled or employed by the Component; or,

4.12.1.3. specific circumstances prevent the Component from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

4.12.2. Any matter permissively dismissed by the Component may require transfer to the Non-Title IX Sexual Misconduct process. Prior to dismissal, the Title IX Coordinator must determine whether the allegations, if proven, mandate transfer to an alternative disciplinary process. Component shall expedite the disciplinary process, as necessary, to accommodate both Parties' interests in a speedy resolution.

4.12.2.1. If a Student withdraws or graduates from a Component pending a disciplinary charge alleging that the Student violated this Policy, the Component may not end the disciplinary process or issue a transcript to the student until the Component makes a final determination of responsibility.

4.12.2.2. On request by another postsecondary educational institution, a Component shall provide to the requesting institution information relating to a determination by the Component that a student enrolled at the Component violated this Policy.

4.13. Permissive Dismissal of Non-Title IX Sexual Misconduct Allegations and/or Transfer to Alternative Disciplinary Process.

4.13.1. A Component may, but is not required to, dismiss a report or any allegations therein, if at any time during the investigation or hearing:

4.13.1.1. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Report or any allegations therein; or,

4.13.1.2. specific circumstances prevent the Component from gathering evidence sufficient to reach a determination as to the Report or allegations therein.

4.13.2. Any matter permissively dismissed by the Component may require transfer to an alternative disciplinary process. Prior to dismissal, the Title IX Coordinator must determine whether the allegations, if proved, mandate such a transfer.

4.14. Notice of Dismissal. Upon a dismissal required or permitted under this Policy, the Component must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties, including information regarding the procedures for appealing the dismissal.

5. Title IX Coordinator's Role during Pre-investigation of Sexual Misconduct.

5.1. Receipt of Allegation. Upon receipt of an allegation of Sexual Misconduct, the Title IX Coordinator shall:

5.1.1. promptly contact the Complainant to discuss the availability of Supportive Measures, Complainant's wishes with respect to Supportive Measures, and the availability of Supportive Measures with or without the filing of a Formal Complaint or Report;

5.1.2. explain to the Complainant the process for filing a Formal Complaint or Report;

5.1.3. provide an electronic and/or hard copy of this Policy which explains the process and rights of all Parties;

5.1.4. request additional information regarding the reported incident;

5.1.5. explain the investigatory process;

5.1.6. explain the options for reporting to law enforcement authorities, whether on campus or local police;

5.1.7. discuss Complainant's request for anonymity and confidentiality, if such has been requested, and explain that confidentiality may impact the Component's ability to investigate fully;

5.1.8. discuss the Parties' consent to release and share documents and/or the need for non-disclosure agreements;

5.1.9. determine whether the Complainant wishes to pursue informal resolution; and,

5.1.10. refer the Complainant, as appropriate, to the counseling center or other resources, including but are not limited to, law enforcement, medical

assistance, psychological counseling, victim advocacy resources, legal resources, student financial aid, alternative disciplinary processes, and visa and immigration assistance.

5.2. Complainant's Request Not to Investigate an Incident of Sexual Misconduct. If the Complainant does not wish to have an incident of Sexual Misconduct investigated, the Title IX Coordinator shall discuss this request with Complainant before the Title IX Coordinator makes a decision on whether to proceed with the investigation.

5.2.1. In deciding whether to proceed with such an investigation, the Title IX Coordinator will make an individualized assessment, taking into account the Complainant's wishes not to proceed as well as other relevant factors including, but not limited to:

5.2.1.1. the seriousness of the alleged conduct;
5.2.1.2. whether violence or weapons were involved;
5.2.1.3. the age of the victim;
5.2.1.4. whether other Complaints or Reports have been made against the alleged Respondent; and,
5.2.1.5. whether the alleged incident poses a risk of harm to others.

5.2.2. The Component may investigate the alleged incident of Sexual Misconduct in a manner that complies with the applicable confidentiality provisions in this Policy.

5.2.3. If a Component decides not to investigate, the Component shall take any steps it determines necessary to protect the health and safety of its community in relation to the alleged incident.

5.2.4. A Component shall inform a Complainant of its decision to either investigate or not investigate the allegations.

5.3. Non-Title IX Sexual Misconduct. Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment shall be classified as Non-Title IX Sexual Misconduct. Non-Title IX Sexual Misconduct may be handled by the Title IX Coordinator's Office or an office or individual(s) the Component determines appropriate to address such Non-Title IX Sexual Misconduct.

6. Title IX Sexual Harassment Grievance Process

6.1. Filing a Formal Complaint. Incidents of Sexual Misconduct should be reported as per Section 4 of this Policy. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator under this Policy and any additional method designated by the Component.

6.2. Cases Initiated by the Title IX Coordinator. If the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party.

6.3. Notice of Allegations. In response to a Formal Complaint the Component must give written notice of the allegations to the Parties. This notice must include:

6.3.1. notice of the Component's grievance process, including informal resolution;

6.3.2. sufficient details of the allegations known at the time;

6.3.3. identities of the Parties involved;

6.3.4. the conduct allegedly constituting Title IX Sexual Harassment;

6.3.5. the date and location of the alleged incident;

6.3.6. a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

6.3.7. that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;

6.3.8. that the Parties may inspect and review evidence gathered during the process;

6.3.9. that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and,

6.3.10. the availability of Supportive Measures to the Complainant and Respondent.

6.4. Right to Advisor

6.4.1. Each Party may be accompanied by an Advisor of their choice to any related meeting, interview, or proceeding. The Advisor may be, but need not be, an attorney who may provide support, guidance, or advice to the Party. The Advisor may not otherwise directly participate in any meeting, interview, or proceeding except for the limited purpose of conducting cross-examination (as more fully explained in Section 7.11.3) at a live hearing, if any.

6.4.2. If a Party does not have an Advisor to conduct cross-examination at the live hearing, the Component will provide the Party with an Advisor, who need not be an attorney, for the limited purpose of conducting cross-examination at the live hearing.

6.4.3. Each Party's Advisor is requested to meet with the Title IX Coordinator to discuss hearing procedure and protocols prior to the live hearing, if any.

6.5. Informal Resolution. Informal Resolution of Formal Complaints shall be in accordance with Section 3.9 herein.

6.6. Consolidation of Complaints

6.6.1. A Component may consolidate Formal Complaints as to allegations involving the same circumstances.

6.6.2. A Component may consolidate Formal Complaints involving allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations arise out of the same facts or circumstances.

6.7. Investigation

6.7.1. Scheduling. An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

6.7.2. Information Gathering. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct a site inspection, if necessary, and obtain other information as appropriate.

6.7.3. Equal Opportunity to Present Evidence and Witnesses. All Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the course of the investigation. A Component may not restrict the ability of either Party to discuss the allegations under investigation, or to gather and present relevant evidence.

6.7.4. Burden on the Component. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Component and not on the Parties. However, a Component cannot access, consider, disclose, or otherwise use a Party's Confidential Treatment Records, unless that Party consents to such access.

6.7.5. Privileges. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

6.7.6. Right to Inspect and Review Evidence Prior to Completion of the Investigation. Once the assigned Investigator concludes all fact finding and evidence gathering activities, each Party and their respective Advisors must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the Component does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.

6.7.6.1. Each Party and their Advisor will be sent such evidence in electronic format or hard copy. Each Party will have ten (10) calendar days from the date they are notified to inspect, review, and respond to the evidence.

6.7.6.2. The written response of each Party, if any, must be considered by the Investigator prior to completion of the Investigative Report.

6.8. Investigative Report. Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator to ensure all elements of the investigation have been completed. The Title IX Coordinator will forward the Investigative Report to the Decision Maker.

6.9. Notice of Hearing. Upon completion of the Investigative Report, the Title IX Coordinator will send the Notice of Hearing and the Investigative Report to all Parties and their Advisors. The Notice of Hearing and Investigative Report will be sent no less than ten (10) calendar days prior to the scheduled hearing to allow all Parties an opportunity for response.[1]

6.10. Pre-Hearing Instructions. The following items should be provided to the Decision Maker no later than three (3) calendar days prior to the date of hearing and apply equally to both Parties:

6.10.1. any written response to the investigative Report;

6.10.2. documents, or other evidence to be used at the hearing;

6.10.3. the name of each witness who is to appear on that Party's behalf (witnesses not previously interviewed or identified may be allowed to testify only at the discretion of the Decision Maker); and,

6.10.4. a list of initial questions and cross-examination questions for the opposing Party and any designated witness. Each Party, through their Advisor, will be permitted to conduct cross-examination even if written questions are not previously submitted by the Party.

6.11. Live Hearings. All investigations not dismissed pursuant to Section 5.4 shall have a live hearing. The following are the participants at a live hearing:

6.11.1. Decision Maker. The Decision Maker determines the relevancy of all questions asked during the hearing, may ask questions of any witness or Party during the hearing, and ultimately issues the written decision of responsibility and sanction, if any, after the hearing. The Component's Title IX Coordinator or the Investigator who conducted the investigation or prepared the Investigative Report may not serve as Decision Maker.

6.11.2. Parties. The Parties are the Complainant and Respondent. Each Party may give a statement, answer questions, present evidence, and witnesses, and cross-examine the other Party and witnesses through their Advisor.

6.11.3. Advisor. Each Party is entitled to have an Advisor of their choice at the hearing. Each Party must have an Advisor to conduct cross-examination of the other Party and witnesses. An Advisor may, but is not required to be, an attorney. In addition to cross- examination, the Advisor may provide support, guidance, or advice to Complainant or Respondent, but may not otherwise directly participate in the hearing.

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[1] *Component Charter Schools and the Sam Houston State University College of Osteopathic Medicine, Including SHSU Physicians. Pursuant to 34 C.F.R § 106.45(b)(6)(ii), a Formal Complaint filed (1) by or against a student of a Component charter (elementary and secondary) school, (2) by or against an employee or student of the Sam Houston State University College of Osteopathic Medicine, or (3) by or against an employee of SHSU Physicians will not utilize the live hearing process provided in this Policy. The Component Title IX Coordinator shall explain to the Parties and Advisors, if any, the process to be followed*

6.11.3.1. If a Party does not have an Advisor, the Component will appoint an Advisor of the Component's choice, without fee or cost to the Party, for the limited purpose of conducting cross-examination, including questions challenging the Party or witness's credibility. A Component is not required to appoint an attorney as an Advisor.

6.11.4. Investigator. The Investigator will be present at the hearing, and may answer questions from either Party about the investigation and the summary of evidence in the Investigative Report.

6.11.5. Title IX Coordinator. The Title IX Coordinator may be present at the live hearing.

6.12. Availability of Investigative Evidence. The Component must make all evidence subject to the Parties' inspection and review available at any hearing to give each Party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

6.13. Documents. Each Party shall have the opportunity to present relevant documents to the Decision Maker for consideration at the hearing. Only documents and other evidence pre-submitted in accordance with Section 7.10 will be considered.

6.14. Witnesses. Each Party shall have the opportunity to present fact and/or expert witnesses to the Decision Maker for consideration at the hearing.

6.15. Determination of Relevance of Questions. Only relevant questions may be asked of a Party or witness during the hearing. Before a Party or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant.

6.15.1. Questions concerning a Party's prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

6.15.2. The Decision Maker will explain to the Party's Advisor why a question excluded is not relevant. The Decision Maker's relevancy decision is final and may only be challenged as a procedural defect on appeal, as provided in this Policy.

6.16. Live Cross-Examination (Directly, Orally, in real time). The cross- examination of a Party or witness must be conducted by the other Party's Advisor, orally, and in real time. A Party may not directly question the other Party or witness.

6.17. (Intentionally left blank.)

6.18. Alternative Hearing Locations. The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at the Component's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually. At the request of either Party, the Component shall provide for the entire hearing, including cross-examination, to occur with the Parties in separate

rooms with technology that enables the Parties to see and hear each other or the witness answering questions, at all times while the hearing is in session.

6.19. Recording of Hearing Proceedings. Component shall create an audio or audiovisual recording, or transcript, of any live hearing and make such recording or transcript available to the Parties for inspection and review.

6.20. Decision and Sanctions. Once the live hearing has concluded, the Decision Maker will issue a written determination, which shall be sent simultaneously to the Parties, along with information about how to appeal the determination. The contents of the decision will include:

6.20.1. identification of the allegations potentially constituting Title IX Sexual Harassment;

6.20.2. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

6.20.3. findings of fact supporting the determination;

6.20.4. conclusions regarding the application of this Policy to the facts;

6.20.5. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Component imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Component's Education Program or Activity will be provided by the Component to the Complainant;

6.20.6. the Component's procedures and permissible bases for the Complainant and Respondent to appeal; and

6.20.7. the identity and contact information of the appropriate Appellate Authority.

6.21. Appeals. Both Parties must be offered an appeal from a determination regarding responsibility, and from a dismissal of a Formal Complaint or any allegations therein.

6.21.1. Grounds for Appeal. The only grounds for appeal are:

6.21.1.1. procedural irregularity, including a relevancy determination, that affected the outcome of the matter;

6.21.1.2. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;

6.21.1.3. the Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and,

6.21.1.4. the Sanction is substantially disproportionate to the written decision.

6.21.2. Procedure for Appeal. Either Party may appeal a dismissal or Decision Maker's determination by filing a written request to appeal, with supporting information, with the appropriate Appellate Authority within ten (10) calendar days of issuance of the decision. If a Complainant or Respondent appeals, the Component must:

6.21.2.1. notify the other Party in writing within five (5) calendar days from when an appeal is filed and implement appeal procedures equally for both Parties;

6.21.2.2. give the non-appealing Party seven (7) calendar days from when the Component notifies the non-appealing Party that an appeal has been filed to submit a written statement in support of, or challenging, the outcome, a copy of which will be provided to the appealing Party; and,

6.21.2.3. issue a written decision, including the rationale therefor, simultaneously to both Parties within twenty-one (21) calendar days from the date the notice is issued. The decision of the Appellate Authority is final.

6.22. Implementation of Sanction. No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit an appeal has elapsed.

6.23. Implementation of Remedies. Upon the issuance of the written determination and the conclusion of any appeal, if the Decision Maker determines remedies will be provided, the Title IX Coordinator will communicate with Complainant separately to discuss what remedies are appropriate to restore or preserve the Complainant's equal access to the Component's Education Program or Activity.

7. Non-Title IX Grievance Process

7.1. Filing a Report. Incidents of Sexual Misconduct should be reported as per Section 4 of this Policy. Although the Component strongly encourages reporting Sexual Misconduct to the police, the Complainant may request administrative action by the Component with or without filing a police report.

7.2. Notice of Allegations. In response to a Report the Component must give written notice of the allegations to the Parties. This notice must include:

7.2.1. notice of the Component's grievance process, including informal resolution;

7.2.2. sufficient details of the allegations known at the time;

7.2.3. identities of the Parties involved;

7.2.4. the conduct allegedly constituting Non-Title IX Sexual Misconduct;

7.2.5. the date and location of the alleged incident;

7.2.6. that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney (the Component is not required to appoint an Advisor);

7.2.7. that the Parties may inspect and review evidence gathered during the process;

7.2.8. that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and,

7.2.9. the availability of Supportive Measures to the Complainant and Respondent.

7.3. Investigation

7.3.1. Scheduling. An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

7.3.2. Information Gathering. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct a site inspection, if necessary, and obtain other information as appropriate.

7.3.3. Equal Opportunity to Present Evidence and Witnesses. All Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the course of the investigation. A Component may not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

7.3.4. Burden on the Component. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Component and not on the Parties. However, a Component cannot access, consider, disclose, or otherwise use a Party's Confidential Treatment Records, unless that Party consents to such access.

7.3.5. Privileges. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

7.3.6. Right to Inspect and Review Evidence Prior to Completion of the Investigation. Once the assigned Investigator concludes all fact finding, and evidence gathering activities, each Party must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Report, including the evidence upon which the Component does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.

7.3.6.1. Each Party will have ten (10) calendar days to inspect, review, and respond to the evidence.

7.3.6.2. The written response of each Party, if any, must be considered by the Investigator prior to completion of the Investigative Report.

7.4. Investigative Report. The Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and

materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator.

7.5. Title IX Coordinator Finding and Recommended Sanction.

7.5.1. The Title IX Coordinator will make a written Finding as to whether:

7.5.1.1. it is more likely than not that Respondent did not violate this Policy, or

7.5.1.2. it is more likely than not that Respondent violated this Policy, and the nature of the violation(s).

7.5.2. The Finding shall include the Title IX Coordinator's basis for the decision and recommended Sanctions when there is a Finding of a violation.

7.5.3. Communication of the Finding and Recommended Sanctions.

7.5.3.1. When there is a Finding of no violation of this Policy, the Title IX Coordinator will communicate the Finding in writing simultaneously to the Complainant and Respondent.

7.5.3.2. When there is a Finding that it is more likely than not that Respondent violated this Policy, the Title IX Coordinator will communicate the Finding in writing to the Component Administrator with authority to determine and issue appropriate Sanctions.

7.5.3.3. When there is a Finding of a violation by a Respondent employed by the Component, the Title IX Coordinator, in consultation with appropriate administrative officials, will provide the Finding to additional individuals, with supervisory authority over the employee, who are not in the line of appellate review.

7.6. Sanction Decision. The responsible Component Administrator will issue written Sanctions promptly and send such Sanctions with a copy of the Findings to the Complainant, Respondent, Title IX Coordinator, and when appropriate, additional individuals with supervisory authority over either Party that are not in line of appellate review. Component Administrator shall inform Complainant of any Sanction(s) imposed on Respondent that directly relates to Complainant.

7.7. Administrators Responsible for Imposing Sanctions

7.7.1. Student Respondent Sanctions. The Dean of Students will issue Sanctions for Students. When Respondent is both a Student and an Employee, the Title IX Coordinator will determine whether the Respondent's status is that of Student, staff, or faculty for disciplinary purposes. When Respondent's status is determined to be that of a Student employed by the Component, the Dean of Students will consult with the appropriate Human Resources authority prior to issuing Sanctions.

7.7.2. Staff Respondents. The Respondent's supervisor, or other authority within the Respondent's chain of command, will issue Sanctions in consultation with Human Resources.

7.7.3. Faculty Respondents. The Dean shall consult with the Department Chair as appropriate and issue Sanctions.

7.8. Dispute of Findings and/or Sanctions. Complainant or Respondent may elect to dispute the Finding and/or the Sanction. Review of disputed Findings and/or Sanction(s) are based on the preponderance of evidence standard.

7.8.1. Students. Student Complainants or Respondents must submit a written request for a hearing to the Title IX Coordinator within seven (7) calendar days. Procedures for the hearing are outlined in the System Rules and Regulations, Chapter VI §§ 5.7-5.9, with exceptions as follows:

7.8.1.1. The Component Representative for hearings related to the Non-Title IX Sexual Misconduct shall be the Component's Title IX Coordinator;

7.8.1.2. The Title IX Coordinator is responsible for arranging the hearing by notifying the Parties of the hearing dates, the availability of documents to be used at the hearing, the witnesses expected to provide information at the hearing, as well as deadlines for submission of questions.

7.8.1.3. Each Party shall receive a copy of the written request for hearing and notice of the hearing, and has a right to be present.

7.8.1.3.1. Neither Party shall be compelled to attend any hearing. The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at the Component's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually.

7.8.1.3.2. At the request of either Party, the Component shall provide for the entire hearing to occur with the Parties in separate rooms with technology that enables the Parties to see and hear each other.

7.8.1.4. Complainant and Respondent may submit written questions for the other Party and any witnesses to the Decision Maker. Such questions shall be submitted by the Parties in accordance with the deadline established. The Decision Maker will determine, and shall ask the questions relevant to the inquiry. Any individual participating as a Decision Maker may ask relevant questions of the Parties and/or witnesses. Relevant follow-up questions may be submitted to the Decision Maker during the hearing.

7.8.1.5. Hearing Decision. The Decision Maker may uphold, reject or modify the Finding(s) and Sanctions(s), or remand the matter to the Title IX Coordinator for further investigation and/or other action.

7.8.1.6. The Decision Maker shall issue a written, final Decision and shall provide a copy of the Decision to Complainant, Respondent, the Title IX Coordinator, and Dean of Students.

7.8.2. Staff. Complainants or Respondents may elect to dispute the Finding and/or Sanction as follows.

7.8.2.1. Any request for review of the Finding or Sanction against a staff member must be made in writing and submitted with all information in support of the request to the Chief Human

Resources Officer, or his or her designee, within five (5) calendar days of receipt of the Finding or Sanction.

7.8.2.2. The Chief Human Resources Officer shall provide a copy of the materials submitted to the other Party, the Title IX Coordinator, and the Decision Maker within five (5) calendar days of receipt.

7.8.2.3. A Party who has not requested review, including the Component, may, but is not required to, submit a written response to the Decision Maker within five (5) calendar days of receiving the materials.

7.8.2.4. The Decision Maker may uphold, reject, modify, or remand the Decision. The Decision is final.

7.8.2.5. The Decision Maker will inform Complainant, Respondent, Title IX Coordinator, appropriate supervisor, and appropriate Campus Administrator of the Decision in writing.

7.8.3. Non-Tenured Faculty Dispute of Non-Reappointment or Termination After Expiration of Appointment Period. Should the Sanction against a non-tenured faculty member result in the non-reappointment or termination of the faculty member after expiration of his/her appointment period, faculty member may dispute the Findings and/or Sanctions as described herein. However, the faculty member is not entitled to a hearing.

7.8.3.1. No later than thirty (30) calendar days after the faculty member receives notice of the Finding and/or Sanction, he or she may request review from the President by submission of the grievance form prescribed by the Component together with any supporting materials.

7.8.3.2. The Component President shall designate a Hearing Officer to review.

7.8.3.3. The Hearing Officer shall provide a copy of the materials submitted to the other Party and the Title IX Coordinator within five (5) calendar days of appointment.

7.8.3.4. The Hearing Officer will meet with the faculty member at a mutually convenient time to review the dispute.

7.8.3.5. The Hearing Officer may secure any information the officer determines necessary to review the dispute.

7.8.3.6. The Hearing Officer shall make a written recommendation to the President to approve, reject, modify, or remand the Finding and/or Sanction and shall provide a copy of the recommendation to the faculty member, the other Party, the Title IX Coordinator and Provost.

7.8.3.7. The Component President shall issue a written, final Decision and shall provide a copy of the Decision to the faculty member, the other Party, the Title IX Coordinator and the Provost.

7.8.4. Faculty Hearing. Tenured faculty receiving a Sanction that impacts the faculty member's continued employment, fulltime salary (not including administrative positions or summer teaching) or demotion in rank or other faculty member whose employment is terminated prior to the end of his or her appointment period may elect to dispute the Finding and/or the Sanction through a hearing.

Hearing procedures are outlined in the System Rules and Regulations, Chapter V, § 4.54 with the following exceptions:

7.8.4.1. The role of the Decision Maker is to review the investigation and the appropriateness of the Sanction for significant procedural errors or omissions;

7.8.4.2. All notices and correspondence shall be sent to Complainant, Respondent, Title IX Coordinator, and Provost who shall be referred to as Required Parties for purposes of this section.

7.8.4.3. Within five (5) calendar days of receipt of the Finding and/or Sanction, the faculty member must file a written request for a due process hearing by submitting the request together with any materials for review to the Provost.

7.8.4.4. The other Party shall receive notice of the hearing and has a right to be present, but shall not be compelled to attend any hearing. Complainant, Respondent, or witness who does not want be in the same room as one of the Parties shall, upon advance request, be accommodated.

7.8.4.5. Complainant and Respondent may submit written questions for the other Party and any witnesses to the Decision Maker. Such questions shall be submitted by the Parties in accordance with the deadline established by the Decision Maker. The Decision Maker will determine, and shall ask, the questions relevant to the inquiry. Any individual participating as a Decision Maker may ask relevant questions of the Parties and/or witnesses. Relevant follow- up questions may be submitted to the Decision Maker during the hearing.

7.8.4.6. Complainant, Respondent, or Component may be assisted or represented by counsel.

7.8.4.7. The Decision Maker shall issue a written recommendation to approve, reject, modify, or remand the Finding and/or Sanction. The recommendation shall be forwarded to the President and Required Parties within five (5) calendar days of the hearing.

7.8.4.8. When a Finding of Sexual Misconduct is upheld, Sanctions listed herein shall be imposed. When the President finds substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation or determines there is insufficient evidence to support the recommended Finding, he or she may remand the matter to the Title IX Coordinator for further investigation and/or other action, or may reject the recommended Finding(s) or Sanction(s).

7.8.4.9. The President shall issue a written, final Decision and shall provide a copy of the Decision to the Required Parties.

7.8.5. Other Faculty Disputes. All other disputes of the Finding and/or Sanction against faculty shall follow the procedures for Staff stated herein.

7.8.6. Third Parties. Third Party Complainants or Respondents have no right to dispute or appeal Findings or Sanctions.

7.8.7. Implementation of Sanction. No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit

an appeal has elapsed, unless, in the discretion of the Campus Administrator imposing the Sanction, good cause exists to implement the Sanction.

7.8.8. Implementation of Remedies. Upon the issuance of the written determination, if the Decision Maker determines remedies will be provided, the Title IX Coordinator will communicate with Complainant separately to discuss what remedies are appropriate to restore or preserve the Complainant's equal access to the Component's Education Program or Activity.

7.9. Appeal of Non-Title IX Grievance OutcomeRight to Appeal. If a student or faculty member Complainant or Respondent is dissatisfied with the determination of a hearing, either Party may appeal.

7.10. Grounds for Appeal. Grounds for appeal are limited to the following:

7.10.1. Procedural irregularity that affected the outcome of the matter;

7.10.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;

7.10.3. The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, that affected the outcome of the matter;

7.10.4. The Sanction is substantially disproportionate to the written decision.

7.11. Procedure for Student Appeals.

7.11.1. Appeals shall be made in writing and include the ground(s) for appeal. All information in support of the appeal must be included and submitted to the Chief Student Affairs Officer, or his or her designee (Appellate Authority), within five (5) calendar days of the hearing Decision.

7.11.2. The Appellate Authority shall provide a copy of the appeal submission(s) to the other Party and the Title IX Coordinator within three (3) calendar days of receipt.

7.11.3. The Party who has not filed an appeal, including the Component, may, but is not required to, submit a written response to the appeal within five (5) calendar days of receipt. The Appellate Authority shall provide a copy of the response, if any, to the other Party and the Title IX Coordinator within three (3) calendar days of receipt.

7.11.4. The Appellate Authority may approve, reject, modify, or remand the Decision. The Appellate Authority shall issue a written Decision and shall provide a copy to Complainant, Respondent, Title IX Coordinator, and Dean of Students. The Appellate Authority's Decision is final.

7.12. Procedure for Faculty Appeals. Appeals of faculty hearings are governed by *System Rules and Regulations, Chapter V. § 4.56* with exceptions as follows:

7.12.1. A faculty member must submit a written appeal stating grounds with any supporting documentation to the System Administration Office within thirty (30) calendar days of receipt of the President's decision.

7.12.2. The System Office shall provide a copy of the appeal concurrently with receipt to the non-appealing Party, the President, Title IX Coordinator, and additional individuals with supervisory authority over either Party.

7.12.3. The President may submit a written response to the appeal within thirty (30) calendar days of receipt of the appeal from the System Office.

7.12.4. The TSUS Board shall provide notice in writing of the reasons for its Decision simultaneously to the faculty member, the non- appealing Party, the President, and Title IX Coordinator. The Decision of the Board is final.

7.13. Modification of Deadlines. The Appellate Authority may modify the deadlines contained in this section, as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the appeal, semester breaks and time-sensitive considerations.

8. Administrative Requirements

8.1. Component Website Requirements. A Component shall create and maintain a web page dedicated solely to this Policy.

8.1.1. The web page shall be easily accessible through a clearly identifiable link on the Component's internet website home page.

8.1.2. The Component's internet website home page shall contain a clearly identifiable link to enable an individual to make an anonymous Report of an incident of Sexual Misconduct.

8.2. Comprehensive Prevention & Outreach Program. Components shall distribute the sexual misconduct policy to all students, faculty and staff annually. Each Component shall develop and implement a comprehensive prevention and outreach program on Sexual Misconduct. The comprehensive prevention and outreach program must address a range of strategies to prevent Sexual Misconduct. The program must also include a victim empowerment program, a public awareness campaign, primary prevention, bystander intervention and risk reduction strategies. The Component will engage in the risk reduction strategies outlined below to limit the risk of Sexual Misconduct for the campus community.

8.2.1. Primary Prevention Training. Primary prevention training programs shall be designed to promote awareness of sexual offenses, and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of Sexual Misconduct.

8.2.1.1. The Component training will be based upon research and will be assessed periodically for effectiveness.

8.2.1.2. Specifically, training will include:

8.2.1.2.1. definitions of Sexual Misconduct offenses which are prohibited by the Component, as defined by applicable law;

8.2.1.2.2. definition of consent as defined by Texas law;

8.2.1.2.3. awareness and prevention of rape, acquaintance Rape, Sexual Harassment, Domestic Violence, Dating Violence, Sexual Assault, and Stalking;

8.2.1.2.4. risk reduction, such as recognition of warning signs of possible Sexual Misconduct, situational awareness, and safety planning;

8.2.1.2.5. bystander intervention, to encourage identification of situations that might lead to Sexual Misconduct, and promote safe intervention as a means to prevent the misconduct (bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene);

8.2.1.2.6. options for reporting Sexual Misconduct and the confidentiality that may attach to such reporting;

8.2.1.2.7. the grievance process for Sexual Misconduct, as described in this Policy;

8.2.1.2.8. procedures for accessing possible Sanctions for Sexual Misconduct, as described in this Policy;

8.2.1.2.9. campus and community resources available to Complainants or Respondents;

8.2.1.2.10. interim safety measures available for Complainants; and,

8.2.1.2.11. descriptions of additional and ongoing Sexual Misconduct prevention and awareness campaigns and training.

8.2.1.3. Each entering freshman and undergraduate transfer Student, and New Employees shall attend an orientation regarding Sexual Misconduct and the Sexual Misconduct Policy during the first semester or term of enrollment or employment. The Component shall establish the format and content of the orientation, which may be provided online. The orientation must include the name, office location, and contact information of the Component's Title IX Coordinator. The orientation must contain a statement regarding:

8.2.1.3.1. the importance of a victim of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;

8.2.1.3.2. the right of a victim of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking to report the incident to the Component and to receive a prompt and equitable resolution of the Report; and,

8.2.1.3.3. the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law

enforcement, or to decline to report the crime to law enforcement.

8.2.2. Ongoing Sexual Misconduct Education. The Component's commitment to raising awareness of the dangers of Sexual Misconduct shall include ongoing education.

8.2.2.1. Ongoing education must include:

8.2.2.1.1. the same information as the primary training;

8.2.2.1.2. the name, office location and contact information of the Component's Title IX Coordinator, provided to Students by email at the beginning of each semester;

8.2.2.1.3. include a public awareness campaign; and,

8.2.2.1.4. include a victim empowerment program.

8.2.2.2. Ongoing education may include, but is not limited to:

8.2.2.2.1. annual training, lectures by faculty, staff, mental health professionals, and/or trained non-Component personnel;

8.2.2.2.2. dissemination of informational materials regarding the awareness and prevention of Sexual Misconduct; and,

8.2.2.2.3. event programming, both campus wide, and coordinated with and delivered to individual groups on campus.

8.2.3. Training of Title IX Personnel. Title IX personnel includes Title IX Coordinators, Deputy Coordinators, investigators, Decision Makers, and facilitators of informal resolution processes.

8.2.3.1. All Title IX personnel shall receive training each academic year including:

8.2.3.1.1. knowledge of offenses, including specific definitions of Sexual Misconduct offenses which are prohibited by the Component as defined by applicable law;

8.2.3.1.2. the scope of the Component's Education Programs and Activities, in order to identify situations that require a response under Title IX; and,

8.2.3.1.3. investigatory procedures, due process, and Component Policy and procedures related to Sexual Misconduct.

8.2.3.2. All Title IX personnel shall receive training in the following areas:

8.2.3.2.1. how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes; and,

8.2.3.2.2. how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

8.2.3.3. Investigators shall receive training on issues of relevance to create an investigative Report that fairly summarizes relevant evidence.

8.2.3.4. Decision Makers shall receive the following training:

8.2.3.4.1. the use of technology to be used in a live hearing, to be received prior to that hearing; and,

8.2.3.4.2. issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

8.2.3.5. Materials used in training of Title IX Personnel must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

8.2.4. Trauma-Informed Investigation Training. Each peace officer employed by a Component shall complete training on trauma-informed investigation into allegations of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking.

8.2.5. Posting of Training Materials. All materials used to train Title IX personnel as described in Section 10.2.3 must be made publicly available on the Component's website. This requirement applies regardless of whether materials were created by or procured by the Component.

8.2.6. Memoranda of Understanding Required. To facilitate effective communication and coordination regarding allegations of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking a Component shall enter into a memorandum of understanding with one or more:

8.2.6.1. local law enforcement agencies;

8.2.6.2. sexual harassment, Sexual Assault, Dating Violence, or Stalking advocacy groups; and,

8.2.6.3. hospitals or other medical resource providers.

8.3. Requirements of the Title IX Coordinator's Quarterly Report, as Prescribed by Statute

8.3.1. The Title IX Coordinator of each Component, shall, once every three months, submit a written report of sexual misconduct allegations received by Responsible Employees to the Component's President containing the following information:

8.3.1.1. the number of reports of Sexual Harassment, Sexual Assault, Dating Violence and Stalking during the reporting period;

8.3.1.2. the number of investigations conducted during the reporting period;

8.3.1.3. the final dispositions occurring during the reporting period; and,

8.3.1.4. the number of reports for which the Component determined not to initiate a disciplinary process during the reporting period.

8.3.2. The Title IX Coordinator of each Component shall immediately report to the Component's President any incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking if the Coordinator has cause to believe that the safety of any person is in imminent danger as a result of such conduct.

8.4. Requirements of the Component President's Annual Report, as Prescribed by Statute

8.4.1. The President of each Component shall, once each academic year in either the fall or spring semester, submit a report of Sexual Misconduct allegations received by the Component to the TSUS Board of Regents containing the following information:

8.4.1.1. the number of reports received of sexual harassment, Sexual Assault, Dating Violence and Stalking during the reporting period;

8.4.1.2. the number of investigations conducted during the reporting period;

8.4.1.3. the final dispositions occurring during the reporting period;

8.4.1.4. the number of reports for which the Component determined not to initiate a disciplinary process during the reporting period; and,

8.4.1.5. any disciplinary actions taken against Employees who knowingly fail to report an incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking, when required to do so, or who knowingly, with intent to harm or deceive, make a false report of such conduct.

8.4.2. The report to the TSUS Board of Regents may not identify any person, and a copy of such report must be submitted to the Chancellor and the Vice Chancellor and General Counsel.

8.4.3. A President is not required to submit a report to the TSUS Board of Regents for any semester the Component has fewer than 1,500 enrolled students unless more than five reports of either Sexual Harassment, Sexual Assault, Dating Violence or Stalking were received during that semester.

8.4.4. The President's report to the TSUS Board of Regents shall be posted on the Component's internet website.

8.4.5. The President of each Component shall annually certify in writing to the Texas Higher Education Coordinating Board that the Component is in substantial compliance with this subsection. The President shall send a copy of the letter certifying substantial compliance to the Chancellor and the Vice-Chancellor and General Counsel.

8.5. Recordkeeping.

8.5.1. A Component shall retain for seven years, unless a longer retention period is required by law or record retention schedule, the records of Sexual Misconduct allegations, investigations, hearings, appeals, and all related matters, including the following:

8.5.1.1. the responsibility determination;

8.5.1.2. any audio or audiovisual recording or transcript of any live hearing;

8.5.1.3. the disciplinary sanctions imposed on the Respondent, if any;

8.5.1.4. the remedies provided to the Complainant, if any;

8.5.1.5. the appeal and its result, if any;

8.5.1.6. the informal resolution and its results, if any; and,

8.5.1.7. the materials used to train Title IX Coordinators, Investigators, Decision Makers, and any person who facilitates informal resolutions.

8.5.2. A Component shall create and retain for seven years, unless a longer retention period is required by law or record retention schedule, the actions, including Supportive Measures, taken in response to a Report or Formal Complaint of sexual harassment. A Component shall document:

8.5.2.1. the reasons for its conclusions;

8.5.2.2. if Supportive Measures were not provided, the reasons the Component did not provide Supportive Measures, which are not clearly unreasonable in light of the known circumstances; and,

8.5.2.3. that it has taken measures designed to restore or preserve equal access to the Component's Education Program or Activity.

Glossary

Actual Knowledge, in the context of Title IX Sexual Harassment, means notice of Sexual Harassment or allegations of Sexual Harassment to a Component's Title IX Coordinator or any official of the Component who has authority to institute corrective measures on behalf of the Component ("Official with Authority"). Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the Component with actual knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a Student about how to report Sexual Harassment or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Component.

Advisor refers to the person who may accompany the Party to any and all meetings, hearings, or proceedings and provides support, guidance, or advice to the Party. The Advisor may not directly participate in any meeting, hearing, or proceeding, except for the limited purpose of conducting oral cross-examination during a live hearing in a Title IX Sexual Harassment matter. The Advisor may not conduct oral cross- examination during a hearing in a Non-Title IX Sexual Misconduct matter.

Appellate Authority means an individual(s) appointed or authorized by the Component to hear appeals.

Campus Administrator refers to the person(s) authorized by the Component to perform the function(s) as designated in this Policy

Campus Security Authorities (CSA) refers to those individuals designated by the Component, including but not limited to, University Police and officials who have significant responsibility for student and campus activities, who are responsible for accurately reporting crime information for purposes of the Clery Act.

Complaint refers to Formal Complaint as defined herein.

Complainant means an individual who is alleged to be the victim of Sexual Misconduct, and shall be referred to herein as either Complainant or victim. These terms may be used interchangeably throughout this Policy. For Title IX Sexual Harassment complaints, the Complainant must be participating in or attempting to participate in the Component's Education Program or Activity at the time of the alleged incident.

Component refers to all member institutions of the Texas State University System, including the System Administration Office, Lamar University, Lamar Institute of Technology, Lamar State College Orange, Lamar State College Port Arthur, Sam Houston State University, Sul Ross State University, and Texas State University.

Component Premises. Buildings or grounds owned, leased, operated, controlled, or supervised by the Component including property that is within or reasonably contiguous to the premises owned by the Component but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

Confidential Employee refers to a person designated by the Component to whom students enrolled at the institution may speak confidentially concerning incidents of Sexual Misconduct. The term refers to physical and mental health professionals, including licensed counselors who

provide mental health counseling to members of the school community, and those who act under the supervision of a health care employee; and individuals whose scope of employment includes confidentiality requirements under Texas law.

Confidential Treatment Records means records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the Component obtains that Party's voluntary, written consent to do so for a grievance process under this Policy. If the Party is not legally able to give written consent due to minority, then a parent or legal guardian must provide written consent for the Party.

Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011)The Component will consider the following factors in determining whether consent was provided:

1. consent is a voluntary agreement or assent to engage in sexual activity;
2. someone who is incapacitated cannot consent; 3) consent can be withdrawn at any time;
3. past consent does not imply future consent;
4. silence or an absence of resistance does not imply consent; 6) consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
5. coercion, force, or threat invalidates consent; and
6. being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in Sexual Misconduct.

Cyberstalking involves using electronic means, including the Internet, for purposes of a sexual nature, to stalk or harass a person or group of people.

In **Texas**, "**cyberbullying**" is defined as a person using any electronic communication device to engage in bullying or intimidation. So, this form of bullying falls under the broader **bullying law.** Relevant communications include, for example, statements made through social media and text messages. (**Texas** Educational Code § 37.218.)

Dating Violence is violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) the

length of the relationship; (b) the type of relationship; (c) the frequency of interaction between the persons involved in the relationship. (20 U.S.C. §1092) and 34 CFR 668.46 (j)(1)(i)(B)

Decision Maker means the person or people who makes the determination regarding responsibility or dismissal of an allegation of Sexual Misconduct and the person or people who makes the determination if the responsibility determination or dismissal is appealed.

The Appellate Authority may not also serve as the Decision Maker in the same or affiliated grievance.

Dean of Students includes the Student Affairs Office, the Student Services Office, the Dean of Student Life, or the equivalent personnel.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

Education Program or Activity means all the operations of a Component on or off campus, including any building owned or controlled by a student organization that is officially recognized by the Component. Education Program or Activity also includes employment with the Component.

Employee refers to both faculty and staff.

Finding means the written decision made by the Title IX Coordinator or Decision Maker, per the applicable grievance process.

Fondling means the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the Victim, including instances where the Victim is incapable of giving Consent because of their age or because of their temporary or permanent mental incapacity.

Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the Component investigate the allegation of Sexual Harassment.

The phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Component) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Informal Resolution means the process utilized by a Component to resolve Formal Complaints or Reports as an alternative to the investigation and adjudication procedures stated in this Policy. Informal Resolution may include but is not limited to mediation.

Informal Resolution Facilitator means the person who assists and guides the Parties toward their own resolution. The **Informal Resolution Facilitator** does not decide the outcome.

Investigator refers to the person who conducts the Sexual Misconduct investigation.

New Employee refers to a faculty or staff member who has not been previously employed by the Component, or whose previous employment with the Component was more than one year from their latest date of hire with the Component.

Non-Title IX Sexual Misconduct refers to Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment in this Policy.

Notice means notification. Notice may be provided via electronic or hard copy methods. Every effort will be made to notify each Party using the same method.

Official with Authority refers to the Title IX Coordinator or any official, as determined by the Component, who has authority to institute corrective measures on behalf of the Component.

Parties means the Complainant and Respondent.

Preponderance of the Evidence means the greater weight and degree of credible evidence. Preponderance of the evidence is the standard for determining allegations of Sexual Misconduct under this Policy. Preponderance of the evidence is satisfied if the Sexual Misconduct is more likely to have occurred than not.

Rape means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the Victim. See also definition of Sexual Assault herein.

Report refers to a report of Sexual Misconduct that is not Title IX Sexual Harassment.

Respondent refers to the person accused of Sexual Misconduct.

Responsible Employee refers to a Component Employee engaged in the course and scope of their employment, including campus police or security. All Employees are Responsible Employees except Confidential Employees. Responsible Employees include all administrators, faculty, staff, residence life directors and Advisors, and graduate teaching assistants.

Retaliation means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Formal Complaint of Sexual Misconduct, including, but not limited to direct and indirect intimidation, threats, and harassment. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve Sexual Misconduct, but arise out of the same facts or circumstances as a Formal Complaint or Report of Sexual Misconduct, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation.

Sex Discrimination also referred to herein as sexual discrimination involves treating a person unfavorably because of that person's sex.

Sex Offenses include any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent.

Sexual Assault is defined as forcible or nonforcible sex offenses under the FBI's Uniform Crime Reporting (U.C.R) program [20 U.S.C. 1092 (f)(6)(A)(v)], which includes these two offense categories:

1. Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
    a. Forcible Rape: (Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.
    b. Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
    c. Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
    d. Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

2. Sex Offenses, Nonforcible: (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.
    a. Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    b. Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

    Examples of sexual assault include, but are not limited to, the following nonconsensual sexual activity:
    a. sexual intercourse (vaginal or anal);
    b. oral sex;
    c. Rape or attempted Rape;
    d. penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
    e. unwanted touching of a sexual nature;
    f. use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
    g. engaging in sexual activity with a person who is unable to provide Consent; or knowingly transmitting a sexually-transmitted disease to another. See also definition of Sexual Assault pursuant to Texas Penal Code §22.011.

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples of sexual exploitation can include, but are not limited to, the following behaviors:

a. prostituting another;
b. non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all Parties involved;
c. voyeurism (spying on others who are in intimate or sexual situations);
d. going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or 5) distributing intimate or sexual information about another person without that person's Consent.

Sexual Harassment:

Title IX Sexual Harassment refers to Sexual Misconduct that meets one or more of these three types of behavior:

1. A Component's Employee conditioning provision of an aid, benefit or service of the Component on an individual's participation in unwelcome sexual conduct ("quid pro quo" harassment which may be express or implied and need not be "severe" or "pervasive" as a single incident is inherently "offensive" and jeopardizes equal educational access;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the Component's Education Program or Activity, or

3. "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in referenced statutes.

Sexual Harassment under other applicable state and federal law means unwelcomed sex-based verbal or physical conduct that:

1. in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
2. in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with the student's ability to participate in or benefit from Education Programs or Activities at a post-secondary educational institution.

Sexual Intimidation includes but is not limited to: 1) threatening another with a non-consensual sex act; 2) Stalking or Cyber-stalking of a sexual nature as defined in Texas Penal Code 42.072; or 3) engaging in indecent exposure as defined in Texas Penal Code 21.08.

Sexual Misconduct is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to Sexual Assault, Sexual Exploitation, Sexual Intimidation, Sexual Harassment, Domestic Violence, Dating Violence, and Stalking. Sexual Misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex. This term also includes Title IX Sexual Harassment.

Sexual Violence Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving Consent. All such acts are forms of Sexual Misconduct.

Stalking is defined as engaging in a course of conduct 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. [34 U.S.C. 12291 (a)(30) and Texas Penal Code Section 42.072.]

Statutory Rape means sexual intercourse with a person who is under the statutory age of Consent.

Student refers to any person who has matriculated, or who is currently or was previously enrolled in the Component on either a full-time or part-time basis.

Supportive Measures include:

- 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 Report or where no Formal Complaint or Report has been filed. Such measures are designed to restore or preserve equal access to the Component's Education Program or Activity without unreasonably burdening the other Party.
- Immediate and appropriate corrective action, including measures designed to protect the safety of all Parties or the Component's educational environment, or deter Sexual Harassment. See Section 3 of this Policy.

Third Party refers to any person who is not a current Student or Employee of the Component, including but not limited to vendors and invited and uninvited visitors.

Third-Party Reporting refers to the submission of a Formal Complaint or Report of Sexual Misconduct by a person on behalf of another person.

Title IX Coordinator is the person who has been designated by each Component to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of Sexual Misconduct and is available to discuss options, provide support, explain Component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Throughout this Policy, the use of the term "Title IX Coordinator" includes such designees.

Title IX Sexual Harassment. See "Sexual Harassment" in this Glossary.

Reviewed: May 2023
Revised: May 2023

POLICY 2.2 HARASSMENT AND DISCRIMINATION[2]

SCOPE: STUDENTS, FACULTY, STAFF, AND VISITORS

1. **Policy:** Lamar Institute of Technology (LIT) shall provide equal educational opportunities for all students and equal employment opportunities for all applicants and employees and otherwise foster an environment free of intimidation, humiliation, discrimination and harassment due to race, color, religion, sex (including and as it pertains to pregnancy and wages), sexual orientation, gender identity or expression, national origin, disability, age, genetic information.

2. **Definition of Harassment:** Harassment is defined as unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history.

3. **Violation and Discipline:** No student, faculty or staff person may use authority granted by state law, by System rule, or by LIT policy to deprive any person of his or her civil rights on the LIT campus or in connection with a LIT sponsored activity.

   3.1 If a violation of this policy is committed on campus and/or in connection with a LIT sponsored event because of race, color, religion, sex, national origin, older age, disability, or genetic information of any person directly harmed by such violation, the violator's discriminatory purpose shall be treated as an aggravating factor for the purpose of determining the appropriate penalty.

   3.2 All complaints shall be considered informal until they are in writing. The investigation and resolution of complaints shall follow the same pattern as outlined in the policy on Sexual Misconduct.

   3.3 If discipline is imposed, the accused shall have his/her right to appeal procedure under LIT policy.

4. **Retaliation Prohibited:** LIT prohibits retaliation and discrimination against any person because that person:
   - Opposed a discriminatory practice prohibited by this policy or state or federal law;
   - Made or filed a charge of discrimination;
   - Filed a complaint of discrimination; or
   - Testified, assisted, or participated in an investigation, proceeding, or hearing under state or federal EEO laws.

5. **Mandatory Anti-Discrimination Training:** Each new employee must participate in training on policies regarding discrimination and harassment no later than 30 days after their hire. Supplemental training is required every two years.

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[2] Civil Rights Act of 1964, Title VII Texas Civil Rights Act; Texas Penal Code Ann., §39.03; Texas State University System, Rules and Regulations, as Amended; Texas Labor Code, §21.010

5.1 Verification of training is required to be maintained in the employee's personnel file.

5.2 All supervisors must make sure part-time employees have access to this information.

Reviewed: May 2023
Revised: May 2023

POLICY 2.3 CONSENSUAL RELATIONSHIPS

SCOPE: STUDENTS, FACULTY AND STAFF

1. **Policy**: Consensual relationships between Supervisors, as defined herein, and their Supervisees, as defined herein, are prohibited unless the Supervisor discloses the relationship to his or her immediate supervisor and a plan to manage the conflict inherent in the relationship has been approved and documented. Disclosure of a relationship by the Supervisee does not relieve the Supervisor of the duty to report the consensual relationship as soon as possible. Plans to manage a conflict may include, but are not limited to, reassignment of either party or other actions to change any conflict of interest or appearance of impropriety created because of the consensual relationship. Failure to disclose the relationship may result in disciplinary actions up to and including termination.

2. **Definitions**

   2.1 Consensual relationship means a mutually acceptable romantic relationship or sexual interaction between a Supervisor and a Supervisee.

   2.2 Supervisor means any employee who, has responsibility, as part of his/her job duties, to teach, instruct, supervise, manage, advise, counsel, oversee, coach, grade, train, or evaluate another employee in any way.

   2.3 Supervisee means any employee or student who is taught, instructed, supervised, managed, advised, counseled, overseen, coached, graded, trained, or evaluated in any way by a Supervisor.

This policy applies to all LIT faculty, staff, and students, including individuals serving as interns or volunteers.

Reviewed: May 2023
Revised: May 2023

POLICY 2.4 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

SCOPE: STUDENTS, FACULTY AND STAFF

Acquired Immune Deficiency Syndrome (AIDS) is a fatal disease which has become a nationwide public health problem.

Lamar Institute of Technology (LIT) acknowledges the seriousness of this problem. In health-related matters such as this, LIT follows the guidelines of recognized authorities including the National Center for Disease Control, the United States Public Health Service, the Texas Department of Health, and American College of Health Association. Furthermore, shall conform its actions to the Texas Communicable Disease Prevention and Control Act and other law.

There is no current evidence that individuals infected with Human Immunodeficiency Virus (HIV), the AIDS Virus, can infect other individuals by casual contact. Accordingly, there is no reason to exclude individuals with the AIDS from social or cultural activities. Therefore, on the basis of current knowledge of the disease, individuals
sharing common living space, work or study areas, libraries, classrooms, recreational facilities, and theaters do not represent a problem or public threat to the campus community.

Students and employees of LIT who may become infected with the AIDS virus will not be excluded from enrollment or employment or restricted in their access to services or facilities, unless medically based judgments in individual cases establish that exclusion or restriction is necessary to the welfare of the individual or of other members of the college community or of the public.

When circumstances arise that require review, the President will seek the advice of the Director of Lamar University Health Services, the attending physician, and any other relevant parties. An opportunity will be provided for any person involved to discuss his or her circumstances.

In the event of public inquiry concerning LIT policy, programs, problems, or statistics related to AIDS on campus, the Director of Communications and Marketing will serve as the official spokesperson for LIT and will enlist the cooperation of the Lamar University Student Health Center as necessary to prepare an appropriate response. All inquiries from the press, elected public officials, or the public in general will be referred to the spokesperson. The medical records of individuals shall remain confidential, but public information shall be disclosed upon request in accordance with the Texas Public Information Act, the Family Education Rights and Privacy Act, and the Texas Communicable Disease Prevention and Control Act. General information and national statistics considered public knowledge are not subject to restriction.

In the event an individual is identified with AIDS, AIDS Related Complex (ARC), or a positive test for the HIV antibody, appropriate existing resources for emotional, educational, social, and medical support will be made available to all concerned individuals.

Persons who know, or have reasonable basis for believing, that they are infected with the AIDS virus are expected to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly in accordance with that knowledge for the protection of other members of the college community and others they may come in contact with in the course of college activities.

LIT shall carefully observe the safety guidelines established by the U.S. Public Health Services

for the handling of blood and other body fluids and secretions, both in all health care facilities maintained on the campus, and in other institutional contexts in which such fluids or secretions may be encountered (e.g., teaching and experimental laboratories).

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Revised: May 2023

POLICY 2.5 WHISTLEBLOWER ACT

SCOPE: FACULTY AND STAFF

1. **Policy:** Lamar Institute of Technology (LIT) will adhere to all provisions of the Texas Whistle Blower Act. This act protects public employees who in good faith report a violation of the law.

2. **Retaliation Prohibited:** A state of local government body may not suspend or terminate the employment of, or otherwise take an adverse action against, a public employee who reports a violation of law to an appropriate law enforcement authority if the employee report is made in good faith. "Law" means a State or Federal statute, an ordinance passed by a local governmental body, or a rule adopted under a statute or an ordinance.

3. **Remedy; Burden of Proof; Venue:**

   3.1. A public employee who alleges a violation of this act may sue for injunctive relief, damages or both. An employee who seeks relief under this Act must sue no later than the 90th day after the alleged violation occurred or was discovered by the employee through the use of reasonable diligence. The employee also must exhaust the appeals process during this 90-day period.

   3.2. A public employee who sues under this section has the burden of proof, but it is a presumption subject to rebuttal that the employee was suspended or terminated for reporting a violation of law. The employee must have suffered an adverse employment action not later than the 90th day after making a report in good faith.

   3.3. A public employee who sues under this section may bring suits in the district court of the county in which the cause of action arises or in the District Court of Travis County.

   3.4. If a governmental body takes an adverse action against a public employee (who makes a good faith report of wrongdoing by the government body) within 90 days of the report, the law will presume retaliation and shift the burden of proof in the case to the governmental body to prove that it did not retaliate.

4. **Damages, Reinstatement:**

   4.1. A public employee who sues under this Act may recover:

      4.1.1. Injunctive damages;

      4.1.2. Actual and punitive damages;

      4.1.3. Costs of court; and,

      4.1.4. Reasonable attorney's fees.

   4.2. In addition to damages recovered under Section 4.1 of this policy, a public employee whose employment is suspended or terminated in violation of this Act is entitled to:

      4.2.1. Reinstatement in his former position;

4.2.2. Compensation for wages lost during the period of suspension or termination, and;

4.2.3 Reinstatement of any fringe benefits or seniority rights lost because of the suspension or termination.

5. **Civil Penalty:** A supervisor who suspends or terminates the employment of a public employee for reporting a violation of law under this Act is subject to a civil penalty not to exceed $15,000. The Attorney General or the appropriate prosecuting attorney may sue to collect the penalty.

6. **Notice:** Each state or local government body shall notify its employees of their rights under this Act by posting an appropriately worded sign in a prominent place in the workplace. The Attorney General shall prescribe the design and content of the sign.[3]

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Revised: May 2023

[3] Texas Government Code, Chapter 554

POLICY 2.6 DRUG-FREE WORKPLACE[4]

SCOPE: STUDENTS, FACULTY AND STAFF

1. Policy: Lamar Institute of Technology is committed to providing safe and healthy work, teaching, and learning environments. Therefore, the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and the abuse of alcohol in the work place is expressly prohibited. Students, faculty, and staff may be drug tested in accordance with this policy.

    1.1. This policy applies to all employees of the Institute which shall be notified of the provision of the policy. All department chairs and supervisors of the Institution are responsible for ensuring that the work place is free from illicit drug use and alcohol abuse. They shall also be responsible for the conformance by all employees with the provisions of this policy and all required procedures hereto.

    1.2. Sanctions will be imposed on students and employees (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct set forth above.

    1.3. The Institute shall conduct a biennial review of its drug and alcohol abuse prevention program. It shall determine and put in report format: (1) the effectiveness of the program and (2) the consistency of the enforcement of sanctions imposed pursuant to the program. It shall also evaluate whether any changes are needed and shall implement any such changes.

    1.4. The Institute shall have available for review by the Secretary of Education, or designee, and the general public, if requested, copies of all documents distributed to students and employees under the drug and alcohol abuse prevention program and copies of the institution's biennial review.

2. **Purpose:** Based on its commitment to assure the safety and health of its students and employees, Lamar Institute of Technology seeks to maintain a learning environment free of

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[4] Amendment IV, U.S. Constitution; Pub. L. No. 100-690, Drug-Free Work Place Act of 1988; 1988 U.S. CODE CONG. AND ADMIN NEWS, 102 Stat. 4304-06; HR 3614, Drug-Free Schools and Communities Act Amendments of 1989, USC, signed12/12/89 (§22 of the Ace amends Title XII of the Higher Education Act of 1965); 21 USC 812, Controlled Substance Act; Drug-Free Work Place Rule, 53 Federal Register 37763, U.S. Department of Defense, 1988; Department of Defense Appropriations Act (P.L. 99-498) ; O'Connor v. Ortega, 107 S. Ct. 1492 (1987); National Treasury Employees Union v. Von Raab, 109 S.Ct 1384 (1989) ; Skinner v. Railway Labor Executives Association, 109 S. Ct. 1402 (1989) Article I. §9, Texas Constitution Article 4476-15 TCS, Texas Controlled Substances Act; §1.04 VTS, Alcoholic Beverage Code; Tex. M & S Code Ann., §461.002 (1) (1990); Minute Order 99-90, 33/22/90 (Drug Abuse Resolution); 142-90, 5/25/90

the unlawful manufacture, distribution, possession or use of controlled substance or the abuse of alcohol. Drug and alcohol abuse affects the responsible conduct of business, teaching, and learning, and therefore, will not be tolerated.

2.1. To maintain a safe and healthy environment for all students and employees;

2.2. To maintain the good reputation of the Institute and its employees;

2.3. To minimize accidental injuries to person or property;

2.4. To keep absenteeism and tardiness at a minimum and to improve the effective performance of job duties and productivity of all employees and the educational performance of students;

2.5. In appropriate circumstances, the assist students and employees in securing substance abuse rehabilitation;

2.6. To comply with the Federal Drug-Free Work Place Act of 1988, the Drug Free Schools and Communities Act Amendments of 1989, and other applicable legislation, and;

2.7. To adopt and implement a program to prevent use of illicit drugs and abuse of alcohol by students and employees.

3. **Definitions:** As used in this policy, the following definitions apply:

3.1. "Drugs or other controlled substances" mean any substance, other than alcohol, capable of altering an individual's mood, perception, pain level or judgment.

3.1.1 A "prescribed drug" is any substance prescribed for individual consumption by a licensed medical practitioner. It includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

3.1.2 An "illicit drug" or chemical substance is (a) any drug or chemical substance, the use, sale or possession of which is illegal under any State or Federal law, or (b) one which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

3.1.3 The term "controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C.S. 812) or which possession, sale or delivery results in criminal sanctions under the Texas Controlled Substances Act (Art. 4476-15, TCS). In general, this includes all prescription drugs, as well as those substances for which there is no generally accepted medicinal use (e.g., heroin, LSD, marijuana, etc.), and substances which possess a chemical structure similar to that of the controlled substance (e.g., "Designer Drugs"). The term does not include alcohol.

3.2 "Alcohol" refers to any beverage that is "alcohol", or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted".

3.3 "Alcohol abuse" means the excessive use of alcohol in a manner that interferes with (1) physical or psychological functioning; (2) social adaptation; (3) educational performance; or (4) occupational functioning.

3.4 The term "conviction" means a find of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes. (See 8.5 for time limitations on reporting such convictions.)

3.5 "Cause for reasonable suspicion" may be established by: (1) observation; (2) action/behaviors of the individual; (3) witness by supervisor or other reliable individual of possession or use; or any other legal measure used for alcohol or drug detection.

3.6 The term “criminal drug statute” means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

3.7 "Sanctions" may include completion of an appropriate rehabilitation or assistance program, probation, expulsion, termination, or referral to authorities for prosecution. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.

4. **Drug Free Awareness Program:** The Institute shall distribute to each employee, if applicable, information pertaining to:

4.1. Standards of conduct that prohibit the unlawful possession, use, and distribution of illicit drugs and alcohol to students and employees on the Institute’s property or as part of any Institute activity.

4.2. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs or alcohol.

4.3. A description of the health or the health risks associated with the use of illicit drugs and the abuse of alcohol.

4.4. A description of any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs that are available to employees.

4.5. A clear statement that the Institute, consistent with local, state, or federal law, will impose sanctions against a student or employee who violates the standards of conduct. The statement must describe the possible sanctions, which may include completion of an appropriate rehabilitation program, expulsion from school, termination of employment, or referral to the authorities for prosecution.

4.6. A description of the Institute's drug/alcohol abuse prevention and intervention program, including alternative support, education and re-entry programs for students who are suspended as a result of violating standards required by these minimum requirements.

The Institute shall certify the availability of a drug abuse prevention program for officers, employees and students of the Institution, as required under Title IV of the Higher Education Amendments (P.L. 99-498).

5. **Suspicion of Usage:**

5.1 If a supervisor reasonably suspects that usage of alcohol, illicit drugs or a controlled substance has affected an employee's job performance, the supervisor shall immediately notify the appropriate department head, or other designated administrative official and, upon direction, the supervisor or other designated administrative official shall discuss with the employee the suspected drug-related problems. The employee should be advised of any available drug counseling, rehabilitation, or employee assistance programs, and the terms of any applicable period of probation. All such meetings between the employee and the supervisor or other designated administrative official to address the suspected drug-related problem and/or its resolution shall be documented in a memorandum to the record and filed in the employee's personnel file.

5.2 Should such discussion and/or participation in any available drug counseling, rehabilitation, or employee assistance program fail to resolve the suspected drug-related problems, or should the employee fail to meet the term of any applicable probation period, the employee may be subject to termination, or a chemical screening may be required.

6. **Rules for Testing:**

6.1. Employees that are considered to be in a safety-sensitive position may be required to complete a pre-employment drug screening. Examples of safety-sensitive positions are positions where impairment due to drug use could pose a significant risk to the safety of the employee, co-workers, or the public.

6.2. Drug screenings may be required following workplace accidents or incidents that result in injury, property damage, or situations where the employee’s actions or conduct may have contributed to the incident.

6.3. Employees in sensitive positions may be tested for the use of alcohol, illicit drugs or a controlled substance. "Employee in a sensitive position" means an employee who has been granted access to classified information or employees in other positions determined by appropriate administrative personnel to involve national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

6.4. The Department of Defense Drug-Free Work Force Rule mandates that government contractors establish a program for testing for the use of illicit drugs by an employee in a sensitive position under a Department of Defense (DOD) contract.

6.5. Testing of an employee in a DOD-funded sensitive position shall be undertaken under the following circumstances: (1) there is reasonable suspicion that the employee's job performance has been affected by the use of illicit drugs, and (2) there is a reasonable belief that such impairment will affect national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

7. **Procedure for Testing (Chemical Screening):**

7.1 The decision to require a chemical screening must be reviewed with system legal counsel prior to the screening.

7.2 Prior to the administration of chemical screening, the appropriate administrative or supervisory personnel must explain the chemical screening procedures to the employee and then accompany the employee to a hospital or clinic for the taking of a specimen for screening purposes.

7.3 Before the specimen is taken, the employee should be asked to sign a consent form agreeing to the taking of a specimen for testing purposes. The signed form will be required by the hospital or clinic. The employee will be asked to list any medications taken. There will be a reasonable opportunity to rebut or explain a positive test result, including an independent retest of the sample.

7.4 The expense of the test, and any retest, shall be borne by the Institute. The testing procedure will be kept confidential, with the results being reported to the employee and the appropriate senior-level administrator as soon as they are available.

8. **Regulations Specifically Related to Employees:**

8.1. A copy of this policy shall be provided to each employee who is or who will be engaged in the performance of a federal grant or contract, and a record shall be kept of the distribution.

8.2. Any employee whose off-duty use of illegal drugs or other controlled substances results in absenteeism, tardiness, impairment of work performance, or is the cause of work place accidents, will be referred to an assistance program and may be subject to discipline or discharge if he or she rejects participation in the program or if the participation does not result in improved performance. Employees in sensitive positions whose work-related performance gives cause for suspicion of use of alcohol or use or possession of a controlled substance may, at the discretion of appropriate authorities be subjected to testing for the substance in accordance with the sections in this policy related to testing and chemical screening. A refusal to submit to a test, combined with a reasonable suspicion of usage, may be a sufficient basis for termination.

8.3. Any disciplinary action shall be governed by Institute policies on discipline and dismissal and academic freedom, responsibility and tenure. Sanctions may include a period of probation for an employee. A record of the action will be placed in the employee's personnel file.

8.4. As a condition of employment, employees on government grants or contracts must abide by the required notification statement and must report any criminal drug statute conviction for a violation occurring in the work place or on Institute business to their employer no later than five days after such conviction. The employer, in turn, must so notify the contracting federal agency within ten days after receiving notice from an employee or otherwise receiving actual notice of such conviction, and within thirty days must impose sanctions on the employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

9. **Authority of President:** The President of Lamar Institute of Technology is authorized to approve any changes to this policy to bring the Institute into full compliance with instructions of the Board of Regents, applicable legislation, or guidelines promulgated by local, state or federal governmental bodies.

Reviewed: May 2023
Revised: October 2023

POLICY 2.7 SMOKE-FREE AND TOBACCO FREE WORKPLACE

SCOPE: FACULTY, STAFF, STUDENTS, VISITORS, AND VENDORS

1. **Introduction:** Lamar Institute of Technology (LIT) is committed to providing its employees, students and visitors with a safe and healthy environment. LIT recognizes that the use of tobacco products on LIT premises is detrimental to the health and safety of all. To that end, the use of tobacco products will not be permitted at any time on the LIT premises. This policy shall be implemented with an emphasis given towards positive methods of ensuring compliance whenever possible.

2. **Definitions:**

   2.1. Tobacco products include cigarettes, cigars, cigarillos, blunts, pipes, bidis, hookahs, chewing tobacco, dip, smokeless tobacco, snuff, vapes, or any other items containing or reasonably resembling tobacco or tobacco products.

   2.2. Tobacco use includes smoking, vaping, chewing, dipping, or any other use of tobacco products.

   2.3. LIT premises include any property in use by LIT, property leased or owned (including all grounds, buildings, facilities, vehicles, parking lots), property used for official functions sponsored by LIT; and property used by LIT in the conduct of any of its courses.

3. **Regulations:**

   3.1. Students, employees, visitors, volunteers, contractors or other persons performing services on behalf of LIT shall not be permitted to use any tobacco product of any type while on LIT premises.

   3.2. The sale or free distribution of tobacco products or merchandise on LIT premises shall be prohibited.

   3.3. Tobacco advertisements shall be prohibited in LIT run publications and on LIT premises.

4. **Compliance:** It shall be the responsibility of all LIT employees and students to comply fully with the policy.

   4.1. Students who repeatedly violate this policy will be handled through the student disciplinary process.

   4.2. Employees who repeatedly violate this policy will be referred to their supervisor to be handled through the appropriate employee disciplinary process.

   4.3. Visitors, volunteers, contractors or other service providers who repeatedly violate this policy shall be asked to leave campus.

5. **Procedures:**

5.1. Communication: Signage and other forms of communication will be posted in a manner and location that adequately notify students, employees, visitors, volunteers, contractors or other persons performing services on behalf of the Institute about this policy.

5.2. Education: LIT will consult with appropriate health organizations and resources to identify and provide programs and opportunities for students and employees to gain a greater understanding of the health hazards of tobacco use.

5.3. Cessation: LIT will consult with appropriate health organizations and resources to identify and provide programs and opportunities for students and employees to access support systems, programs, and services that encourage them to abstain from the use of tobacco products.

6. **Tobacco Treatment Resources:**

6.1. Campaign for Tobacco Free Kids – www.tobaccofreekids.org

6.2. The American Lung Association – www.lung.org

6.3. The American Cancer Society – www.cancer.org

6.4. The Centers for Disease Control – www.cdc.gov/tobacco

6.5. BeTobaccoFree.gov

6.6. Kill the Can – www.killthecan.org

6.7. Become an Ex – www.becomeanex.org

6.8. National Cancer Institute's Quitline – www.cancer.gov/cancertopics/smoking

6.9. Medline Plus® - www.nlm.nih.gov/medlineplus/quittingsmoking.html

6.10. www.smokefree.gov/

6.11. www.surgeongeneral.gov/tobacco/

6.12. www.helpguide.org/mental/quit_smoking_cessation.htm

6.13. http://whyquit.com/

6.14. Julie Rogers Gift of Life Program – www.giftoflifebmt.org/

Effective: January 1, 2012
Approved by: TSUS Board of Regents November 11, 2011
Reviewed: May 2023
Revised: May 2023

POLICY 2.8 APPROVAL TO PURCHASE ALCOHOL

SCOPE: FACULTY AND STAFF

1. **Policy:** The President of Lamar Institute of Technology (LIT) may deem it appropriate and desirable to serve alcoholic beverages at some functions. Funds held in the State Treasury may not be used to purchase alcohol at such functions. Where not otherwise prohibited, certain gift, designated, auxiliary or restricted funds may be properly applied for this purpose. The Executive Vice President for Finance and Operations shall be responsible for determining the proper source and use of funds for such purpose before the expenditure is allowed.

2. **Procedure:** Persons intending to purchase alcohol on a requisition should seek approval from the Executive Vice President for Finance and Operations. If approval is not obtained prior to the expense being incurred, the expenditure becomes the personal obligation of the individual making the purchase, and LIT is under no obligation to reimburse the employee.

Reviewed: May 2023
Revised: May 2023

POLICY 2.9 SOCIAL EVENTS WITH ALCOHOL AT LAMAR INSTITUTE OF TECHNOLOGY (LIT)[5]

SCOPE: FACULTY AND STAFF

1. **Policy:** Alcoholic beverages are not to be possessed, served, or consumed on campus except as provided for in this policy. All social events at which alcoholic beverages are served must be approved by the President and are subject to the following procedures.

2. **Facility Reservations:**

   2.1. Use of LIT facilities will be granted only to groups or organizations that have the approval of the president.

   2.2. Reservation forms must be submitted to the appropriate office at least two weeks prior to the scheduled event.

3. **Stipulations Regarding Time and Place**

   3.1. Alcoholic beverages may not be served until after 5 p.m. Monday through Friday without explicit authorization from the President. Alcohol may be served in authorized facilities Monday - Thursday, 5 p.m. until midnight; Friday, 5 p.m. until 2 a.m.; Saturday, 10 a.m. until 2 a.m.; Sunday, noon until midnight. Ordinarily, facilities are unavailable during holiday periods. Beverage and bartender service will be discontinued thirty (30) minutes prior to the scheduled ending time of the event.

   3.2. Alcoholic beverages may be served or consumed only with authorization of the President in approved areas. Alcoholic beverages are restricted to approved areas as designated on the reservation form.

4. **Food Service**:
   Food must be served at all events when alcoholic beverages are served. Arrangements for food and alcohol must be made in advance with the events coordinator.

5. **Responsibilities**:

   5.1. A police officer(s) is required at all events where alcohol is served as well as anywhere the building supervisor, advisor, or the President deems necessary. Arrangements must be made through the Lamar University Police Department.

   5.2. The group or organization reserving a facility is responsible for any charges for damages and clean-up which result from the organization's function.

6. **Legal Considerations:**

   6.1. No State appropriated funds, Federal or State Grant Funds or funds from student fees may be used to purchase alcoholic beverages or services connected with the use of alcoholic beverages.

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[5] Texas Government Code, §2113.101

6.2. All state regulations and statutes regarding possession, serving, and/or consumption of alcoholic beverages and the Lamar Institute of Technology Policy Governing On Campus Social Events will be strictly enforced. Violators of these regulations/statutes/policies are subject to disciplinary action by LIT and/or by civil authorities.

6.3. The President has the prerogative to adjust these policies as he/she deems it to be in the best interests of the Institute.

Reviewed: May 2023
Revised: May 2023

POLICY 2.10 USE OF STATE-OWNED PROPERTY[6]

SCOPE: FACULTY AND STAFF

1. **Motor Vehicles**: The use of state-owned motor vehicles except on official business is prohibited. State employees are expressly prohibited from using state vehicles in connection with any political campaign or any personal or recreational activity. State funds may not be used to pay employees who violate these provisions.

2. **Office Equipment**: The use of state property including telephones and office equipment such as computers, fax machines, or copiers should be restricted to official business. It is expected that any personal business conducted over the telephone will be kept to a minimum. Excessive personal phone calls or use of photocopiers, computers, etc. for personal reasons may lead to restrictions or disciplinary actions.

   2.1. E-mail and Internet: The use of the Internet and e-mail is recognized as a valid business tool and is to be used for purposes related to the performance of a job or for gathering applicable information. Personal use of this technology may lead to restrictions or disciplinary actions.

3. **Tools and Equipment**: Tools or equipment used in official duties shall not be used for personal reasons.

4. **Personal Mail**: Any personal mail sent through the Lamar University Post Office must be paid for by the employee. Personal mail should not be sent on LIT stationery.

5. **Home Use**: Any non-exempt employee wishing to take LIT property home to work on official business must receive permission in advance from his/her supervisor. Proper forms need to be completed.

6. **Penalties**: Failure to comply with these policies is cause for disciplinary action up to and including discharge.

[6] Texas Government Code, §2203.004

POLICY 2.11 APPROPRIATE USE OF INFORMATION TECHNOLOGY

SCOPE: FACULTY, STAFF, STUDENTS, AND GUESTS

1. Purpose

This policy is established to achieve the following:

1.1. To ensure compliance with applicable statutes, regulations, and mandates regarding the management of information resources. Title 1, Part 10, Chapter 202, Texas Administrative Code, commonly known as TAC 202, and the TSUS Rules and Regulations Chapter III, Paragraph 19 is the authoritative foundation for which policies and information resource security is developed.

1.2. To establish prudent and acceptable practices regarding the use of information resources.

1.3. To educate individuals who may use information resources with respect to their responsibilities associated with such use.

2. **Related Documents**

2.1. Information Security Policy

2.2. Network Use Policy

3. Definitions

Information Resources: All devices capable of receiving, storing, managing, or transmitting electronic data including mainframes, servers, personal computers, notebook computers, hand-held computers, personal digital assistant (PDA), pagers, smart phones, distributed processing systems, network connected display devices, network attached and computer controlled medical and laboratory equipment (i.e. embedded technology), telecommunication resources, network environments, telephones, fax machines, printers, computer printouts, storage media, and service bureaus. Additionally, it includes the systems, procedures, equipment, facilities, software and data that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information. Information resources include hardware, software, communication networks and access devices, electronic storage media, manuals, and other documentation. Also included in this definition are data files that reside on hardware or media owned or supplied by Lamar Institute of Technology (LIT), regardless of size, source, or type of storage media, including e-mail messages, system logs, web pages and software.

ID : ID stands for user Identification. This is the name used to identify a person or other entity when connecting to certain applications and services available on the LIT network or systems. IDs have an associated password that serves to authenticate the identity of the ID owner.

User: An individual or automated application or process that is authorized access to an information resource by its owner, in accordance with the owner‘s procedures and

4. General Guidelines and Principles

4.1. LIT provides each of its authorized users with a computer account, known as a LIT user ID, which facilitates access to the LIT‘s information resources. In accepting a LIT ID or any other access ID, the recipient agrees to abide by applicable LIT policies and legal statutes, including all federal, state, and local laws. LIT reserves the right at any time to limit, restrict, or deny access to its information resources and to take disciplinary or legal action against anyone in violation of these policies or statutes.

4.2. Applicable LIT policies and procedures include all LIT policies and procedures that address the usage of LIT information resources. Also applicable are LIT policies prohibiting harassment, plagiarism, or unethical conduct. Laws that apply to the use of LIT‘s information resources include laws pertaining to theft, copyright infringement, insertion of viruses into computer systems, and other computer-related crimes. This policy applies to all LIT information resources, whether administered centrally or departmentally; whether on-campus or off- campus.

4.3. LIT provides information resources for the purpose of accomplishing tasks related to the LIT‘s mission. LIT may restrict the use of or access to LIT computers, networks, data and software due to specific research, teaching or other purposes in keeping with LIT’s mission. LIT’s computer information resources are not a public forum.

4.4. LIT considers e-mail a significant information resource and an appropriate mechanism for official LIT communication. LIT provides official e-mail addresses and services to its students, faculty, staff, and organizational units for this purpose and to enhance the efficiency of educational and administrative processes. In providing these services, LIT anticipates e-mail recipients will access and read institutional communications in a timely fashion. Faculty, staff, and students may forward e-mail from their official LIT address to an alternate e-mail address at their own risk. LIT is not responsible for e-mail forwarded to any other addresses.

4.5. Subject to applicable policies and statutes, students who have registered and paid their fees are allowed to use LIT‘s information resources for school-related and personal purposes. Personal use must not result in any additional expense to LIT or violate restrictions detailed in Section 05 of this policy statement. LIT IDs of graduating students are deactivated two long semesters after graduation. Continuing students may retain their LIT IDs as long as they remain enrolled for the current or a future semester.

4.6. Employees of LIT are allowed to use LIT‘s information resources in the performance of their job duties as long as they adhere to all applicable policies and statutes. Incidental personal use of information resources by an employee is permitted, subject to review and reasonable restrictions by the employee‘s supervisor. Such personal use must not violate any applicable policies and statutes, must not interfere with the employee‘s job performance, and must not result in any additional expense to LIT. Employees may obtain a LIT ID upon verification of employment by the appropriate administrative supervisor. When an employee terminates employment for any reason other than retirement, LIT will terminate the employee‘s LIT ID immediately, unless an exception is specifically authorized by the Director of computer Services.

4.7. Censorship is not compatible with the goals of LIT. LIT will not limit access to any information due to its content, as long as it meets the standard of legality. LIT will place reasonable time, place, and manner restrictions on expressive activities that use information resources.

4.8. LIT's information resources are subject to review and disclosure in order to:

4.8.1. Satisfy the requirements of the Texas Public Information Act, or other statutes, laws or regulations;

4.8.2. Allow institutional officials to fulfill their responsibilities when acting in their assigned capacity;

4.8.3. Protect the integrity of LIT's information technology resources, and the rights and other property of the institution;

4.8.4. Allow system administrators to perform routine maintenance and operations, security reviews and respond to emergency situations; or

4.8.5. Protect the rights of individuals working in collaborative situations where information and files are shared.

Anyone using LIT's information resources expressly consents to monitoring by LIT for these purposes and is advised that if such monitoring reveals possible evidence of criminal activity, LIT administration may provide that evidence to law enforcement officials. Further, all users should understand that while LIT takes reasonable precautions, it is unable to guarantee the protection of electronic files, data, or e-mails from unauthorized or inappropriate access.

Any access to information that is not consensual from the author requires the approval of Senior Management (President and CFO/IRM). Appropriate approval for monitoring and or reviewing information resources (including LIT Email Accounts, user files, shared directories, etc.) will be obtained through the use of a Non-Consensual Access to Electronic Information Resources form. The form and associated procedures can be obtained in the Office of the Information Resource Manager in Cecil Beeson room 239.

4.9. Intellectual property laws extend to the electronic environment. Users should assume that works communicated through LIT computer networks are subject to copyright laws, unless specifically stated otherwise.

4.10. Information resources are considered valuable assets of LIT. Further, computer software purchased or licensed by LIT is the property of LIT or the company from whom it is licensed. Any unauthorized access, use, alteration, duplication, destruction, or disclosure of any of these assets may constitute a computer- related crime, punishable under Texas and federal statutes.

4.11. LIT has established guidelines for all official use of logo and other related branding. These guidelines include, and are not limited to; official publications, the use of logo, institutional stationery, use of colors, business cards, and other such documents and

resources. These guidelines are established and enforced by the office of the Director of Communications. Anyone using such resources must obtain approval through that office prior to use.

5. Inappropriate Uses of Information Resources

5.1. The following activities exemplify inappropriate use of the LIT's information resources. These and similar activities are strictly prohibited for all users.

5.1.1. Use of LIT information resources for illegal activities or purposes. LIT may deal with such use appropriately and may report such use to law enforcement authorities. Illegal activities or purposes include unauthorized access, intentional corruption or misuse of information resources, theft, obscenity, and child pornography.

5.1.2. Failure to comply with laws, policies, procedures, license agreements, and contracts that pertain to and limit the use of the LIT's information resources.

5.1.3. The abuse of information resources includes any willful act that: endangers or damages any specific computer software, hardware, program, network, data or the system as a whole, whether located on campus or elsewhere on the global Internet; creates or allows a computer malfunction or interruption of operation; injects a computer virus or worm into the computer system; sends a message with the intent to disrupt LIT operations or the operations of outside entities; produces output that occupies or monopolizes information resources for an unreasonable time period to the detriment of other authorized users; consumes an unreasonable amount of communications bandwidth, either on or off campus, to the detriment of other authorized users; or fails to adhere to time limitations that apply at particular computer facilities on campus.

5.1.4. Use of LIT information resources for personal financial gain or commercial purpose.

5.1.5. Failure to protect a password or LIT ID from unauthorized use.

5.1.6. Falsely representing one's identity with another individual's LIT ID or permitting the use of an ID and password by someone other than their owner.

5.1.7. Unauthorized use of or access to any electronic file.

5.1.8. Unauthorized use, access, duplication, disclosure, alteration, damage, or destruction of data contained on any electronic file, program, network, web page, or LIT hardware or software.

5.1.9. Unauthorized duplication, use or distribution of software and other copyrighted digital materials (including copyrighted music, graphics, etc.) is a violation of this policy. All software and many other digital materials are covered by some form of copyright, trademark, license or agreement with potential civil and criminal liability penalties. The copyright or trademark holder or the fair use provisions of the copyright law must specifically authorize exceptions.

5.1.10. Participating or assisting in the deliberate circumvention of any security measure or administrative access control that pertains to LIT information resources.

5.1.11. Using LIT information resources in a manner that violates other LIT policies, such as racial, ethnic, religious, sexual or other forms of harassment.

5.1.12. Using LIT information resources for the transmission of spam mail, chain letters, malicious software (e.g., viruses, worms, or spyware), or personal advertisements, solicitations or promotions.

5.1.13. Modifying any wiring or attempting to extend the network beyond the port (i.e., adding hubs, switches or similar devices) in violation of the LIT Network Use Policy.

5.1.14. Using LIT's information resources to affect the result of a local, state, or national election or to achieve any other political purpose.

5.1.15. Using LIT's information resources to state, represent, infer, or imply an official LIT position without appropriate authorization.

6. Responsibilities of Users

6.1. Each user shall utilize LIT information resources responsibility and respect the needs of other users.

6.2. Each person is responsible for any usage of his or her LIT ID. Users must maintain the confidentiality of their passwords.

6.3. A user must report any abuse or misuse of information resources or violations of this policy to their department supervisor or to the Director of Computer Services.

6.4. When communicating with others via LIT information resources (e. g., e-mail), user communications should reflect high ethical standards, mutual respect and civility.

6.5. Users are responsible for obtaining and adhering to relevant, acceptable network use policies.

6.6. Administrative supervisors must report ongoing or serious problems regarding the use of LIT information Resources to the Director of Computer Services.

6.7. Any supervisor can gain access to any subordinate's computer, files, folders, or email provided there is appropriate justification and approval from the IRM and/or executive management. The requesting supervisor must have the next level of supervision approval. In cases where immediate access is needed subsequent approval by the LIT Information Technology Help Desk is required.

7. Access to LIT Information Resources by Auditors

7.1. Auditors may require access to LIT information resources, which is permitted in accordance with these The Texas State University System Rules and Regulations.

7.2. LIT grants The Texas State University System's internal auditors, in the performance of their duties, access to all LIT activities, records, property, and employees.

7.3. The TSUS Office of Audit and Analysis staff shall notify the Director of Computer Services, Office of the Vice President of Finance and Operations, or Office of the President prior to accessing individual data files in which Chapter III, Paragraph 7 of the TSUS Rules and Regulations outline the audit function.

7.4. LIT grants state and federal auditors access to LIT information resources and data files, as needed, and approved by the office of the Director of Computer Services, Office of the Vice President of Finance and Operations, or Office of the President.

8. Liability for Failure to Adhere to This Policy

8.1. Failure to adhere to this policy may lead to the revocation of a user's LIT ID, suspension, dismissal, or other disciplinary action by LIT, as well as referral to legal and law enforcement agencies.

8.2. Statutes pertaining to the use of LIT information resources include the following:

8.2.1. Texas Administrative Code, Title 1, Part 10, Chapter 202: Regulations from the Department of Information Resources establishing requirements for State agencies regarding computer security.

8.2.2. Texas Penal Code, Chapter 33: Computer Crimes: Texas law pertaining to computer crimes. This statute specifically prohibits unauthorized use of LIT computers, unauthorized access to stored data, or dissemination of passwords or other confidential information to facilitate unauthorized access to the LIT's computer system or data.

8.2.3. Texas Penal Code, § 37.10 - Tampering with Governmental Record: Prohibits any alteration, destruction, or false entry of data that impairs the validity, legibility or availability of any record maintained by LIT.

8.2.4. United States Code, Title 18, Chapter 47, § 1030: Fraud and Related Activity in Connection with Computers: Federal law specifically pertaining to computer crimes. Among other stipulations, it prohibits unauthorized and fraudulent access to information resources.

8.2.5. Computer Fraud and Abuse Act (Part of Title 18, Chapter 47, U.S.C. § 1030): Makes it a crime to access a computer to obtain restricted information without authorization; to alter, damage, or destroy information on a government computer; and to traffic in passwords or similar information used to gain unauthorized access to a government computer.

8.2.6 The Computer Abuse Amendments Act of 1994 (Part of Title 18, Chapter 47, U.S.C. § 1030): Expands the Computer Fraud and Abuse Act of 1986 to address the transmission of viruses and other harmful code.

8.2.7. Federal Copyright Law: Recognizes that all intellectual works are automatically covered by copyright. The owner of a copyright holds the exclusive right to reproduce and distribute the work.

8.2.8. Digital Millennium Copyright Act (DMCA): Signed into law on October 20, 1998, as Public Law 105-304. Created to address the digitally networked environment, the DMCA implements the World Intellectual Property Organization (WIPO) Internet Treaties; establishes safe harbors for online service providers; permits temporary copies of programs during the performance of computer maintenance; and makes miscellaneous amendments to the Copyright Act, including amendments that facilitate Internet broadcasting.

8.2.9. Electronic Communications Privacy Act (U.S.C., Title 18): Prohibits the interception or disclosure of electronic communication and defines those situations in which disclosure is legal.

8.2.10. Computer Software Rental Amendments Act of 1990: Deals with the unauthorized rental, lease, or lending of copyrighted software.

8.2.11. Texas Government Code § 556.004: Prohibits using state resources or programs to influence elections or to achieve any other political purpose.

POLICY 2.12 SAFETY POLICY

SCOPE: FACULTY AND STAFF

1. **Policy:** The goal of Lamar Institute of Technology's (LIT) Safety Policy is to develop positive attitudes regarding accident prevention for all employees of our institute. All management personnel are to be cognizant of the safety needs of their employees and the general public. They are charged with the responsibility of initiating necessary preventive measures to control safety hazards. It is essential that all management personnel recognize and accept this responsibility for the safety of all employees. Safety shall be incorporated as an integral part of all Institute programs. All employees are expected to familiarize themselves with and comply with the LIT Comprehensive Safety Plan, and all safety instructions and manuals applicable to their specific work assignments.

2. **Procedures:**

   2.1 Authority for implementation: The responsibility for the administration of the LIT Safety Program is assigned to the Director of Safety.

   2.1.1 The Office of Campus Safety is responsible for detecting unsafe conditions and unsafe acts.

   2.1.2 The Office of Campus Safety performs inspections and reviews inspection reports from all areas periodically to ensure the safety of the LIT work environment.

   2.1.3 The Director of Safety or EHS Specialist – Shared Services is empowered to stop work functions whenever imminent danger, which can result in serious injury, is noted.

   2.1.4 All discrepancies noted or detected will be remedied either by work order or by the responsible supervisor.

3. **Safety Committee**: LIT will continue to appoint a LIT Safety Committee. The Committee has six basic purposes:

   3.1 Develop and maintain the interest of directors, superintendents, middle management and front-line supervisors and keep them informed on safety matters;

   3.2 Stimulate and maintain employee interest and show them that their cooperation is needed to minimize accidents;

   3.3 Make safety activities a function of LIT operation and an integral part of operating procedures and methods;

   3.4 Provide an opportunity for free discussion of occupational hazards or potential problems and preventive measures;

   3.5 Help the operating manager evaluate safety suggestions, and

3.6 Maintain the full backing of management so that the Safety Committee may perform its purpose efficiently.

4. The minutes of the Safety Committee meetings will be posted on the Lamar Institute of Technology web page. The postings will not include medical information on identifiable or potentially identifiable employees, students or members of the general public. The Committee will report to the Executive Vice President for Finance and Operations. Documentation will be maintained on file in support of our Accident Prevention Program. In the interest of employee safety and accident prevention, total participation and continued cooperation of all employees is essential.

POLICY 2.13 LIT VEHICLE OPERATION

SCOPE: FACULTY AND STAFF

In order to carry out the mission of Lamar Institute of Technology (LIT), the college has deemed it necessary to purchase and lease motor vehicles. These vehicles include cars, trucks, and vans. While providing these vehicles, LIT also assumes the liability associated with the operation of these motor vehicles. In order to protect the capital investment and control the risk associated with operation of these motor vehicles, LIT has established this policy governing the use and operation of all vehicles either owned or leased by the Institute.

Except for the vehicles provided to the President, all vehicles are to be used exclusively for LIT business.

All vehicles owned by LIT shall be maintained on a regular schedule with the work performed by a private vendor who provides vehicle maintenance as a regular part of their business. Vehicles leased by LIT must have maintenance performed in accordance with the terms of the lease agreement.

All employees must annually be approved in writing, by the Director of Safety, before they are authorized to operate motor vehicles owned or leased by LIT. Employees must present evidence of the possession of a valid driver‘s license and maintain a good driving record. All employees requesting authorization to operate a LIT owned or leased vehicle will be subject to a check of their driving record prior to receiving approval. Written permission must be given, before the check can proceed.

If deficiencies are found in an employee’s driving record, they may be subject to denial to use of a vehicle or may be requested to attend and complete a program of driver education before approval is given.

An employee who has, as part of their job description, the requirement to drive a college-owned vehicle and is not able to receive authorization from the Director of Safety may be subject to termination.

Any employment candidate who has, as part of their job description, the requirement to drive a LIT vehicle, is subject to authorization by Director of Safety as a condition of employment and must be approved prior to driving any LIT vehicle.

Any employee may have their driving privileges revoked at any time by the President when in his judgment; it is in the best interest of the college.

In addition, driving privileges may be revoked upon:

- Falsification of information given in acquiring authorization to operate a college owned or leased vehicle;
- Involvement in an accident that was caused by the careless operation of the college vehicle;
- Receiving a traffic citation while operating a college vehicle; or
- Violations of any LIT rules governing the operation of vehicles.

POLICY 2.14 PROHIBITION OF HANDGUNS AND WEAPONS OF FORCE[7]

SCOPE: FACULTY AND STAFF

1. **Policy**: In compliance with Section 30.06 of the Texas Penal Code, Lamar Institute of Technology (LIT) policy prohibits the illegal possession, carrying or otherwise causing a handgun or weapon of force-licensed or otherwise, concealed or otherwise, to be brought onto the premises of LIT.

   Premises mean a structure and the land, including appurtenances on which the structure is situated, over which LIT has ownership or control. Specifically, this includes but is not necessarily limited to campuses, leased facilities, or other facilities where a campus function, event, or activity takes or is taking place.

   This prohibition shall not apply to academic programs or LIT sponsored or approved events in which LIT explicitly authorizes the use of handguns or weapons of force.

[7] Civil Rights Act of 1964, Title VII Texas Civil Rights Act; Texas Penal Code Ann., §39.03; Texas State University System, Rules and Regulations, as Amended; Texas Labor Code, §21.010

POLICY 2.15 CONTRACT WORKFORCE[8]

SCOPE: STAFF AND ADMINISTRATION

1. **Policy:** It is the policy of Lamar Institute of Technology (LIT) to utilize a temporary contract workforce in the following circumstances:

    1.1. In the event the current workforce is not sufficient to handle the workload, contract workers may be used when needed to accomplish LIT's mission, goals, and objectives.

    1.2. Outsourcing all or part of a function will provide the same level of service at a lower cost or better service at the same cost when compared to the function being provided by LIT employees.

2. **Definitions:**

    2.1. Contract workers are: 1) persons employed through a temporary service who are paid by that service with LIT making payments to the service, or 2) persons employed by a third-party contractor to whom all or a portion of a system function has been outsourced.

    2.2. A position reportable on the State Auditor's Quarterly FTE report is created or in existence when there are repetitive, discernible duties and responsibilities which require accomplishment over a sustained period of time and the contract worker works on the last day of a quarter, worked for more than one-half the days in the previous twelve (12) months and is not working in a function that has been completely outsourced.

    2.3. Consultant is defined as a person (entity) that provides or proposes to provide a consulting service which primarily involves studying or advising an entity, such as Lamar Institute of Technology. Consultants meeting this definition are not contract workers and are not covered by this policy.

3. **Procedures**

    3.1. Prior to using a temporary contract worker or outsourcing all or part of a function, the account manager must determine the best option for accomplishing the department's workload. The account manager must retain the cost benefit analysis for a period of two (2) years after the conclusion of the contract.

    3.2. Steps for hiring a temporary service contract worker:

        3.2.1. The account manager must execute a purchase order to fill the temporary position(s) after having first complied with the purchasing regulations regarding competitive bidding.

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[8] Texas Government Code, §2254.01; Texas Education Code, §51.9335

3.3. Steps for outsourcing a function:

3.3.1. Functions can normally be outsourced only through the use of a competitive bidding Request for Proposals (RFP), or other procedure authorized in the Texas Educational Code.

3.3.2. Account Managers seeking to outsource a function should consult with the Vice President for Finance and Operations to determine the appropriate bidding methodology.

3.3.3. Upon receipt of bids or proposals, the account manager must document a cost/benefit analysis.

3.3.4. Outsourcing contracts must be executed in accordance with all applicable purchasing regulations.

4. Reporting:

The Director of Purchasing will file the annual Contract Workforce Reports by December of each year.

5. Legal Issues:

5.1. Anti-discrimination laws such as Title VII as amended and related Executive Orders, the Americans with Disability Act, and the Family Medical Leave Act apply to contracted workers.

5.2. Temporary employment agencies and/or contractors who provide temporary workers to LIT must furnish documentation of adequate insurance coverage prior to inception of the contract.

5.3. LIT will promote a safe and non-discriminatory environment for our employees and contract workforce, in accordance with the requirements of all Federal and State equal employment laws.

6. Monitoring:

6.1. The Vice President for Finance and Operations will monitor the expenditure of funds for LIT's contract workforce and provide a quarterly report to the President. The Director of Human Resources will monitor contract positions in relation to the FTE information reported quarterly to the State Auditor.

POLICY 2.16 CODE OF ETHICS

SCOPE: FACULTY AND STAFF

1. **Policy:** Lamar Institute of Technology (LIT) is committed to the highest standards of ethical conduct and integrity in an effort to provide the public with the utmost level of confidence in our organization, educational services, administrative business processes, and financial data. LIT holds a position of trust with respect to many external organizations and agencies. Accordingly, all LIT personnel have a responsibility to the government, donors, parents and students to use LIT's funds prudently, ethically, and for the purposes for which they are designated. Ethical conduct has been and continues to be the foundation of our college. To that end, LIT has adopted the following Code of Ethics that must be followed by all administrators, faculty, and staff members.

   Code of Ethics
   Ethical behavior and integrity are the responsibility of each and every member of the faculty and staff, and any other person acting on behalf of LIT. In particular, executives and account managers must assume responsibility for ensuring that their conduct, and the conduct of those they supervise, complies with this Code. Business activities undertaken on behalf of LIT with the public, the government, vendors, students, and one another must reflect the highest standards of honesty, integrity, and fairness. Each individual must be especially careful to avoid even the appearance of misconduct or impropriety.

   All employees must:

   a. Perform their work with honesty, objectivity, diligently, and responsibility.

   b. Act with a high level of prudence and due professional care, avoiding any real or apparent conflicts of interest.

   c. Act in good faith without misrepresenting material facts or allowing their independent judgment to be subordinated.

   d. Accord respect to self and others and accept responsibility for all actions.

   e. Observe the law and make disclosures expected by the law.

   f. Not knowingly be a party to any illegal activity or engage in acts that may bring discredit to the college.

2. **Gratuities and "Kickbacks"**

   LIT employees shall not use their positions to secure special privileges for themselves, their relatives (see definition below under Nepotism), or friends. Employees shall not give, offer, or promise anything of value to anyone to enhance relations with that individual or their firm, regardless of whether that individual is in a position to influence any decisions with respect to LIT or its activities. This includes, but is not limited to, entertainment, meals, refreshments, gratuities or gifts, loans, rewards, compensation, or other monetary remuneration. This also applies to all contractors, subcontractors, and/or vendors for the

purpose of improperly obtaining or receiving favorable treatment. Nor shall any LIT personnel solicit or accept anything of value from any government official contractor, subcontractor, vendor or others for such a purpose.

3. Conflict of Interest:

All employees must ensure that no conflicts of interest exist. LIT administration has an obligation, in accordance with TSUS and THECB Policies, to ensure that staff members avoid conflicts of interest and to assure that the activities and interests of its employees do not conflict with their obligations to the college or its well-being. A conflict of interest arises when staff members place themselves in a position where they could use their professional influence to create benefits for their private interests or to give an inappropriate advantage to others. When a staff member has a significant interest in, or a consulting arrangement with, a private business, it is important that he/she avoids conflicts of interest. Staff members are encouraged to direct inquiries relative to conflict-of-interest concerns to their unit director and/or division executive officers. In those situations where a possible conflict of interest may occur, management shall take action which may include relieving the employee of the position or particular responsibility and assigning the matter to another qualified employee who does not have a conflict of interest. When an employee has sold or terminated his/her interest in a business, he/she cannot be involved in any transaction with the business for one year.

LIT requires all faculty and staff to complete a Request for Approval of Outside Employment/ Dual State Employment. This questionnaire is to be completed no later than September 30 of each year and submitted to the appropriate vice president.

4. Conflict of Commitment:

With the acceptance of a full-time position at LIT, every employee is expected to give LIT their primary professional loyalty and to arrange outside obligations, financial interests, and activities so as not to conflict with their overriding commitment to the college. All part-time employees are expected to give the college said loyalty during their designated work times. Consultants are also expected to arrange their outside obligations and activities so as not to conflict with their contracted commitment to LIT.

A conflict of commitment occurs when an employee's involvement in external activities adversely affects his/her capacity to meet the primary obligation to LIT, as exhibited by a perceptible reduction of the individual’s time and energy devoted to LIT activities.

Certain outside activities are permissible with appropriate notice to and written approval by the appropriate department head, so long as these endeavors do not interfere with an employee's obligation to LIT.

5. Nepotism:

Blood or marital relationships with other LIT staff members are not generally regarded as a deterrent to appointment, reassignment or continuance in a present position. Close relatives may not be employed where one is in a position of influence over another. Close relatives include husband or wife, parent or child, son-in-law, daughter- in-law, brothers or sisters. A position of influence exists in instances where selection for employment and judgments concerning performance, compensation, status, fitness for promotion or discipline/discharge requires the action of one person with respect to the other.

6. Confidentiality:

Security and confidentiality of LIT records are matters of concern for all staff with access to written or computerized information and files. Each person working with LIT information holds a position of trust and must recognize the responsibility to preserve the security and confidentiality of the information. Since a person's conduct, either on or off the job, may threaten the security and confidentiality of this information, any employee or person with authorized access to LIT data and records is expected:

6.1. not to make or permit unauthorized use of any information or files.

6.2. not to seek personal benefit or permit others to benefit personally through any confidential information which has come to them through their work assignment.

6.3. not to exhibit or divulge the contents of any record or report to any person except in the conduct of their regular work assignment.

6.4. not to remove any official record of report (or copy) from the office where it is kept except in performance of regular duties or in cases with prior approval.

6.5. not to operate or request others to operate any LIT computing equipment for personal business.

6.6. not to aid, abet or act in conspiracy with any other person to violate any part of this code; and,

6.7. not to post information on his/her personal Student Information System record or account or the record or account of a relative. An employee is prohibited from posting inaccurate information to his/her personal Human Resources records or those of a relative. The definition of relative is the same as that used in the nepotism section above.

6.8 to immediately report any violation of this code to management.

7. Competency:

All employees have an obligation to execute their duties and responsibilities with professional care and skill to the best of their knowledge and abilities. To that end, all employees must familiarize themselves with the appropriate LIT and/or departmental policies and procedures, applicable laws and regulations, and other rules as required in performing their respective jobs.

8. Publicity of Individuals Restricted:

No State appropriated funds may be used for the purpose of publicizing or directing attention to any individual official or employee of LIT. This prohibition does not prevent the dissemination of information in respect to the work, legal responsibilities, or activities of the college.

9. Political Influence:

The General Appropriations Act regularly prohibits the use of State funds "regardless of their

sources or character for influencing the outcome of any election, or the passage or defeat of any legislative measure." This prohibition does not extend to furnishing information or facts pertinent to the official duties and responsibilities of LIT.

10. Financial Reporting:

All LIT accounts, financial reports, tax returns, expense reimbursements, time sheets and other documents, including those submitted to government agencies, must be completed and maintained accurately, clearly, timely, and completely. All entries in LIT books and records, including departmental accounts and individual expense reports, must accurately and completely reflect each transaction. It is unlawful for an employee to take any action that fraudulently influences, coerces, manipulates, or misleads an auditor engaged in the performance of an audit for the purpose of rendering the financial statements materially misleading.

11. Reporting Code Violations:

Employees should report suspected violations of this Code, applicable laws, regulations, and government grant and contract requirements through standard management reporting channels, beginning with the immediate supervisor. Alternatively, employees may go to a higher level of management and may also report suspected violations or problems to the Director of Audits and Compliance. In all instances, suspected violations of laws or regulations should be reported to the Director of Audits and Compliance (880- 8933). Suspected violations may also be reported to Ethics Point hotline at 866-294- 0987 or on-line at www.ethicspoint.com. Such reports may be made confidentially and/or anonymously although a greater level of information allows for a more thorough investigation. All employees should cooperate fully in the investigation of any misconduct. Raising such concerns is a service to the Institute and, consistent with the State of Texas' "Whistleblowers" Protection Act, will not jeopardize employment. Persons found to be making frivolous claims under this policy will be disciplined, up to and including termination of employment or expulsion from the college.

12. Consequences of Violations:

Each person is responsible for ensuring that their own conduct, and the conduct of anyone reporting to them, fully complies with this Code and with LIT's policies. Violations will result in appropriate disciplinary action up to and including discharge from employment. Disciplinary action will be taken in accordance with the procedures applicable to faculty or staff as codified in the Policies and Procedures Manual. Conduct which is a violation of this Code may, in some circumstances, also subject an individual to civil or criminal charges and penalties.

POLICY 2.17 FRAUD

SCOPE: FACULTY, STAFF AND STUDENTS

1. **Policy:** Lamar Institute of Technology (LIT) commits to hold its employees to the highest standards of moral and ethical behavior. Fraudulent activity of any kind, including actions for the benefit of the college, is expressly forbidden. This policy establishes the procedures and responsibilities for reporting and resolving instances of known or suspected fraudulent acts.

2. **Definition of Fraud**: An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right constitutes fraud. A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that they shall act upon it to their legal injury; any kind of pretense employed by one person to deceive another.

3. **Broadened definition**: For purposes of this policy, the definition has been broadened to include:

   3.1. An intentional or deliberate act;

   3.2. An act that deprives the Institute or a person of something of value or gaining an unfair benefit; and/or

   3.3. The use of deception, false suggestions, suppression of truth, or other unfair means which are believed and relied upon.

4. **Further definition**: A fraudulent act may be an illegal, unethical, improper, or dishonest act including, but not limited to:

   4.1. Embezzlement;

   4.2. Misappropriation, misapplication, destruction, removal, or concealment of property;

   4.3. Alteration or falsification of documents;

   4.4. False claims by students, employees, vendors, or others associated with the college;

   4.5. Theft of any asset including, but not limited to, money, tangible property, trade secrets or intellectual property;

   4.6. Inappropriate use of computers, including hacking and software piracy;

   4.7. Bribery, rebate, or kickback;

   4.8. Conflict of interest;

   4.9. Misrepresentation of facts.

5. **Fraudulent act determination:** While a fraudulent act may have criminal and/or civil law consequences, LIT is not required to use a determination by any external authority as the basis for deciding administratively whether an act is fraudulent.

   Any member of the campus community who has a reasonable basis for believing a fraudulent act has occurred has a responsibility to promptly notify one of the following:

   5.1. His or her supervisor;

   5.2. The appropriate administrator;

   5.3. www.ethicspoint.com

   5.4. The Director of the Office of Internal Audits and Compliance or the Chief of the Lamar University Police department .
   Employees who, in good faith, report unlawful activity are protected by the Texas Whistleblower Act against any retaliation for making such a report. The reporting member of the campus community shall refrain from confrontation of the suspect, further examination of the incident, or further discussion of the incident with anyone other than the employee's supervisor or others involved in the resulting review or investigation. Persons found to be making frivolous claims under this policy may be disciplined, up to and including termination of employment or expulsion from the college.

6. **Investigation:** Upon a report of suspected fraudulent activity and with the concurrence of the Office of Internal Audits and Compliance, the supervisor or administrator may treat the incident as an administrative issue and have a qualified individual or individuals perform an objective review. The Office of Internal Audits and Compliance has the primary obligation for investigating reported incidents to the extent considered necessary for resolution. The Office of Internal Audits and Compliance may contact other college departments, including, but not limited to, the Office of General Counsel and the Lamar University Police Department, to establish the necessary team to proceed with the review or investigation. The investigative team will attempt to keep source information as confidential as possible. In those instances where the investigation indicates criminal activity, the investigation shall be turned over to the Lamar University Police Department or other appropriate law enforcement agency.

   All affected departments and/or individuals shall cooperate fully with those performing a review or investigation, including the Office of Audits and Compliance, law enforcement officials, regulators, and any other parties involved. During all aspects of the review or investigation, the constitutional rights of all persons will be observed. Suspects and others involved in the review or investigation shall be treated fairly and consistently without regard to past performance, position held, length of service, race, color, religion, sex, age, disability, national origin, or veteran status.

7. **Disciplinary Actions:**

   7.1. Employees found to have participated in fraudulent acts as defined by this policy will be subject to disciplinary action, up to and including termination, pursuant to LIT and Texas State University System personnel policies and rules. Additionally, employees suspected of perpetrating fraudulent acts may be placed on paid administrative leave during the course of the investigation. In those cases where disciplinary action is determined to be warranted, the Office of Human Resources, Office of General

Counsel, or other appropriate office shall be consulted prior to taking such action. In addition, criminal or civil action may be taken against employees who participate in unlawful acts.

7.2. The employment of any individual involved in the perpetration of a fraud will ordinarily be terminated without eligibility for rehire. Actions to be taken will be determined without regard to past performance, position held, length of service, race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin, or veteran status.

7.3. Students found to have participated in fraudulent acts as defined by this policy will be subject to disciplinary action pursuant to the Catalog and Student Handbook and other published, LIT and Texas State University System policies. In those cases where disciplinary action is warranted, the Program Coordinator, Department Chair, , Dean of Instruction, Provost/Vice President of Instruction, Office of General Counsel, or other appropriate office shall be consulted prior to taking such actions. Additionally, criminal or civil action may be taken against students who participate in unlawful acts.

7.4. The relationship of other individuals or entities associated with LIT who are found to have participated in fraudulent acts as defined by this policy will be subject to review, with possible consequences including termination of the relationship. In those cases where action is warranted, the Office of General Counsel or other appropriate office shall be consulted prior to taking such action. Additionally, criminal or civil actions may be taken against individuals or entities associated with the Institute who participate in unlawful acts.

8. Fraud reporting: The results of investigations conducted by the Office of Audits and Compliance shall be communicated, either orally or in writing, as determined by the Director of Audits and Compliance to the board and chancellor, and/or to other appropriate administrators.

POLICY 2.18 CRISIS MANAGEMENT TEAM

SCOPE: STAFF

1. **Policy**: Lamar Institute of Technology (LIT) is committed to supporting the educational mission of the institution through the efficient recovery of services after an emergency.

2. **Crisis Management Team**: The Crisis Management Team will be assembled should the President (or designee) determine the situation has had a potentially wide-ranging or long-lasting effect. The team will consist of the following individuals:

   President

   Vice President of Instruction

   Executive Vice President of Finance and Operations

   Associate Vice President of Student Services

   Director of Facilities and Maintenance

   Director of Safety

   Director of Public Information and Marketing

   The Crisis Management Team will designate the "Key Essential Personnel"

   Key Essential Personnel are employees who will be the first responders for the campus. They will be called upon to return to campus immediately following an emergency, or they will set up temporary operations at another site.

3. **Compensation**: Employees who are designated as "Key Essential Personnel" will receive additional compensation as follows:

   3.1 Non-exempt classified employees will be paid straight time for hours worked up to 40 hours and time and one-half for hours worked over 40 within the work week.

   3.2 Exempt professional employees will be paid straight time for actual days/time worked.

   3.3 Essential personnel may be paid for 24 hours a day when required to remain on campus.

4. **Expenses**: "Key Essential Personnel" will receive reimbursement for lodging, meals, and mileage in accordance with the campus travel policies when required to travel to campus from their temporary living quarters. Any other reimbursable expense must be approved by the employee's supervisor and the appropriate Vice President.

POLICY 2.19 SECURITY OF STUDENT RECORDS

SCOPE: FACULTY, STAFF AND STUDENT EMPLOYEES

1. **Policy:** All Lamar Institute of Technology (LIT) employees are required to abide by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) a Federal law that protects the privacy of student education records. This law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

   FERPA applies to any person enrolled in an institution of higher education, regardless of age. FERPA stipulates that certain student information, including but not limited to grades, grade point average, academic probation/suspension and social security/student identification number, may NOT be given to a third party without the WRITTEN consent of the student who “owns” the information.

   Students have the right to inspect and review their own student education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for students to review the records. Schools may charge a fee for copies.

   Students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

   Generally, schools must have written permission from the student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34CFR § 99.31):

   1. School officials with legitimate educational interest;
   2. Other schools to which a student is transferring;
   3. Specified officials for audit or evaluation of compliance with educational programs;
   4. Appropriate parties in connection with financial aid to a student;
   5. Organizations conducting certain studies for or on behalf of the education institutions;
   6. Accrediting organizations;
   7. Releasing the results of a disciplinary hearing to an alleged victim of a crime of violence;
   8. Disclosure to parents of any student under the age of 21, a violation of federal, state, local or institutional laws/regulations related to substance abuse;
   9. To comply with a judicial order or lawfully issued subpoena;
   10. Appropriate officials in cases of health and safety emergencies;
   11. State and local authorities, within a juvenile justice system, pursuant to specific State law; and
   12. Disclosure to parents of dependent students (IRS definition), with appropriate documentation on file

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, major field of study, classification, participation in officially recognized activities and sports, weight/height of members of athletic teams, honors and awards, dates of attendance and the last educational agency or institution attended. However, schools must tell students about directory information and allow students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, catalog/student handbook, or newspaper article) is left to the discretion of each school. FERPA rights end at death.

LIT employees may not post grades by social security/student identification number (even a partial number) or in any other manner that personally identifies the student. Employees may not allow anyone other than the student or an agent of the college who has a legitimate need to know to see student information on a monitor or hard copy or to have access to such information, unless they have written permission from the student. Parents are not allowed access to such information unless they file a dependent‘s statement with a photocopy of the page of their federal income tax form listing dependents as proof that the student is their dependent.

Employees who fail to take proper measures to safeguard this information, place LIT at risk. Such employees may be denied access to LIT data systems. The penalty for FERPA violations could result in the loss of federal funds for the college, including the ability to provide Federal Financial Aid to our students.

Employees using the LIT Student Information System (SIS) must be constantly aware of FERPA issues. In particular, students may place a “Directory Hold” on release of ANY information about themselves. In those situations, a privacy notice will be displayed in SIS whenever someone authorized to enter the SIS system keys in the student‘s identification or social security number. When this occurs, a warning will appear stating “Do not give out any information on a student who has placed a “Directory Hold” on his/her information.” If the person requesting the information is not the student, please refer them to the Registrar’s Office.

All LIT personnel must acknowledge that they understand and accept the responsibility of protecting the privacy of students.

POLICY 2.20 ACADEMIC FREEDOM

SCOPE: FACULTY

Lamar Institute of Technology (LIT) supports the principles of academic freedom.

The faculty is free to present issues in the classroom that may be of a debatable or controversial nature; provided that this is done objectively and in the spirit of academic inquiry, that the topic is pertinent to the subject matter of the course, and that the material is presented in good taste. The faculty shall not advocate the overthrow of the government of the United States or of the State of Texas by force or violence or other unconstitutional method.

It is the policy of LIT that academic freedom must be exercised with responsibility and reasonable judgment, with regard for the rights of others, and with consideration for the best interests of the college, the community, the state, and the nation in which we live.

The faculty is encouraged to conduct research and publish materials, provided that these activities do not interfere with the performance of assigned duties.

The faculty is entitled to express opinions as citizens outside the classroom; however, the faculty should clearly indicate that these are personal opinions that may not represent the viewpoint of LIT.

The faculty should share in the selection of textbooks, library materials, choice of course materials, and in the formation of the curriculum.

The faculty shall have access to procedures embracing the concept of due process in alleged abridgement of their academic freedom.

General faculty meetings are recognized as forums through which lines of communication are established and maintained.

POLICY 2.21 CLASSROOM CONDUCT

SCOPE: FACULTY AND STUDENTS

Each student is expected to behave appropriately while in an instructional classroom setting and to avoid conduct that is disruptive of other students or that interferes with the full participation of other students in the class. In determining whether classroom behavior is appropriate, the instructor shall be the final authority and may direct a student to leave the classroom for the duration of the scheduled class period if the student violates the required classroom conduct as set forth in this policy. If a student's offensive conduct is the result of a documented disabling condition and is unavoidable, then the faculty member will confer with appropriate administrator or with the Special Populations Coordinator.

Any one or a combination of the behaviors described below shall be sufficient justification for an instructor to direct a student to leave the classroom for the duration of the class period. This list is not necessarily all-inclusive.

1. Any speech or action by a student which, after a warning by the instructor to cease, continues and significantly disrupts classroom activities or significantly interferes with the classroom participation of one or more students.

2. Any physical action or serious threat of physical action which poses a danger of bodily harm to the instructor, another student or the acting student.

3. Any intentional damage to or destruction of property belonging to the college, the instructor, or another student.

4. The use or possession of alcohol or illegal drugs.

5. Cheating which has been directly observed by the instructor.

6. The possession of explosives, openly carried firearms, or any other deadly weapon; however, regarding firearms, this provision shall not apply to certified police officers whether on or off duty when required to carry a firearm as a part of employment, nor shall it apply to the police academy or firefighting academy only when such items are a part of the instructional materials.

7. Eating or drinking in the classroom, after warning by the instructor to dispose of food or drink.

8. Allowing a child, guest, and/or animals to be present in the classroom, after warning by the instructor that the child, guest, and /or animal is not allowed in the classroom during the class session.

   Any student who remains in the classroom after having been directed to leave shall be deemed a trespasser. The Associate Vice President of Student Services, or designee, may contact the local law enforcement authority and request that the student be forcibly removed from Lamar Institute of Technology (LIT) premises.

   In the event that an instructor believes that the conduct of a student warrants more severe disciplinary treatment than ejection from the classroom for the duration of one class period,

the instructor may refer the matter to the Associate Vice President of Student Services who may proceed in handling the matter according to Student Conduct and Discipline Policy.

Any student who believes that he or she was unjustifiably directed to leave a classroom or wrongfully removed from a classroom may pursue a grievance in accordance with the LIT Student Grievance Policy.

If the removal of a student from a classroom causes a disturbance, or if an ejected student refuses to leave quietly, or if the instructor believes, for any reason, that the removal of a student has created a reportable incident, the instructor shall complete an Incident Report and deliver it to the Provost/Vice President of Instruction. LIT shall review the incident report and forward it to the Office of Campus Safety.

POLICY 2.22 DIRECTED STUDY/ INDEPENDENT STUDY

SCOPE: STUDENTS

Upon arrangement with the Department Chair and the Provost/Vice President of instruction, a student who needs a course required for graduation and who has not had an opportunity to enroll in that course previously, may take the course under Directed Study/Independent Study. Courses containing laboratory experiences, in which student participation is a particularly important element, may not be eligible for Directed Study/Independent Study. Directed Study/Independent Study is defined as a class of nine (9) or fewer students that is not required to meet the total number of instructional hours established for the course.

POLICY 2.23 TUTORING

SCOPE: FACULTY

Faculty, both full and part-time, shall receive no extra compensation for tutoring students enrolled in their classes and will not charge such students for tutoring services.

POLICY 2.24 ADVISORY COMMITTEES

SCOPE: FACULTY AND STAFF

On the recommendation of the Provost/Vice President of Instruction, the President will appoint advisory committees, as needed, comprised of members who are broadly representative of business and industry and of major social and economic elements of the community. The primary tasks of such committees are to advise regarding career program development, operation, and evaluation. These committees will be appointed annually with the term of the appointment beginning each Fall Term. The committee shall be advisory to Lamar Institute of Technology (LIT) faculty and staff and shall meet periodically with members of the faculty and staff. Reports of advisory committee meetings will be submitted to the President by the respective Department Chairs through the Provost/Vice President of Instruction and posted on the LIT website.

POLICY 2.25 LECTURES, PUBLIC DISPLAYS AND PRESENTATIONS

SCOPE: FACULTY AND STAFF

Lamar Institute of Technology (LIT) serves the educational needs and interests of our community. LIT provides an accessible, diverse learning environment rich with opportunities for students to attain academic success and cultural growth to build and expand their knowledge and skills, and to develop both as individuals and as citizens of our world. It shall be the policy of LIT to allow lectures, public displays and presentations, outside of the normal classroom experience, as forums of expression. The President shall establish procedures for applying, authorizing and scheduling of such forums. The Procedures will support freedom of speech and not be restrictive on content. All such events shall be consistent with the mission statement of LIT as affirmed by the TSUS Board of Regents.

This policy statement shall be applicable to extracurricular use of any LIT controlled facility, location or medium.

POLICY 2.26 PUBLICATIONS POLICY

SCOPE: FACULTY AND STAFF

Revised February 2014

1. All official publications of the college will be approved in advance by the President or a designee. Official publications include, but are not limited to, the following:

    1.1. Catalog/student handbook

    1.2. Course schedule

    1.3. Personnel manual

    1.4. Institutional fact book

    1.5. Long-range plan

    1.6. Institute brochures and advertisements

    1.7. Staff or student newsletters

2. All publications of Lamar Institute of Technology (LIT) that refer to LIT's Southern Association of Colleges and Schools accreditation status MUST use only the exact wording and punctuation, as follows:

    Lamar Institute of Technology is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award degrees at the associate level. Lamar Institute of Technology also may offer credentials and diplomas at approved degree levels. Questions about the accreditation of Lamar Institute of Technology may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC'S website (www.sacs.org).

3. All publications of LIT are subject to Texas State University System guidelines and must include LIT is a "Member of The Texas State University System" and use official Texas State University System standards.

POLICY 2.27 PRODUCT ENDORSEMENT

SCOPE: FACULTY AND STAFF

No employee or other Lamar Institute of Technology (LIT) representative shall give written or oral endorsement in the name of LIT to any product or service for personal gain.

POLICY 2.28 EMERGENCY NOTIFICATION

SCOPE: FACULTY, STAFF AND STUDENTS

The President or a designee will make every attempt to inform faculty, staff and students of an impending closing of Lamar Institute of Technology (LIT) before the close of the business day.

Because hurricanes or other such emergencies are often unpredictable or may occur over a weekend or on a holiday, it will not always be possible to inform faculty and staff before the close of a business day. The President will call the Vice Presidents and the Director of Communications and Marketing to inform them that LIT is closed. The following responsibilities are assigned:

1. After any official announcement of a closing, the Director of Communication and Marketing is responsible for ensuring that the local area television and radio stations are contacted.

2. After any official announcement of a closing, the Director of Information Technology is responsible for ensuring that the emergency message is posted to the website and telephones.

3. After any official announcement of a closing, the Executive **Vice President for Finance and Operations, Provost/Vice President for Academic Affairs, Associate Vice President of Student Services, Deans and Department Chairs** are responsible for ensuring that any necessary preparations for their respective departments are made/continued as deemed necessary by the emergency conditions.

4. After any official announcement of a closing, the Director of Safety and safety staff are responsible for ensuring campus is evacuated and buildings secured.

5. In cases of emergency, LIT personnel will try to contact the students. However, LIT assumes no responsibility for making such contacts.

   In the event of a possible emergency, faculty, staff, and students should listen to the local media or should call the main number of the Institute to listen to the recorded message for information.

POLICY 2.29 RELEASE OF ROSTERS

SCOPE: FACULTY, STAFF and STUDENTS

Institute Personnel
Rosters of Lamar Institute of Technology (LIT) personnel other than the one contained in official LIT publications shall not be provided to any non-college organization of commercial interest without the permission of the President.

Students
Rosters of students may be provided to any accredited institution of higher education and to any recruiting office of the United States Military Forces upon written request from such an institution. All other requests for rosters of students shall be submitted to the President, or the designee of the President, who shall have discretion in deciding whether to grant or deny such request.

POLICY 2.30 HONORS LIST

SCOPE: FACULTY AND STAFF

President's Honors List
A student is placed on the President's Honors List when a 4.0 out of a possible 4.0 grade-point average (GPA) has been earned while attempting at least 12 semester hours of college credit.

Any student who graduates with an overall cumulative (i.e., includes transfer hours) grade-point average of 4.0 in all college credit applicable toward a degree shall be graduated with honors.

Vice President's Honors List
A student is placed on the Vice President's Honors List when a 3.4 out of a possible 4.0 grade-point average (GPA) has been earned while attempting at least 12 semester hours of college credit.

Any student who graduates with an overall cumulative (.i.e., includes transfer hours) grade-point average of 3.4 or above in all college credit applicable toward a degree shall be graduated with honors.

POLICY 2.31 ADVISING OF CLUBS AND ORGANIZATIONS

SCOPE: FACULTY AND STAFF

Clubs and Organization Advisors
Lamar Institute of Technology (LIT) regulations require each student club/organization to have an advisor. Advisors are members of the faculty or staff whose interest in the group indicates that they would judiciously advise the club/organization concerning its goals, purpose, and procedure. Advisors guide the group in accordance with the policies of LIT and the club/organization.

Staff and Faculty Eligible as Club/Organization Advisor
All full-time faculty and staff are eligible to serve as an advisor to a student club/organization with permission from his/her supervisor. Serving as an advisor of a student club/organization is voluntary. Adjunct and part-time faculty and part-time staff may serve as co-advisors of LIT student clubs and organizations.

Faculty Credit for Serving as a LIT Club/Organization Advisor
In accordance with LIT policy, “Criteria for Instructional Rankings”, up to four years of service as an advisor of LIT clubs or organizations may be substituted on a two-for-one basis (i.e., two years of community service for one year of credit) for full-time teaching experience.

Training(s)
There will be mandatory annual training for those faculty and staff who volunteer to be advisors of student clubs/organizations through the office of the Associate Vice President of Student Services.

POLICY 2.32 LABORATORY AND SPECIAL FEES

SCOPE: FACULTY AND STAFF

The Laboratory and Incidental Fees for all college credit, non-college credit courses and related services will be reviewed annually during the Catalog/Student Handbook revision process by all academic divisions and appropriate College departments.

Revisions and/or deletions of any laboratory and incidental fees will be submitted to the Provost/Vice President of Instruction on the Lab Fee and Incidental Fee Calculation Form for submission to the Instructional Council for review and approval. All new, revised and deleted laboratory and incidental fees will be submitted to the President‘s Council for review and recommendation to the President for approval.

The calculation of laboratory and incidental fees will include the cost of materials/supplies consumed by the students within the course, software, contract services, testing and other appropriate costs.

POLICY 2.33 CREDIT-BY-EXAMINATION

SCOPE: FACULTY AND STAFF

Credit may be earned in designated courses by making a satisfactory score equivalent to at least a grade of “C” on exams and/or projects prepared by Lamar Institute of Technology (LIT) instructors, contingent upon the following:

1. A non-refundable charge will be made for each eligible course for which an examination and/or project is requested.

2. An examination and/or project must be completed within the term the student first applied for Credit- by-Examination.

3. Credit-by-Examination cannot be granted in any course for which a grade already has been awarded.

4. Credit earned through Credit-by-Examination will appear on the student‘s permanent record.

5. A student may not repeat a course for which Credit-by-Examination has been awarded.

6. A student may attempt Credit-by-Examination in a course only one time.

7. Credit earned through Credit-by-Examination does not satisfy the residency requirement.

   The courses that have been determined to be eligible for Credit-by-Examination are identified in the LIT Catalog/Student Handbook.

   If student participation is an important element in a course, certain courses may NOT be eligible for Credit-by-Examination.

POLICY 2.34 NON-CREDIT COURSES

SCOPE: FACULTY AND STAFF

Lamar Institute of Technology (LIT) will provide such non-credit courses as are needed to serve the educational needs and interests of the community. These courses are designed to meet specific needs and may vary in content, length, and time scheduled. Records of such courses shall be maintained by the Workforce Training Department. Fees assessed for these courses and activities are in accordance with the fee structure approved by the TSUS Board of Regents.

Non-credit courses may be listed in any one of the following categories:

1. WORKFORCE AND CORPORATE TRAINING
   These courses are organized and designed to develop or enhance an individual‘s occupational skills. Included with workforce training is customized training and business partnerships.

2. CONTINUING EDUCATION
   These courses are offered to the public for professional development as well as personal enrichment.

3. LIFELONG LEARNING
   These courses are designed to contribute to the identification and solution of community problems or for self-improvement.

4. WORKSHOPS
   Workshops, to include seminars and conferences, may be conducted as part of the Institute’s non-credit program.

POLICY 2.35 FINAL EXAMS

SCOPE: FACULTY

A comprehensive final examination is left to the discretion of the instructor when it is not a course requirement. In the case of student absence from a final examination, the instructor shall assign a grade of “I” when the reason for the absence is due to accident or illness.

If an incomplete grade is not made up and a grade is not assigned before the end of the long semester, the incomplete “I” will be changed to “F” unless otherwise provided for or approved by the Provost/Vice President of Instruction. Fall Term is considered the next term following Spring or Summer Term of the previous academic year.

Lamar Institute of Technology does not operate under a student honor system; therefore, the proctoring of all examinations by a Faculty member is required.

POLICY 2.36 NAMING OF LAMAR INSTITUTE OF TECHNOLOGY FACILITIES

SCOPE: FACULTY AND STAFF

The Board of Regents (the Board) shall be authorized to name a Lamar Institute of Technology (LIT) building, to include rooms and classrooms, after donors who have made significant contributions to the Lamar Institute of Technology Foundation, Inc. (the Foundation) for the benefit of LIT and its students. The determination of a donation significant in value to authorize the naming of a LIT building, room, or classroom shall be made upon the recommendation of the President and by a majority vote of the Board at a regular meeting. LIT facilities named under this policy shall not be changed, except as required by law; if there is demolition, significant renovation or destruction by force of nature; or if any legal impropriety or circumstances of the donor or distinguished designee reflect negatively on LIT. Such changes shall be made by a majority vote of the Board at a regular meeting.

This policy is established to provide consistency, fairness, appropriate recognition and value in exchange for the honor and privilege of name association with a facility or physical property of LIT. This policy is intended as a guide and allows the Board flexibility on a case- by- case basis.

The following guidelines for naming LIT facilities shall be followed. Exceptions may be made only by a majority vote of the Board at a regular meeting. Amounts for these naming opportunities shall be reviewed periodically by the Board.

1. Facilities may be named for someone in recognition of distinguished service who has made a significant positive impact on LIT over an extended period of years.

    1.1. A committee of no less than seven members, appointed by the President, to include LIT employees, Foundation Board Members and Directors, will determine the worthiness and the degree of internal and external support for the proposed naming, and will submit a recommendation to the President.

    1.2. The designee for this tribute must agree to the proposed naming prior to the President's recommendation to the Board.

2. Facilities may be named for a donor of a significant contribution of resources to the Foundation or LIT. Contributions are considered investments that enhance the College's ability to meet the higher education needs of the community, particularly toward a level of excellence that would not be possible with only state funding and tuition. Therefore, LIT seeks to provide appropriate recognition to major donors for their generosity. Any philanthropic commitments connected with the naming must either be realized or irrevocable, or there should be reasonable assurance that a pledge will be fulfilled. If the commitment is not realized in full at the agreed time, the naming shall be subject to reconsideration by the Board and any contributions provided by the donor will be retained by LIT or the Foundation.

    2.1. Donors to be honored with naming opportunities may include individuals, families, organizations, foundations and corporations.

    2.2. Contribution levels for specific naming opportunities will be determined based on size, age, location and function of the facility. Minimum gift ranges, either monetary or property appraised with like values, are as follows:

Name Opportunities	Gift Range Minimums
Campus or Center	$ (X) million and above
Building	$ (X) million and above
Entrance hall, lobby, building wing	$ 500,000 to (XXX)
Bookstore, cafeteria, office suite, outdoor plazas	$ 100,000 to 499,999
Laboratory, classroom, miscellaneous rooms, gardens	$ 50,000 to 99,999

2.3. Specific contribution levels may be established with either fixed or minimum dollar amounts for sponsorship of other physical property on campus. Such property ordinarily includes permanent fixtures and furnishings.

3. The LIT President, in collaboration with the donor and other appropriate parties, shall make decisions to:

3.1. Determine content, timing, location and frequency of public announcements associated with the gift.

3.2. Approve physical markers or signs that provide information about the designee or donor and/or the nature of the gift or honor, in keeping with the design standards established by the Institute

3.3. Carry out any ongoing care and maintenance of any named facility or property and physical markers, in keeping with the maintenance standards established by the Institute.

POLICY 2.37 ELECTRONIC MAIL AND VOICE MAIL

SCOPE: FACULTY AND STAFF

The electronic mail and voice mail systems of Lamar Institute of Technology (LIT) have been established for LIT-related communications only. LIT shall maintain access to all voice and electronic mail messages. Employees and others who use the LIT voice and electronic systems shall have no expectation of privacy in the messages contained in these systems. Every employee should be aware that no electronic mail or voice mail system is completely secure. Any voice mail and any electronic mail message in the system may be accessed or viewed by someone who has the knowledge and capability to tap into our system. Additionally, LIT may access these systems to ensure that the systems are being used properly and for LIT-related communications only. These systems are not intended for personal use.

The voice mail and electronic mail systems shall be used only for the transmission of transitory (or scratch-pad) information and shall not be used for the transaction of official Institution business. Neither voice mail messages nor electronic mail messages shall be used to document official LIT business and neither shall serve as the final or formal record of action. In the event that a voice mail message or an electronic mail message is the only record of official action, such message shall be transcribed or printed in paper form and such paper form shall serve as the official record of such transaction.

Voice mail and electronic mail messages, being transitory in nature, shall be purged and completely erased from LIT systems (including all back-up systems) periodically.

POLICY 2.38 TUITION ASSISTANCE PLAN FOR SPOUSES AND DEPENDENTS

SCOPE: FACULTY AND STAFF

ISSUED: May 27, 2009

1. **Policy:** Effective August 1, 2009 and beginning with the fall 2009 semester, spouses and Internal Revenue Service (IRS) dependent children (hence, —dependents‖ of full-time Lamar Institute of Technology (LIT) employees may qualify for and participate in the new Employee Tuition Assistance Plan for Spouses and Dependents, hence LITTAP.

2. **Tuition Benefits:**

   2.1. Eligible Spouses of full-time employees: Tuition assistance of 100% of resident tuition (State and Designated tuition) is provided for courses for which academic credit is awarded upon successful completion of the course. Applicable LIT fees are not included.

   2.2. Eligible Dependent Children: Tuition assistance of 100% of resident tuition is provided for which academic credit is awarded upon successful completion of the course. Applicable LIT fees are not included.

   The term course shall include courses listed in LIT‘s official class schedule, including developmental and pre-collegiate courses and laboratories. All LITTAP courses must apply and be credited toward a LIT degree. Tuition benefits limited to one Lamar Institute of Technology.

3. **Eligibility:**

   3.1. LIT employees employed on or after August 1, 2009. Effective August 1, 2009, spouses and dependents of employees become eligible for the LITTAP if the employee has an appointment of 4 ½ months or longer, is appointed full- time (not less than 1.00 FTE), is paid from LIT funds, and is NOT in a position requiring student status as a condition of employment as the census date of the semester/term for which the assistance is received.

   3.2. Employee spouses and dependents must apply and be admitted to LIT and maintain good academic and disciplinary standing as defined by the college. The assistance is provided on a semester/term basis. Application and admission test fees will not be waived or reimbursed.

   3.3. Eligible dependents are defined by the IRS in 26 USC§152 and must be claimed as dependents by employees for IRS income tax purposes.

   3.4. Retirees and student employees are not eligible for participation in the LITTAP, unless they are spouses or dependents otherwise included. Eligible spouses and dependents who receive State or Federal student financial aid are ineligible for LITTAP assistance.

4. **Application Procedures:** Upon class registration, employees must complete and deliver the LITTAP Employee Certification Form (available in Human Resources) to the Office of Human Resources for processing. To receive assistance for eligible spouses and/or

departments, employees must complete and deliver the LITTAP Employee Certification Form to the Office of Human Resources along with page one (with financial information removed) of her most recent Form 1040 U.S. Individual Income Tax Return. The Office of Human Resources will certify eligibility for benefits associated with the LITTAP. Applications will be accepted effective immediately.

5. Tax Implications for Participants: Reference Table*

Persons Receiving Benefits	**Course Level**	**Benefit Type**	**Tax Consequences**
Spouse or Dependent Child	Undergraduate	Tuition Assistance (State and Designated (Tuition)	

* This summary is provided for the convenience of employees. Employees should discuss personal income tax issues with their tax advisor or preparer. Additional information regarding educational assistance plans is available from the IRS at http://www.irs.gov/publications/p970/ch11.html.

POLICY 2.39 CELL PHONE ALLOWANCE

SCOPE: FACULTY AND STAFF

Issued: 09/01/2009

1. Policy: Lamar Institute of Technology (LIT) recognizes that the use of cellular phones may aid an employee in his or her employment as well as benefit the employee's department and LIT. This policy is to address the recognition of personal income to individuals receiving benefits of institutional provided communications services.

   The President or his designee will determine which college employee will receive compensation to acquire a cellular communications device to conduct institutional business. Personal income will be recognized by the individuals realizing benefits from the use of these institutional provided services.

2. Policy Specifics:

   2.1. Wireless communication services are administered by the LIT Information Technology Department.

   2.2. LIT has established a list of positions that are authorized to be compensated for the purpose of acquiring a cellular phone.

   2.3. Individuals will be provided a stipend to maintain wireless communications services so that they can conduct required college business.

   2.4. Each individual given a stipend is required to provide LIT Information Technology with the cellular phone carrier and telephone number.

   2.5. LIT Information Technology is to be notified if the service provider changes or telephone number changes.

3. Authorized Positions
   The following is a list of approved positions that are to be compensated for the purpose of acquiring a cellular phone for business use:

   3.1. President

   3.2. Vice President for Finance and Operations

   3.3. Vice President for Academic Affairs

   3.4. Vice President of Workforce Development

   3.5. Dean of Student Services

   3.6. Dean of Instruction

   3.7. Director of Development

3.8. Director of Public Information and Marketing

3.9. Director of Computer Services

3.10. Director of Facilities & Maintenance

3.11. Director of Corporate Training

3.12. Director of Accounting

3.13. Academic Department Chairs

3.14. Coordinator of Instructional Effectiveness and Grants

3.15. Coordinator of Utility Lineman Program

3.16. Coordinator of Police Academy

3.17. Coordinator of Fire Academy

3.18. Director of Safety

3.19. Other approved and authorized positions

POLICY 2.40 REPEATED COURSE POLICY

SCOPE: FACULTY, STAFF AND STUDENTS

Issued: July 19, 2010

POLICY: Texas Administrative Code §13.105 allows institutions to charge a higher tuition rate to a student who (1) repeats a course more than twice or (2) enrolls for the second time in a completed course.

1. **Tuition**

   Lamar Institute of Technology (LIT) will charge students a higher position for repeated courses that **may not be submitted for formula funding. The tuition rate will be equal to three times the** resident undergraduate tuition rate.

2. **Exemptions**

   A student is exempted from payment of higher tuition for any course repeated in the final semester or term before graduation, if the course(s) is taken for the purpose of receiving a grade that will satisfy a degree requirement. This exemption applies for only one semester.[9]
   A student is exempted from the payment of the higher tuition rate if the payment of the higher tuition rate will result in an economic hardship for the student. An economic hardship may be demonstrated if the student has been approved to receive financial aid.

   The following types of hours are exempt[10] and not subject to a higher tuition rate under the Repeated Course Policy:

   2.1. Hours for developmental courses;

   2.2. Hours for special topics courses

   2.3. Hours from developmental courses; workforce education courses, or other courses that would not generate academic credit that could be applied to a degree at the institution if the course work is within the 27-hour limit at two-year colleges and the 18-hour limit at general academic institutions;

   2.4. Hours for courses that involve different or more advanced content each time they are taken, including but not limited to, workforce education courses and manual special topics courses; and

   2.5. Hours for continuing education courses that must be repeated to retain professional certification.[11]

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[9] Texas Administrative Code, Chapter 13, Section §13.105
[10] Texas Administrative Code, Chapter 13, Rule §13.108
[11] Texas Administrative Code, Chapter 13, Rule § 13.106

POLICY 2.41 INCOMPLETE GRADE POLICY

SCOPE: FACULTY, STAFF, AND STUDENTS

Issued: July 19, 2010

A grade of Incomplete ('I') is a temporary grade which may be given to a student at the instructor's discretion. The decision to allow a student to receive an 'I' is the sole decision of the faculty member while adhering to established criteria.

An 'I' is recorded on the student academic record when illness, necessary absence, or other reasons beyond the control of the student prevent completion of course requirements by the end of the academic term.

A grade of 'I' must not be given as a:

1. Substitute for a failing grade
2. A means for raising a student's grade by allowing additional coursework after the academic term.

An 'I' should not be assigned when it is necessary for the student to attend additional class meetings to complete the course requirements. Students who receive an incomplete grade in a course must not re- register for the course in order to remove the 'I ' . A failing grade and last date of attendance must be recorded for students who cease attending class without authorization.

An Incomplete grade may not be considered passing for purposes of determining academic standing, federal financial aid eligibility, athletic eligibility, or other purposes.

Effective Date: The Incomplete Grade Policy will be effective on August 23, 2010. The policy will affect incomplete grades awarded in the Fall 2010 semester and all academic terms thereafter.

Criteria to Award a Grade of Incomplete: The following criteria must be used as a guideline to make the determination if a grade of 'I' should be awarded to a student:

1. The student's work, to date, is passing;
2. Attendance has been satisfactory through at least 70% of the term;
3. An illness or other extenuating circumstance legitimately prevents completion of required work by the published due date;
4. Required work may reasonably be completed in an agreed-upon time frame, generally four (4) weeks following the end of the semester.

Procedure:

1. The Incomplete Grade Contract must be completed and signed by the student and the instructor.
2. The completed Incomplete Grade Contract must be approved by the department chair and Provost/Vice President of Instruction.
3. A copy of the contract must be delivered to the student.
4. The final grade is submitted on the Contract for Incomplete Grade. The form must be delivered to the department chair and Provost/Vice President of Instruction.
5. The Provost/Vice President of Instruction will review and forward the completed Incomplete Grade Contract to the Records Office.

Timeline: Incomplete grades must be replaced no later than the end of the following fall or spring term. Only under the most extenuating circumstances may an incomplete be made up more than one calendar year from the date it is recorded and only with the approval of the Provost/Vice President of Instruction.

Transcripts and Grade Point Average:

1. The course work may be completed while the student is not enrolled.
2. Incomplete grades appear on the student‘s official transcript for one year. After one year, or at the time of graduation, incomplete grades will change to an ‘F’ and will affect the student’s GPA.
3. Incomplete grades do not affect the grade point average.
4. Notation of the original incomplete status of the grade remains on the student’s transcript along with the final grade.

POLICY 2.42 EMERGENCY SERVICES

SCOPE: FACULTY, STAFF AND STUDENTS

1. **Policy**: It is important to Lamar Institute of Technology (LIT) that emergency situations are addressed in an appropriate manner. The purpose of this policy is to clarify and give definitive directions to the LIT community in the event emergency services are needed. It is critical that appropriate actions are taken by individuals when presented with a situation that requires some level of support by either an emergency medical response team or campus security.

   LIT is aware of three types of emergency situations, life threatening medical emergencies, non-life-threatening medical emergencies, and emergency situations that require immediate response from police.

2. **Definitions / Actions**

   Life Threatening Emergencies:
   Individual experiencing a heart attack
   Individual bleeding excessively
   Individual experiencing a seizure
   Critical accident on campus
   If you feel the situation is life threatening

   Non-Life-Threatening Emergencies:
   Individual has fallen on campus
   Non-critical accident on campus
   If you feel the situation is non-life threatening

   Non-Medical Emergencies requiring immediate response:
   Bomb threat
   Armed individual brandishing a gun
   Individual threatening the lives of others

   In any of these situations, you need to be prepared to give an exact location. It is important to notify campus police when calling 911 so that they can assist in supporting the situation and/or directing emergency response teams to the correct location.

   Campus Emergency Phone Pedestals are located in various locations outside buildings on campus. One is located outside the southeast side of T-5, another is located on the northeast corner of the Eagles' Nest, and another is located on the southeast side of the MPC. When activated, these phones call campus police.

   Campus police numbers are emergency number (409) 880-7777 and non-emergency number (409) 880-8307.

   The Office of Campus Safety phone numbers are

POLICY 2.43 SUBSTANTIVE CHANGE

SCOPE: FACULTY AND STAFF

1. INTRODUCTION

Lamar Institute of Technology (LIT) is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award degrees at the associate level. The Code of Federal Regulations (34 CFR §602.22) requires that SACSCOC ensure that any substantive change does not adversely affect the capacity of the institution to meet standards, as established in the SACSCOC *Principles of Accreditation*. A substantive change is a significant modification or expansion of the nature and scope of an accredited institution. Substantive change includes high-impact, high-risk changes and changes that can impact the quality of educational programs and services. SACSCOC's Substantive Change Policy and Procedures, as well as additional information on substantive change, can be found at https://sacscoc.org/accrediting-standards/substantive-changes/ .

2. PURPOSE

The purpose of this policy and the related procedures is to ensure all substantive changes are reported to SACSCOC in a timely fashion. Non-compliance to substantive change policy and procedures may subject the institution to monitoring, sanction, or removal from SACSCOC membership. Failure to secure approval, if required, of a substantive change involving programs or locations that qualify for title IV federal funding may place the institution in jeopardy with the U.S. Department of Education, including reimbursement of funds received related to an unreported substantive change.

3. POLICY

3.1. LIT will seek SACSCOC approval or make notification of changes in accordance with the SACSCOC Substantive Change Policy. LIT will develop and maintain Substantive Change Procedures to ensure timely and proper reporting to SACSCOC.

3.2. The Institute Accreditation Liaison (IAL) will monitor Institute activities and assess the possible need for notification of substantive change to SACSCOC.

4. PROCEDURE: Member institutions are required to notify SACSCOC of selected changes in accordance with the SACSCOC substantive change policy and, when required, seek approval prior to the initiation of identified changes. SACSCOC substantive change policy is published on the SACSCOC website and should be consulted for current requirements.

4.1. Adherence to substantive change requirements requires campus wide collaboration and commitment. Therefore:

4.1.1. College committees and departments will remain aware of current SACSCOC substantive change policies and will notify the IAL of initiatives that may constitute a substantive change.

4.1.2. The IAL will be a member of the Executive Team and an ex-officio member of the Curriculum Review and Distance Education committees to provide guidance on substantive change reporting requirements.

4.1.3. The IAL will be responsible for coordinating substantive change reporting.

4.1.4. The Executive Team will be made aware of recommended substantive changes.

4.1.5. Substantive changes will be submitted to the Texas State University System Board of Regents, Texas Higher Education Coordinating Board, and SACSCOC according to their procedures.

4.1.6. Documentation of substantive change initiatives, notifications, and statuses will be maintained by the IAL.

EFFECTIVE DATE
Implemented: 11/15/2010
Reviewed: 8/2023
Revised: 8/2023

POLICY 2.44 DISTANCE EDUCATION[12]

SCOPE: FACULTY, STAFF AND STUDENTS

1. Instructors

1.1. Policy: Lamar Institute of Technology (LIT) employees who teach an online section must comply with the Distance Learning Handbook Guidelines. Employees who do not comply with the guidelines will not be allowed to teach an online section.

2. Student Privacy in Distance Education

2.1. **Policy:** LIT protects the privacy of students enrolled in LIT distance courses and/or programs.

Federal Requirement 4.8.2 states that it is a requirement to have "a written procedure for protecting the privacy of students enrolled in distance and correspondence education courses or programs.[13] LIT complies with the Family Educational Rights and Privacy Act (FERPA)[14] concerning the control of access to confidential student information.

All credit-bearing courses and programs offered through distance learning methods must not permit access to or release of any confidential student information to any third parties without written consent of the student other than to the following:

- LIT officials and staff who have legitimate educational interests.
- Officials of other schools to which a student has applied for admissions or plans to enroll.
- Federal, state, or local officials as defined by the law.
- Accrediting organizations when conducting accrediting functions.
- Parents of a dependent student (according to the Internal Revenue Service code).
- The courts, in compliance with a subpoena or judicial order, once the Institution has made a reasonable effort to contact the student.
- Appropriate emergency contacts as defined by the student if the requested information is necessary to protect the safety or health of the student or other individuals.
- Appropriate external parties, such as law enforcement agencies, in order to investigate and respond to suspected violations of law or institutional policy. Any such disclosures shall comply with all applicable laws and Institution policies.

2.2. **FERPA and Distance Education**

2.2.1. **Introduction**: Electronic student submissions should not be accessible to anyone other than the student and the LIT employee who needs the electronic submission to carry out his/her duties. This group of employees

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[12] Southern Association of Colleges and Schools Commission on Colleges: Distance and Correspondence Education
[13] Federal Regulation 4.8.2
[14] U.S. Department of Education Ed.gov (FERPA)

would usually include the instructor, administrators or staff approved by the Office of Instruction, and learning management system or e-learning administrators. For student work to become available to a third party, the student must give permission through a written, signed consent. The consent is voluntary, and a student may decline. If a student declines to give consent, the student cannot be denied any academic opportunity or privilege, or suffer any adverse consequences as a result.

NOTE: If students are trading documents or projects for peer review, FERPA does not apply until the work is collected and recorded by the instructor.

2.2.2. **Third Party Hosting**: Personal information collected is not disclosed to third parties unless the third party is an intuitionally-authorized provider of services. Users of these services are subject to the privacy polices established by the third-party provider. The contracted party and LIT will comply with all local and federal laws regarding privacy and security information. For example: LIT currently contracts the hosting of a campus-wide learning management system.

2.2.3. **Sites Outside of Institutional Systems**: If an instructor requests or requires students to post to websites or social networking sites outside of the institution (e.g., for interaction with the wider community), FERPA protections for that information as to third parties cannot be assured because the material is not on a LIT controlled website. However, instructors should communicate the issues, conditions, and risks associated with any postings that will be publicly available on the Internet at the beginning of the academic term, preferably in the syllabus. Instructors should never post student grades, schedules, student ID numbers or Social Security numbers, or other personally identifiable information. Likewise, instructors should remind students to be careful about posting personal information (schedules, real names, etc.) about their classmates.

2.2.4. **Student Threaded Discussions or Forum Postings**:

- Written consent to display student identity is not necessary for threaded discussions or forums if:
- Students perform the posting (not instructors).
- Electronic submissions do not contain grading or evaluative comments by a professor.
- Students are notified in advance before or during enrollment that posting of their work is a course requirement.
- Submitted work is not available to anyone outside of the class members and faculty.

2.2.5. **Plagiarism Detection Software**: LIT faculty may use or require the use of software intended to deter plagiarism or provide review by instructors or peers. The institution presently utilizes various software tools for these purposes.

2.2.6. **Secure Credentials**: The T-number (student ID) is not a secure credential and may be displayed in some identity badges, software systems, etc. The

password used to enter the system IS a secure credential. Access passwords may not be shared or given for any reason to anyone other than the user to whom they were assigned.

3. **Compliance:** In accordance with the responsibilities outlined above, LIT Leadership is expected to ensure that all faculty and staff within their units remain in compliance with this policy.

4. **Frequency of Review and Update:** Technology and Distance Education regulations continue to progress and change. This policy will be reviewed annually by the Office of Instruction and the office of Distance Learning for continued alignment with applicable federal and state laws, regulations and policies. Updates will be made and approved as necessary.

POLICY 2.45 ACTIVE SHOOTER

SCOPE: FACULTY AND STAFF

1. **Policy:** Lamar Institute of Technology (LIT) recognizes its commitment to the emotional and physical well-being of its, students, faculty, and staff. There is increasing concern, interest, and anxiety about active shooters on America's campuses. Members of the Lamar University Police Department (LUPD) are trained and equipped to respond to an emergency incident of this nature. The police will evaluate the situation and determine the best course of action to take for the safety of the LIT community. LUPD will be responsible for all tactical operations and will call on area law enforcement agencies, fire- rescue, and EMS for assistance, as needed. The LIT President, or in his/her absence the next Vice President in the chain of command, i.e. Vice President for Finance& Operations, Vice President for Academic Affairs, Dean of Student Services will respond to the Lamar University Police Department.

2. **Procedures**: The immediate response of the first officers on scene is to take aggressive action to find and stop the shooter or shooters. As they move into the affected area, rescue efforts will be delayed until the shooter is located and stopped or no longer a threat to life safety. If you are wounded or with someone who is wounded, these officers will bypass you to search for the shooter. Rescue teams will follow shortly to aid you and others.

   The following protocol is sound and generally applicable but must be adapted to the specific situation. Bottom line, if you hear shots fired on campus, or if you see or know that an armed person is shooting people, ***protect yourself first – move to a safe location****.*

   2.1 **IF THE SHOOTER IS OUTSIDE YOUR BUILDING:**

   2.1.1. If you can do so safely, inform building occupants.

   2.1.2. Close and lock your door and all windows. If you cannot lock the door, try to block the door with furniture.

   2.1.3. Turn off all lights.

   2.1.4. Close the blinds and stay away from the windows and doors.

   2.1.5. Seek protective cover or lie on the floor.

   2.1.6. Keep quiet and act as if no one is in the room.

   2.1.7. Have ONE person call 911 or 880-7777 and give their name, location, and any other detail that can be provided about the shooter(s), if possible.

   2.1.8. Silence cell phones.

   2.1.9. Do not answer the door or respond to commands until you are certain they are issued by a police officer. Ask the officer to place his ID under the door.

   2.1.10. Wait for the police to assist you in getting out of the building.

2.2. **IF THE SHOOTER IS IN YOUR BUILDING:**

2.2.1. Determine if the room you are in can be locked. If so, follow the directions above.

2.2.2. If your room cannot be locked, move to a room that can, or exit the building – **ONLY IF IT IS SAFE TO DO SO**

2.2.3. Notify anyone you may encounter to exit the building immediately.

2.2.4. As you exit the building, keep your hands above your head and listen for instructions that may be given by police officers. If an officer points a firearm at you, make no movements that may cause the officer to mistake your actions for a threat. Try to stay calm.

2.2.5. If you get out of the building and do not see a police officer, call 911 or 880-7777 and provide the dispatcher with the following information:

- Your name
- Location of the incident
- Number of shooters, if known
- Identification or description of shooter(s)
- Your exact location
- Injuries to anyone, if known

2.2.6. If you are unable to escape the building, move out of the hallway and into an office or classroom and try to lock the door.

2.2.7. If the door will not lock, try barricading the door with desks and chairs. Lie on the floor and/or under a desk and remain silent.

2.2.8. Silence cell phones.

2.2.9 Cover door windows.

2.2.10. If possible, place signs in exterior windows to identify the location of injured persons.

2.2.11. Wait for the police to come and find you.

2.3 **IF THE SHOOTER ENTERS YOUR OFFICE OR CLASSROOM:**

2.3.1. If possible call 911 or 880-7777 and alert the police to the shooter‘s location; if you can‘t speak, leave the line open so the dispatcher can listen and try to pinpoint your location.

2.3.2. If you can‘t escape, attempting to overpower the shooter(s) by force is a LAST RESORT.

2.3.3. If the shooter(s) leaves the area, proceed immediately to a safer place, if possible.

2.3.4. If you decide to flee, do not carry anything; move quickly and quietly, keep your hands visible, and follow the instructions of the police officers.

2.3.5. Do not attempt to remove injured people; tell the authorities of their location as soon as possible.

2.3.6. Do not leave campus until advised to do so by the police. The area will be a crime scene; police usually will not let anyone leave until the area is secure and all witnesses have been identified and questioned. Stay where you are told until the police dismiss you.

POLICY 2.46 PUBLIC ACCESS DEFIBRILLATION

SCOPE: FACULTY AND STAFF

Issued: July 3, 2013

1. **Purpose**: Lamar Institute of Technology (LIT) recognizes the potential for Sudden Cardiac Arrest (SCA) to faculty, staff, students and visitors on campus. SCA is usually caused by an electrical malfunction that makes the heart quiver ineffectively. As SCA can happen anywhere anytime, Cardio-Pulmonary Resuscitation (CPR) is critical, but just a temporary measure that helps maintain blood flow to the brain. A lifesaving pulse of electricity and defibrillation must be delivered quickly to restore the heart's normal rhythm; because time is critical when a SCA strikes, LIT is placing Automated External Defibrillators (AEDs) in key locations around campus. AEDs can be used by anyone with proper training.

2. **Roles and Responsibilities**

   2.1. EMS Program Director:

      2.1.1. Coordinating order and placement of AEDs.

      2.1.2. Coordinating the training of LIT employees.

      2.1.3. Coordinating equipment and accessory maintenance.

      2.1.4. Monitoring the effectiveness of this program.

      2.1.5. Communication with Medical Director on issues related to the AED program (including post-event reviews).

      2.1.6. Revision of this program as required.

      2.1.7. Designate individual(s) for AED monthly safety check.

   2.2. Medical Control

      2.2.1. The medical adviser of the AED program is responsible for:
         2.2.2.1. Providing medical direction for use of AEDs.
         2.2.2.2. Writing a prescription for AEDs.
         2.2.2.3. Reviewing and approving guidelines for procedures related to use of AEDs and CPR.
         2.2.2.4. Evaluation of post-event reviews.

   2.3. Authorized AED Users:

      2.3.1. All LIT employees who have successfully completed CPR/AED training.

      2.3.2. Any trained person who has successfully completed an approved CPR/AED training program within the last two years and has a current course completion card.

2.3.3. Anyone can, at their discretion, provide voluntary assistance to victims of medical emergencies. The extent that these individuals respond shall be appropriate to their training and experience. Responders are encouraged to contribute to emergency response only to the extent that they are comfortable. The emergency medical response of these individuals may include CPR, AED, and medical first aid.

2.4. AED Trained LIT Employee Responsibilities:

2.4.1. LIT employees may complete required training to provide basic CPR/AED use. The Safety Committee must approve the CPR/AED training course.

2.4.2. LIT employees should renew CPR/AED training every two years.

2.4.3. Activate the 911 emergency response system and provide prompt basic life support including AED and first aid according to training and experience.

2.4.4. Contact Director of Safety anytime an AED is used.

2.4.5. Understand and comply with the requirements of this program.

2.5. AED Equipment Use:

2.5.1. The AED should be brought to all cardiac and respiratory emergencies.

2.5.2. The AED should be used on any person who is 8 years of age or older, weighs over 55 pounds, and displays all the symptoms of cardiac arrest.

2.5.3. The AED will be placed only after the following symptoms are confirmed:
2.5.3.1. Victim is unconscious
2.5.3.2. Victim is not breathing
2.5.3.3. Victim has no pulse and/or shows no signs of circulation such as normal breathing, coughing, or movement.

2.5.4. Each AED will have one set of defibrillation electrodes connected to the device and one spare set of electrodes.

2.5.5. One AED Support KIT will be connected to the handle of the AED. This kit contains:

- 1 Pair, Nitrile Powder Free Gloves, large
- 1 Each, Bio Bag, Red,7-10 gallon
- 1 Each, CPR Barrier, Patient Face Shield
- 1 Each, Professional Towel, 13” X 9”
- 1 Each, Prep Razor
- 1 Each, Bandage Scissors
- 1 Each, Antimicrobial Wipes

2.6. AED Use Documentation: It is important to document each use of the AED.

2.6.1. LIT EMS Program Director shall be notified immediately of a medical event in which the AED was used.

2.6.2. LIT employees on scene of an AED event shall complete an AED Use Report Form . The employee(s) will retain this form until the LIT EMS Program Director is contacted.

2.7. Post-event Review: Following each of use of an AED, a review shall be conducted to learn from the experience. The Director of Safety shall conduct and document the post event review. Included will be the identification of actions that went well, the collection of opportunities for improvement and a critical incident stress debriefing (if needed). The EMS Program Director shall maintain a copy of the post- event summary.

2.8. Monthly System Check:

2.8.1. Once each calendar month, the Director of Safety (or designee) shall conduct and document a system check.

2.8.2. These records shall be retained according to the schedule established by the Safety Committee.

2.8.3. This check shall include review of the following elements:
2.8.3.1. AED operation and status
2.8.3.2. AED battery life
2.8.3.3. AED accessories and supplies

2.9. Availability:

2.9.1. The LIT EMS Program Director shall be informed of changes in availability of AED equipment and accessories. If the equipment is withdrawn from service, the EMS Program Director will be responsible for informing LIT employees to changes in availability of AED equipment.
2.9.2. The LIT EMS Program Director shall be responsible for regular equipment maintenance. All maintenance tasks shall be performed according to equipment maintenance procedures as outlined in the operating instructions.
2.9.3. Following use of the AED equipment, all equipment will be cleaned and/or decontaminated as required. If contamination includes body fluids, the equipment shall be disinfected according to proper procedures.

3. **AED Locations: LIT AED locations are as follows:**

3.1. Multi-Purpose Center: Lobby

3.2. Technology Center: 1st Floor

3.3. Beeson Building: 1st Floor

3.4. Tommy Williams Technology & Training Center Building A: Lobby

3.5. Tommy Williams Technology & Training Center Building B: Lobby

3.6. Regional Fire Academy: Classroom

3.7. Silsbee Campus: Lineman Building

3.8. Eagles' Nest

3.9. Exxon Mobil Petroleum and Advanced Technology Center?????

3.10. T4 Building: Entrance

3.11. T5 Building: Entrance

4. **Annual Program Assessment:** Once each calendar, the program shall be reviewed by the Director of Safety. This review shall include the following elements:

4.1. Training records

4.2. Equipment Operation and maintenance records.

POLICY 2.47 TRANSFER POLICY

SCOPE: STUDENTS

Approved: February 18, 2008

Transfer students are considered for admission on the basis of their previous university and college records. Applicants must submit an Application for Admission and official transcripts from all universities and colleges attended. Students transferring to Lamar Institute of Technology (LIT) must be 'in good standing' at previous educational institutions. Students on scholastic suspension/probation from another institution must petition the Provost/Vice President of Instruction for acceptance. Likewise, students who wish to transfer from institutions where they are on disciplinary probation and/or suspension may enter LIT only with the approval of the Associate Vice President of Student Services.

Transfer students are subject to the Texas Success Initiative (TSI) requirements.

TRANSFER OF COURSEWORK

LIT accepts transfer coursework from regionally accredited colleges and universities, non-regionally accredited colleges and universities, military educational training facilities, foreign educational institutions, and limited non-collegiate training facilities.

1. Regionally accredited colleges and universities. Students must submit all official transcripts from all colleges attended.

2. Non-regionally accredited colleges and universities. Students must submit all official transcripts from all colleges attended. Official transcripts must be submitted. Additional documentation may be required prior to acceptance of credit. Coursework will be evaluated in terms of level, content, quality, comparability, and degree program relevance.[15]

3. Military educational training programs. Evaluation of military credit is based upon the evaluation recommendations outlined in the American Council on Education (ACE) Guide to Evaluation of Educational Experiences in the Armed Services manual. Students must submit either a Form DD214 or Form DD256, and a Military Transcript Summary.

4. Foreign educational institutions. Students wishing to transfer college level work to LIT from foreign educational institutions must have their official transcripts evaluated by an evaluation service approved by LIT. Credit for courses taken at foreign institutions will be awarded according to the policies outlined for transfer students.

5. Non-collegiate training facilities. Credit may be awarded for successful completion of learning acquired from participation in formal courses sponsored by associations, business, government, industry, and unions to the extent that the material is applicable and official certification and /or documentation of skills or competencies achieved is provided. Transfer credit for work accomplished in a non-collegiate setting may also be granted upon individual review only for the programs listed[15] and under the provisions

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[15] *Transfer of Academic Credit, A Position Statement, SACS.*

expressed in the LIT Catalog. Many of the recommendations in the American Council on Education (ACE) publication The 'National Guide to Educational Credit for Training. Programs' and Transfer Credit practices of Designated Educational Institutions' are used to determine the award of credit.

PROCEDURE

Official transcripts from all colleges or universities must be submitted for evaluation of transfer coursework. Additional documents that demonstrate completion of learning from formal courses sponsored by associations, business, government, industry, and unions will be evaluated to determine transfer of credit[16]. In some instances, students may be asked to supply additional information to assist in the evaluation of transfer coursework. Failure to provide transcripts from all colleges or universities attended and/or other documentation of formal courses may result in denial of the awarding of credit.

Students will be notified of acceptance of transfer work. The period of evaluation may be completed prior to enrollment but may occur at the end of the first academic term in which the student is enrolled. Acceptance of transfer course work by LIT does not guarantee credit for specific courses within particular programs of study or admission to all programs.

Students are encouraged to inform their advisors of any transfer courses at the time of the initial advisement.

GUIDELINES

The following guidelines may determine the extent of transfer courses, the impact of transfer coursework on grade point average, status at graduation (honors), and transcripted grades.

1. Grades of 'C' or better will be accepted as transfer credit for program specific course(s) within a degree plan.

2. Grades of 'D' will be accepted as transfer credit for general education courses (not program specific). Some programs have additional policies that will not allow the transfer of a 'D'. Students are advised to contact individual program advisors for policies about the transfer of a 'D'.

3. Courses transferred to a degree plan will be used in the calculation of the cumulative grade point average.

4. Grades of 'F' will not transfer to LIT.

5. Courses transferred to a degree plan will be used to determine 'honors' upon graduation.

6. At least 25 percent of the credit hours required for the degree must be earned through instruction offered by LIT.

Transfer Dispute

The following procedures shall be followed in the resolution of credit transfer disputes involving lower-division courses:

1. If Lamar Institute of Technology does not accept course credit earned by a student at another institution of higher education, LIT shall give written notice to the student and to the sending institution that transfer of the course credit is denied. LIT shall provide written notice of the reasons for denying credit for a particular course or set of courses at the request of the sending institution.

2. A student who receives notices as specified in item (1) of this section may dispute the denial of credit by contacting a designated official at either the sending or the receiving institution.

3. The two institutions and the student shall attempt to resolve the transfer of the course credit in accordance with The Texas Higher Education Coordinating Board rules and guidelines.

4. If the transfer dispute is not resolved to the satisfaction of the student or the sending institution within 45 days after the date the student received written notice of denial, the institution that denies the course credit for transfer shall notify the Commissioner of Higher Education of the student's education and its denial and the reasons for the denial.

POLICY 2.48 EXPERIENTIAL LEARNING POLICY

SCOPE: STUDENTS

Lamar Institute of Technology believes rigorous professional and personal development occurs in settings outside the traditional classroom and grants credit for Prior Learning Assessment (PLA) to students who demonstrate the academic merit of such experiences. These contexts for PLA include both formal and informal learning resulting from work experiences; non-credit courses; seminar training; workshops; professional licenses and certifications; community volunteerism; and unique life experiences. Lamar Institute of Technology has implemented a systematic process for evaluating learning gained in a variety of contexts.

Students enrolled in degree, certificate, or diploma programs are permitted to seek credit for experiential learning. Credit may not be awarded for a course previously taken at Lamar Institute of Technology. The course for which experiential learning is requested must be offered in the current Lamar Institute of Technology Catalog and be included in the student's program of study.

Credit is awarded based on an assessment of a student's prior knowledge and acquired skills. Evidence of the student's prior learning must be equivalent to what a student would have obtained in the college-level course.

Students seeking experiential learning must allow adequate time for evaluation and review of the prior learning; therefore, it is recommended that the student submit his/her application two full semesters before the anticipated graduation date.

The fee for PLA will be assessed at the rate specified in the PLA Handbook per semester credit hour.

Students must earn at least twenty-five percent of semester credit hours for a degree at LIT.[17]

Lamar Institute of Technology recognizes participants benefit from learning outside the traditional classroom, reduced program costs, and timely degree completion. To accommodate this need, Lamar Institute of Technology has developed the Prior Learning Assessment Guidelines and Handbook. This manual is designed to provide information about the diverse ways in which students obtain academic credit for learned knowledge and skills outside a classroom setting. The manual provides students with insight regarding eligibility requirements to request credit, the guidelines, the fees required if applicable, the criteria for each PLA pathway, and the Lamar Institute of Technology procedures for granting credit.

The Office of Student Success works to process assessment requests. The Associate Vice President of Student and Academic Success ensures PLA adheres to institutional policies, regional accreditation standards, maintains academic integrity, rigor, and follows current institutional processes. Lamar Institute of Technology policies is consistent with the Southern Association of Colleges and Schools Commission on Colleges (SACSOC) principles of accreditation.

Prior Learning Assessment Procedure

1. The student must schedule and complete a meeting with the Department Chair to discuss applying for experiential learning. The Department Chair will provide the Prior Learning Application and determine the appropriate assessment pathway.

2. The student will submit the Prior Learning Application and appropriate documentation to the Department Chair. The documentation must demonstrate student learning outcome consistent with every course outcome. Documentation may include samples of work, non-credit transcripts, certifications, or other evidence of prior learning.

3. The documentation will be evaluated by a LIT faculty member with expertise in the discipline and reviewed by the Department Chair, Dean of Instruction and the Provost/Vice President of Instruction.

4. College credit is awarded if the evaluator determines the documentation provides sufficient evidence that the knowledge and skills a student has acquired outside the classroom are equivalent to what one would have acquired in the respective college course.

5. The Office of Registrar will notify the applicant in writing of the outcome of the application for experiential learning.

6. College credit will be awarded by the Registrar upon approval by the appropriate Department Chair, Dean of Instruction, and the Provost/Vice President of Instruction. Experiential Learning will appear as transfer credit on a student's transcript; and thus, the maximum amount of credit that can be awarded is limited by a student's total transfer hours. Credit hours will be awarded for experiential learning; however, no quality points will be assigned.

7. In determining experiential learning for coursework completed in continuing education non-credit coursework, the college references the NCCCS Continuing Education Master Course Listing and Business and Industry Guidelines.

   There is no guarantee of earning experiential learning credits. The number of credits earned depends on the individual student's experience and the extent to which that experience is deemed to be equivalent to comparable learning achieved in LIT coursework. The decision of the evaluator is final.

Approved By: Instructional Council, May 15, 2013
President's Council June 4, 2013
Revised: August 2020

POLICY 2.49 CASH HANDLING POLICY

SCOPE: ALL EMPLOYEES

Approved by: President's Council September 28, 2015

A. Purpose

The purpose of this policy is to establish guidelines related to the handling and processing of payments made to Lamar Institute of Technology (LIT) and to define those areas on campus authorized to collect these payments.

B. Persons Affected

This policy impacts all employees of LIT.

C. Definitions

1. *Cash* – U.S. currency and coin

2. *Cash Equivalents* – Money orders, travelers checks, cashiers checks, certified checks, credit cards

3. *Cash handling department* – Campus operating unit authorized to collect Institutional funds; deposits all funds collected to the Cashier's Office

4. *Cashier's Office* – campus operating unit from which collections are deposited directly to the Lamar Institute of Technology's bank account

5. *Change fund* – fund exclusively restricted for the use of providing change when processing authorized collections of cash in the department. It shall NOT be used for cash purchases, making loans to employees or students, or cashing checks

6. *Custodian* - individual appointed by the Director of Finance, entrusted with the responsibility of safeguarding the assigned Institutional funds

7. *Institutional Funds* – includes cash, checks, cashier's checks, money orders, travelers' checks and credit cards

D. Policy and Procedures

1. **Policy Statement**: All payments to LIT should be made, ideally, at the Cashier's Office. However, if a department provides a documented reason as to why payments cannot appropriately be made at the Cashier's Office, the Finance Office may authorize the department to collect these payments.

   Each department authorized to accept payments shall maintain a documentation file containing the following:

   - Comprehensive written funds handling procedures individualized for the department and approved by the Finance Office. Internal Audit may review the procedures periodically to ensure that an effective system of internal controls has been developed and implemented.

- A copy of this institutional funds handling policy.
- A record of training provided by the Cashier's Office to those employees designated to accept payments.

2. **Establishing a Cash Handling Department**
   a. **Cash Handling Locations**: Adequate working space should be provided for each cashier in order to maintain control of the cash handling process and allow space for the processing of deposits and cash. Adequate and secure areas should be designated for balancing operations. All cashiering areas should provide for security and separation between cash handlers and customers.
   b. **Cashiers**: Before performing any cash handling functions, the cashier(s) must receive cashiering training which should include at a minimum a discussion of:
      - types of negotiable instruments that can be accepted;
      - proper receipting;
      - proper handling of checks;
      - proper handling of coin/currency;
      - reporting loss/theft of funds.
   c. **Change Fund/Petty Cash**: A change fund is to be established by institutional check only when authorized by the Finance Office.

      The use of the change fund is exclusively restricted for the provision of change in the normal course of carrying out the authorized business activity of the department. It is NOT to be utilized for making cash purchases, making loans to employees or students or cashing checks. Cash receipts may not be used to increase the change fund.

      No petty cash funds are to be established from cash receipts collected by any department.

3. **Cash handling procedures**
   a. Every cashier shall be assigned an individual cash drawer. No cash drawers are to be shared. Only the assigned cashier and custodian of the fund should be allowed access to the drawer.
   b. All checks are to be endorsed upon receipt. If immediate endorsing is not operationally possible, all checks must be endorsed before the cash drawer is closed and balanced.
   c. Photo identification is required for receipt on all over-the-counter checks taken.
   d. Each cashier drawer is to be established for an amount of funds dependent upon the use of the drawer. An annual review shall be made of each cash drawer's assigned cash balance.
   e. Sequentially numbered receipts must be used for all transactions and daily audits and balancing of the receipts (or system reports) to the drawer is required in the closing process.
   f. Cash drawers are to be balanced and closed out at the close of each cash handler's work period.
   g. All overages/shortages are to be reported to the custodian of the fund at daily closing and must be documented as an overage/shortage in the balance process.
   h. All deposits shall be verified twice, preferably by two individuals.
   i. All computer and credit card terminals are to be closed out at the end of a cashier's shift or at the end of the day.

j. Documentation in the form of a summary sheet for each deposit shall be prepared before deposit to Cashier's Office or the bank (in the case of the Cashier's Office), indicating the amount of funds, the breakdown of funds, the accounts to be credited, and identification of the depositor.
k. All deposits must be made or prepared for next day deposit, within one business day. Exception: those departments or locations whose deposit is not cost effective for daily deposits must make deposits at least twice weekly (this exception must be requested by the department on the original cash handling request form and approved by the Finance Office).
l. Police escorts must be utilized when transporting deposits to the Cashier's Office.
m. Cashier's Office Only – All deposits of physical checks should be made utilizing remote deposit to Wells Fargo Bank. The physical checks should be kept in a locked file cabinet in date order. All deposits of cash are to be made to the bank in secure bags with identifying deposit slips indicating the amount and location of collection and tracking. In the event remote deposit is not available or operational, the physical checks should be deposited the same as previously noted for cash. All cash, physical checks and receipts should be transported in tamper proof bags.
n. All deposits must be balanced to receipts, or electronic downloads from the bank, daily.
o. Cashier's Office Only – Unique alarm and door access codes will be given to each Cashier's Office staff member. These codes will be deactivated and the safe combination will be changed when staff leave or are transferred to other departments.

4. **Physical Security**: Cash and assets shall never be left unsecured or unattended. All assets shall be physically protected in safes, locked cash drawers, locking cash registers, cashiers' cages, locked metal boxes or locked drawers at all times. Safes and drop safes should be bolted in place and small receptacles secured in locked areas. Combinations or keys for cash receptacles shall be maintained only by designated custodians and supervisors.

5. **Theft or Loss**
Any incidence of Cash Theft or Suspected Theft must be reported to the Lamar ULIT Office of Campus Safety immediately upon discovery, and to the Director of Finance in writing within 24 hours of discovery. A copy of the Office of Campus Safety report should be turned in to the Director of Finance as soon as available. The LIT Executive Team will determine whether a criminal police report will be made through the Lamar University Police Department. Penalties for any loss (including deliberate theft and negligence contributing to a loss or a theft) may result in legal action, dismissal, the requirement to reimburse Lamar Institute of Technology or any combination of these or other actions. Repeated losses through negligence (even if reimbursed) may also subject the person responsible to dismissal (as well as the requirement to reimburse the institution). The Finance Office will report all incidences to Internal Audit.

E. Audit

All change funds, and other cash on hand, are subject to periodic, unannounced cash counts by management and/or Internal Audit.

F. Review

This policy shall be reviewed by the Finance Office every five years or as legislation changes.

POLICY 2.50 PROFESSIONAL DRESS CODE

SCOPE: FACULTY AND STAFF

1. Policy:

1.1. Employees of Lamar Institute of Technology are expected to dress in a manner that is professional and appropriate for the work environment – taking into account their role, daily activities, and/or special events, meetings, or presentations, as they occur.

2. Definition of Professional Dress Code:

2.1. for the purpose of this policy, professional dress code can be defined as:

2.1.1. Attire that is clean, wrinkle-free, and well-kept;

2.1.2. Clothing that is modest and not disruptive to the workplace (avoid plunging necklines, shorts, or clothing that is excessively revealing);

2.1.3. Attire that does not create safety issues;

2.1.4. Clothing that does not include words or images that may be considered offensive to others;

2.1.5. Restraint of overusing perfume/cologne, since other employees or students may be allergic to fragrance;

2.1.6. Proper hygiene is expected.

2.2. Departments may have specific dress codes, based on the functions of the department and programs (for example, scrubs and closed toed shoes are required to be worn by instructors in the dental hygiene clinic)

Created: October, 2023
Reviewed:
Revised:

POLICY 2.51 PROHIBITED INITIATIVES—DIVERSITY, EQUITY, AND INCLUSION

SCOPE: Faculty and Staff

Lamar Institute of Technology complies with State of Texas prohibitions relating to diversity, equity, and inclusion initiatives at public institutions of higher education.

1. INTRODUCTION

1.1 This policy falls under the authority of all applicable federal, state, and Texas State Institute System (TSUS) laws, rules, and regulations, including, but not limited to, the following: TSUS Rules and Regulations, Chapter VII, Paragraph 5, and the Texas Education Code § 51.3525 [S.B. 17, 88th Leg., Reg. Sess. (Tx 2023).].

1.2 The prohibitions stated in this policy do not apply to the following:

1.2.1 Academic course instruction;
1.2.2 Scholarly research or a creative work by a student or faculty;
1.2.3 An activity of a registered or recognized student organization;
1.2.4 Guest speakers;
1.2.5 Performers on a short-term engagement;
1.2.6 Policies, practices, procedures, programs, or activities to enhance student academic achievement or postgraduate outcomes that are designed and implemented without regard to race, sex, color, or ethnicity;
1.2.7 Data collection;
1.2.8 Student recruitment or admissions.

2. DEFINITIONS

2.1 Diversity, Equity, and Inclusion Office means an office, division, or unit of an institution of higher education established for the purpose of:

2.1.1 Influencing hiring or employment practices at the Institute with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
2.1.2 Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
2.1.3 Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, except as expressly authorized by the TSUS's Office of General Counsel in accordance with a court order or state or federal law; or
2.1.4 Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation except as expressly authorized by the TSUS Office of General Counsel in accordance with a court order or state or federal law.

2.2 Diversity, Equity, and Inclusion Training includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

3. PROHIBITED ACTIVITIES

3.1 The Institute shall not, except as required by federal law:

3.1.1 Establish or maintain a diversity, equity, and inclusion office;
3.1.2 Hire or assign an employee of the Institute or contract with a third party to perform the duties of a diversity, equity, and inclusion office;
3.1.3 Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, or inclusion statement;
3.1.4 Give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the Institute; or
3.1.5 Require any person to participate in diversity, equity, and inclusion training as a condition of enrolling at the Institute or performing any Institute function except training developed and approved by the TSUS Office of
General Counsel in accordance with a court order or state or federal law.

4. DISCIPLINARY ACTION

Any employee or contractor who violates any of the provisions stated in this policy is subject to disciplinary action, up to and including termination.

Reviewed: January 29, 2024

Approved: January 29, 2024

POLICY 2.52 ACCREDITATION

SCOPE: Faculty and Staff

Policy: Lamar Institute of Technology (LIT), as an accredited institution of higher education, will maintain accreditation with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) and will comply with all criteria and requirements therein stipulated. Various programs may also have discipline- or program-specific accreditation.

Background: As stated by the Texas Higher Education Coordinating Board (THECB), "accreditation is the recognition that an institution maintains standards requisite for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice. The goal of accreditation is to ensure that education provided by institutions of higher education meets acceptable levels of quality."

THECB-recognized accreditation is required if an institution is offering degrees or courses leading to degrees in Texas. THECB identifies the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) as the accreditor for all Texas public institutions of higher education.

The U.S. Department of Education (USDOE) recognizes SACSCOC as an institutional accreditor. The USDOE also recognizes programmatic accreditors. As of last review of this policy, the following programmatic accreditors accredit programs at LIT:

- American Dental Association Commission on Dental Accreditation
- Joint Review Committee for Education in Radiologic Technology

Responsibilities:

1. The Institutional Accreditation Liaison (Liaison) - provides oversight for accreditation related activities and communication.
   1.1. The Liaison is responsible for ensuring that other accreditors are notified when a change in accreditation status occurs, including imposition of public sanctions or voluntary withdrawal from accreditation.
   1.2. The Liaison will monitor and track both institutional and programmatic activities, communications, and deadlines.

2. Programs
   2.1. Programs seeking to gain accreditation will notify the Liaison of the accreditation sought and will keep the Liaison informed throughout the accreditation process.
   2.2. Accredited programs will keep the Liaison informed of any accreditation related activity and communication, including impending deadlines.
   2.3. Accredited programs will comply with all criteria and requirements as stipulated by the accrediting body.

Approved: February 2024
Reviewed:
Revised:

SECTION 3: CLASSIFICATION/SALARY

POLICY 3.1 EMPLOYEE CATEGORIES[16]

SCOPE: FACULTY AND STAFF

1. An Institute employee is any person who is under the authority and in the paid service of Lamar Institute of Technology, which is under the jurisdiction and control of the Board of Regents of The Texas State University System, other than independent contractors or consultants.

2. A faculty employee is an employee with a specified academic rank holding a teaching appointment for a fixed term as determined by the President of the Institute and approved by the Board of Regents of the Texas State University System.

3. A staff employee is any employee other than a faculty or a student employee.

   3.1 Administrative officers are vice presidents, deans, and other administrative personnel with delegated executive authority as determined by the President.

   3.2 Unclassified staff employees include administrative officers and other administrative and professional personnel who serve without fixed terms and who are not included in the Institute's classification plan.

   3.3 Classified staff employees include those personnel who are appointed without fixed terms to those positions which fall within the job classes in the Institute's Classification plan, have titles which are defined within the Classification plan, and which require similar duties, skills and qualifications as defined within those job descriptions.

4. Student employees are incumbents of those positions that require student status as a condition of employment.

5. Except as otherwise stated, the Human Resource policies and procedures contained in this manual are applicable to all categories of employees.

[16] Texas State University System Rules and Regulations, Chapter V, Section 4.

POLICY 3.2 CLASSIFICATION AND ALLOCATION OF POSITIONS

SCOPE: STAFF

1. Classification of Positions: All positions in the classified service are assigned to a class of positions (or title) which reflect accurately and currently the duties, responsibilities, qualifications, and other work requirements of all positions within the class. Each class involves substantially the same kind and level of work in terms of complexity and responsibility as well as comparable educational and experience requirements. Titles assigned to each class of positions are descriptive of the nature of the work performed by the positions within that class.

    1.1. Each class or title is analyzed and evaluated in relation to all other classes and allocated to a salary level which ensures proper and equitable internal relationship to all other classes.

    1.2. Individual positions are allocated to appropriate classes or titles which in turn determines the salary range applicable to the position.

2. Job Description: Human Resources has prepared or will prepare as need arises, a written description for each class of positions. Job descriptions shall include a class title, typical duties and responsibilities representative of those performed by incumbents of the class; educational and experience qualifications required, type and extent of supervision received and given, and such other allocation factors which are pertinent to the class.

    2.1. Job descriptions are class specifications and as such are illustrative and not restrictive in the sense that the typical duties set forth in the description are not intended to exclude other duties and responsibilities of similar kind or level which are not specifically mentioned. Job descriptions are specific to each class of positions and establish the essential functions and responsibilities of positions in each class.

    2.2. Job descriptions will not contain qualifications that would serve to bar the physically or mentally handicapped unless such restricting qualifications are demonstrably inherent in the class such as, the requirement for certain educational or training level, the need to walk, bend or lift in performance of the normal and typical duties, the necessity for working in confined spaces, on ladders or scaffolds, etc.

3. **Use of Class Titles**:

    3.1. No person shall be appointed to, or employed in, a position in the classification plan under a title not included in the current Human Resources Classification and Pay Plan.

    3.2. Official class titles must be used in all human resources, budget, accounting, and financial records. Internal working titles used in connection with departmental routine to indicate functional or authority status or administrative rank within the work unit may not be used for these purposes.

POLICY 3.3 CLASSIFICATIONS PLAN DEFINITION OF TERMS

SCOPE: STAFF

The definitions set forth below are applicable only to employees and positions in the Classification plan. [17]

1. **Administrative Professional (Non-Teaching) Employees** are assigned primary and major responsibility for the management of the Institute or a recognized department or subdivision thereof, without instructional responsibilities.

2. **Allocation** is the assignment of an individual position to an appropriate class of positions on the basis of the kind, complexity, and responsibility of the work performed in the position.

3. **Class of Positions** refers to one or more positions which are sufficiently similar with respect to duties and responsibilities that (a) the same descriptive title may be applied to each position in the class, (b) the same general qualifications are needed for the performance of the duties of the class, (c) the same tests of fitness may be used to recruit employees,

4. **Demotion** is the permanent movement of an employee from a position in one class (title) to another class having less complex duties and/or responsibilities and a salary range with a lower minimum and maximum.

5. **Exempt Employees** are the incumbents of positions which are exempt from the provisions of the Fair Labor Standards Act. To qualify as "exempt" the positions must meet applicable tests relating to duties, responsibilities, and salary.[20][18]

6. **Full-time** refers to any employee with an appointment or number of appointments which combine to make the regular work week 40 hours or 15 semester hours or the equivalent class load.

7. **Hourly non-student employee** whose pay is based on an hourly rate. Appointments are not to exceed four and one-half (4-1/2) months.

8. **Job Description** is the written description of typical duties and responsibilities, extent of supervision received and given, educational and experience requirements, and other pertinent allocation factors for a given class of positions. It is a class specification and not a description of an individual position.

9. **Layoff** refers to non-prejudicial separation of an employee because of lack of work or funds. It does not involve delinquency, misconduct, or inability of the employee to perform the job. (See retrenchment policy)

10. **Non-Exempt Employees** are those employed in positions that are covered by the Fair Labor Standards Act (FLSA).[19]

11. **Part-time** refers to any employee whose appointment is less than full-time.

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[17] Texas Government Code §654 & 659
[18] Fair Labor Standards Act of 1938
[19] Ibid

12. **Position** refers to a group of current duties and responsibilities assigned or delegated by competent authority, which require the full or part-time employment of one person.

13. **Promotion** refers to the permanent movement of an employee from a position in one class (title) to another class having more complex duties and/or responsibilities and a salary range with a higher minimum and maximum.

14. **Regular Employees** are those employees who are appointed for at least twenty (20) hours per week for a period of a minimum of four- and one-half months, excluding students employed in positions which require student status as a condition for employment. Only regular employees of institutions of higher education shall be eligible for paid holidays, vacation, sick leave, retirement, group insurance, and all other benefits. Vacation and sick leave accrual rates are prorated in accordance with the percentage of the forty (40) hour work week the employee actually works. Regular employees are paid on a monthly basis.

15. **Student Employees** are those who hold a position that requires the incumbent be a student of the Institute, currently enrolled in classes. These employees are restricted to work not more than 20 hours a week during the semester. Student Assistants and Work Study Students will be hourly paid employees.

16. **Temporary Employees** are employees who are appointed for less than four and one-half months. Temporary employees are not eligible for sick and vacation leave, holiday pay, insurance premium sharing, or any other benefits. Temporary employees may be paid on a salary or on an hourly basis.

17. **Transfer** is a permanent lateral change of an employee from one position to another position of the same class (title) in another department or a different work unit within the same department. A transfer involves no substantial change of duties, responsibilities, or qualifications.

Employees may hold positions which are defined by a combination of these terms: i.e., Regular, Part- time: an employee whose assignment is less than full-time but more than 20 hours a week and therefore benefits eligible. Part-time, hourly: an appointment of less than twenty hours a week, paid on the basis of an hourly rate.

POLICY 3.4 POSITION CLASSIFICATION FOR CLASSIFIED POSITIONS

SCOPE: STAFF

1. Policy: All positions, except faculty and administrative (non-teaching) positions, will be evaluated, classified and compensated in accordance with an established Classification and Pay Plan to ensure, insofar as practicable, the concept of "equal pay for equal work" based upon the requirements of each position.

   1.1. The Associate Vice President for Human Resources will assist the President in developing, implementing, and administering the salary administration plan. The authority and responsibility to conduct position classification surveys, conduct job audits, and allocate positions to appropriate classifications is vested in the Associate Vice President for Human Resources. Final approval of classification and compensation will be with the President.

   1.2. Although the primary responsibility for the administration of the position classification program is vested in the Associate Vice President for Human Resources, it is also the responsibility of all levels of supervision and management to assist in the program‘s administration by recognizing the need for and initiating the necessary actions to effect (a) the establishment of new positions, (b) the abolishment of unneeded or outdated positions, and (c) the reclassification of existing positions because of significant or substantial changes in duties and responsibilities.

   1.3 All classified positions will be assigned a Salary Group based on such factors as the information developed in the Position Analysis Questionnaire, the position analysis, the relevant labor market, and current positions within the classified pay plan.

   1.4. Classification into Salary Group shall be based on such determinants as tasks and duties of the job, skills necessary to perform the job, level of responsibility, policy creation, interpretation, implementation, supervision received, supervision given, budget authority, necessary education and/or experience to perform the job. Determination shall not be made based upon the ability of the account manager to pay.

2. Establishment of New Positions:

   2.1. When the need to establish a new position has been determined, the appropriate Vice President should contact the Office of Human Resources concerning the classification and salary group of the new position. The requesting department will be provided the appropriate position analysis questionnaire.

   2.2. Upon receipt of a completed questionnaire and appropriate approvals, Human Resources may perform a position audit and assign a class job title and appropriate salary group using the applicable job evaluation standards.

   2.3. Should the proposed position require the establishment of a class title not in the current Human Resource Classification and Pay Plan, the Associate Vice President for Human Resources or designated representative will assign a title, establish salary group and prepare a class job description.

3. Review of Existing Classified Positions:

   3.1. The President shall appoint members of the Classification and Compensation Review Committee. This committee shall be responsible for reviewing the classification of existing classified positions. The Human Resource Manager shall chair the Committee. Other members of the Human Resource team will assist as necessary in an ex-officio capacity.

   3.2. Position Analysis Description Questionnaires (PAQ) may be sent to selected incumbents in the classified positions to be reviewed by the Committee. Other analysis tools may be used as deemed necessary by the Committee. The questionnaires should be completed or revised by the position incumbent and reviewed for accuracy by the supervisor.

   3.3. The Committee will recommend classification of the positions under review using any and all tools at their disposal. This review shall be timely to the preparation of the annual budget.

   3.4. The President and the Vice Presidents may request a classification review of a position. It is recommended that these requests be reserved for positions which are currently vacant and the department has completed a restructuring which impacts the position in question.

   3.5. Any budget request for position reclassification, title change, or equity salary increase must have the supporting documentation from the Office of Human Resources.

   3.6. An incumbent whose position is reclassified to a class having increased responsibilities or complexity of duties and in a higher salary range, and who is eligible to remain in the position, is considered to have been promoted as a result of the reclassification. The incumbent's compensation will be recommended by Human Resources at the time of the reclassification.

   3.7. The incumbent of a position reclassified to a class having decreased responsibilities and complexity of duties and in a lower salary range, is considered to have been demoted as a result of the reclassification. The incumbent's compensation upon such reclassification will be recommended by Human Resources at the time of reclassification. Such change is not a reflection of the incumbent's job performance and cannot be grieved unless the incumbent presents prima facie allegations that the reclassification is a violation of the constitution and laws of the United States or of the State of Texas.

4. Establishment of Trainee Positions:

   4.1. A trainee position may be established when (a) diligent recruitment effort has determined the absence of qualified applicants for any entry level job which requires technical or specialized knowledge, techniques, and/or experience or (b) it is desired to provide opportunities to current employees under an employee development program.

   4.2. The establishment of a trainee position requires a written agreement between the department head and the Associate Vice President for Human Resources. Such written agreement must include (a) length of the training program which must be for no

more than six (6) months, (b) general content of the training program, (c) trainee pay rate, and (d) pay adjustment of the employee to the minimum of the salary range of the job upon successful completion of the training program.

4.3. Trainee Rate: A trainee rate of pay will be the equivalent of at least three (3) percent below the minimum of the salary range applicable to the position. Upon successful completion of the prescribed training period, the employee's salary will be adjusted to the minimum step of the salary applicable to the position, and such salary adjustment will become effective the first day of the next month following completion of the training program. It is the responsibility of the department head to initiate the necessary action to accomplish the salary adjustment of the employee following successful completion of the training period.

5. Assignment of Classified Staff:

5.1. To facilitate the work of the institution, any classified employee may, during emergencies or other special circumstances, be temporarily assigned to a position different from the classified position he/she was hired to perform. A temporary reassignment is normally for periods not to exceed six (6) months.

5.2. To facilitate the work of the institution or any work unit within the institution, classified staff may be reassigned work duties and responsibilities.

5.3. For salary impact, refer to Policy 3.6. Non-exempt employees assuming exempt positions must perform the duties of that exempt position more than 80% of the work time in order for the employee to be treated as exempt. Stipends to non- exempt positions increase the amount of base pay for the computation of overtime pay rates. Care should be taken when considering the assignment of exempt position duties to a non-exempt employee.

POLICY 3.5 SALARY ADMINISTRATION FOR CLASSIFIED POSITIONS [20]

SCOPE: STAFF

Policy: It shall be the policy to maintain a salary plan that is fair and equitable to all employees; provide the Institute with qualified incumbents, and be within the Institute's fiscal means or constraints.

1. New Employee Salaries: It is the policy of Lamar Institute of Technology to hire new employees (new to the Institute) at a minimum of the position salary range. It is also the intent of the Institute to provide the opportunity for hiring departments to recognize the exceptional experience of some new hires while maintaining an equitable relationship to the incumbent employees in the same position classification.

    1.1. All new hires shall be brought in at the established minimum of the classified positions. “New Hire” is defined as new to Institute employment.

        1.1.1. New hires with exceptional experience (experience that greatly exceeds the minimum requirements) and promoted employees, whose present salary is higher than the entry level of the new position, will be eligible to receive additional compensation up to a maximum of 10% above the entry level for that position.

        1.1.2. An amount equal to 2% for every year of applicable experience beyond minimum, up to a maximum of 10% above the minimum pay by the hiring manager.

        1.1.3. The hiring department will prepare a memo of justification and request.

            1.1.3.1. The memo shall outline specific experience of the applicant/new hire and compare this to the job standard.

            1.1.3.2. The memo shall have places for approval or disapproval by the Dean/Director and the appropriate Vice President.

            1.1.3.3. The memo shall be accompanied by the job description and a copy of the applicant‘s resume and application.

            1.1.3.4. Approval of the request for entry above the minimum must be given by the appropriate Vice President and approved by the President before the hiring packet is forwarded to the Office of Human Resources.

            1.1.3.5. Before final approval, the Human Resources Office will review the hiring rate to determine the relationship to rates paid to similarly qualified or more experienced employees in the same job classification. The President will be contacted if there are any equity concerns.

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[20] Texas Government Code, §659.042, .043, .044, .046, .047. Office of the Comptroller, Payroll Policies and Procedures Guide, August 2000, page 2.20; Texas Government Code, §659.255 (e) – Merit Salary Increases/One Time Merit; 77th Legislative General Appropriations Act, Article III, Special Provisions Relating only to State Agencies; Texas Government Code, §661.911 and State Auditor‘s Leave Interpretation Letter, 98-02 (1977); Texas Government Code, §659.262

2. **Salary Limit**: The salary or wage rate of a classified employee will not exceed the maximum of the salary grade applicable to the employee's position except when a salary increase mandated by the State Legislature results in a salary or wage rate in excess of the maximum.

3. **Promotions**: For compensation purposes, a promotion occurs when a classified employee is selected to fill a job in a new grade with a salary range minimum at a higher level than the employee's current salary range minimum in job classes.

   3.1. To be considered for a promotion, the employee must meet the minimum qualifications or have clearly demonstrated the ability to perform the duties of that position.

   3.2. An employee who is promoted will be eligible to receive a promotional increase of 3% above their current rate of pay or above the minimum salary of the new position, whichever is higher.

   3.3. If the current salary of the employee is higher than the minimum of the salary range for the new position, the hiring department may request an exception. This request should be in the form of a memo delineating the employee's exceptional experience. The request must have the approval of the Dean/Director, the area Vice President and the President.

4. **Demotions**: When a classified employee is demoted to a position of decreased responsibility or less complexity of duties requiring a title change and having a lower salary range, the employee's salary must be adjusted to an appropriate level within the new salary range as agreed upon between the Associate Vice President for Human Resources and the department head concerned provided, however, that the employee's salary is not increased thereby.

5. **Transfers**: When a classified employee is transferred laterally to another position having the same or different title but the same salary range, the employee will continue with the current salary. An employee will not receive a salary increase as a result of a lateral transfer. Compensation for an employee who applies for and is hired in a position of a lesser salary grade shall not exceed 3% above the entry level of the new position entry level.

6. **Longevity Pay**: Each regular full-time, non-academic employee is entitled to longevity pay of $20.00 per month for each two (2) years of service as a state employee, up to and including forty-two (42) years of service. An employee will receive longevity pay after two (2) years of service and will receive longevity increases after each additional two (2) years of service. Length of service for longevity pay is determined in the same manner as length of service for vacation. However, legislative service is included in determining an employee's lifetime service credit for longevity pay. An employee's status at the beginning of the month determines longevity pay.

7. **Salary Reduction for Disciplinary Reasons**: If a classified employee's performance so warrants, the President may approve reduction of the employee's salary for disciplinary reasons to a rate in the designated salary group no lower than the minimum salary rate. The employee's salary may be restored to any level in the range up to and including his prior rate as such employee's performance improves.

8. **Salary Limitations for Retirees Resuming State Service**: The 77th Legislature repealed the salary limitations for retirees resuming state service.

9. **On-Call Salary**: Employees who are on-call must be compensated according to the Fair Labor Standards Act's definition of on-call with pay or on-call without pay. Institute practice gives called-in employees a minimum of 2 hours pay. On-call with pay or called-in hours will be added to the worker's total workweek. All hours in excess of 40 will be calculated at the FLSA overtime rate.

10. **Pay Schedule**: The office of Human Resources will assist the President in the development and maintenance of the pay schedule for classified positions at Lamar Institute of Technology. It shall be the goal of Lamar Institute of Technology to maintain a competitive stand in the labor market by reviewing the classified and unclassified salaries against the changing markets.

11. **Retention Bonuses**: To enhance the retention of staff employees necessary for operations, a bonus of up to $5,000 may be paid to an individual employed in a staff position deemed essential to the operation of the Institute.

    11.1. The President of the Institute must approve the payment and affirm the necessity.

    11.2. The employee must remain with the Institute in a staff position for 12 months after the date of execution of a bonus contract.

    11.3. The contract may be executed only after 12 months of employment in a staff position.

    11.4. The lump-sum bonus amount may be included in the staff employee's paycheck the month after the end of the 12-month bonus period.

    11.5. Before a bonus contract may be executed, the need to retain the necessary staff employee must be adequately documented by letter from the President to the Chair of the Board of Regents and the Comptroller of Public Accounts.

    11.6. Retention Bonuses do not constitute compensation or salary and wages for purposes of determining the amount of the State's contribution for retirement.

12. **Merit Salary Increases**: It is the policy of Lamar Institute of Technology to annually review the performance of staff employees and recognize those who have rendered meritorious service the past year. This program will be administered in a manner to insure appropriate consideration of individuals throughout all sectors of the institution.

    12.1. The number and amount of merit salary adjustments will be dependent upon the institution's ability to provide continuing budgetary support. Specific guidelines regarding the awarding of merit will be announced by the President and the Executive Council.

    12.2. Recommendations for merit increases will be submitted by the department chairperson or administrative head to the appropriate Vice President for approval and inclusion in the budget development process. The department chair/director, dean, and Vice President will require adequate documentation to substantiate the merit pay action.

12.3. Performance Evaluation:

12.3.1. Classified and Professional/Non-Classified Employees: Merit increase recommendations must include a copy of a performance review completed within the last six (6) months. Evaluations must have justifications for outstanding ratings and indicate meritorious service during the past year.

12.3.2. Administrative Employees: Merit increase recommendations must include a copy of a performance evaluation completed within the last six (6) months and that evaluation must indicate meritorious service during the past year.

12.3.3. Faculty: Procedures for performance evaluations are identified in this Policies and Procedures Manual.

12.4. To be eligible for a merit salary increase or one-time merit payment, a candidate must:

12.4.1. Have been an employee of the Institute for at least twelve (12) continuous months prior to the award, excluding any calendar month of leave without pay;

12.4.2. Have at least twelve (12) months elapsed since the last promotion, disciplinary action or merit increase or one-time merit payment; and Note: An employee may receive only one (1) merit increase or one-time merit payment in a fiscal year.

12.5. Only employees at the maximum of their salary groups are eligible to receive one- time merit payments. These payments will not become part of the base salary in subsequent years.

12.6. Process for Awarding Merit Salary Increases:

12.6.1. Recommendations will be submitted by supervisors during the budget development process. All increases awarded will be effective September 1, and will be included in the institution‘s operating budget. No increase will be retroactive.

12.6.2. Each merit increase will be calculated only on base pay (i.e. without regard for longevity, hazardous duty pay). Merit is awarded without regard to any equity adjustment or other equity issues.

12.6.3. Any merit pay increase award will be in addition to State of Texas or institutional across the board raises, and will be applied before the across the board increase. A merit pay increase will become part of the employee‘s base pay. (Example: State 4% and merit 2% = 6% of the 8/31 base salary. State $100 per month, merit of 2%: the merit will be calculated on the 8/31 base salary.)

12.7. In the event that due to budgetary constraints, a choice must be made between two or more comparable employees in the awarding of merit pay, the supervisor shall consider: special contributions; the attendance records; the length of service with the institution; the length of time in his/her position; and the individual’s salary history.

12.8. The appropriate Vice Presidents will review the recommendations and give final approval of merit salary adjustments.

12.9. If funds are not available for merit pay increases, the President and the President's Council may choose to award Administrative Leave with pay. Such leave should not exceed the 32 hours Outstanding Performance established in the Texas Government Code Ann., Section 661.911;

12.9.1. Outstanding performance leave must be used within the 12 (twelve) months following the award.

12.9.2. An employee who leaves the Institute prior to the exhaustion of the leave, the remaining balance will be forfeited.

12.10. Vice Presidents, Deans, and Directors should review the assignment of merit on an annual basis to ensure that deserving employees are given consideration by their supervisors. Each Vice President may form a Merit Review Committee to hear staff member appeals.

POLICY 3.6 REPLACEMENT COMPENSATION/COMPENSATORY LEAVE

SCOPE: STAFF

Non-Exempt Staff

1. **Purpose**: To provide guidelines for the compensation of staff employees who are:

   1.1. Non-exempt,

   1.2. Assigned temporary or interim duties the duration of which shall be for no less than six(6) weeks and not more than six (6) months in duration,

   1.3. And these duties shall be from a position of greater responsibility than their present assignment.

2. **Definition**: Replacement compensation is defined as remuneration or payment to a regular employee who, in addition to his or her current job duties, is temporarily assigned duties of a higher responsibility as the result of a termination, resignation, or layoff. Temporary shall refer to an assignment of not less than six (6) weeks or more than eight (8) months. Overtime is defined as all work hours in excess of 40 hours in the regular work week. Compensatory time is leave time granted in lieu of overtime payment; it is granted at the rate of 1.5 times the number of hours worked in excess of 40 hours in the regular work week.

3. **Conditions**: The following conditions shall apply:

   3.1. Lateral or Downward Job Duties: When additional temporary duties and responsibilities render a position unchanged, i.e., lateral or downward job tasks, no additional monetary compensation will be authorized.

   3.2. Exempt and Nonexempt Assignments: When the additional temporary duties and responsibilities are for an exempt position, a review of the total workload of the individual must be done. If 80 per cent or more of the new total assignment is exempt work activity, then the employee will be eligible for the replacement compensation rather than overtime/compensatory leave.

   When the additional temporary duties and responsibilities are nonexempt in nature, the employee performing those duties will only be eligible for both State and Federal compensatory time for all work in excess of 40 hours rather than replacement compensation.

   3.3. Changes in Excess of Eight (8) Months: Changes of assignments to more complex duties/responsibilities which shall exceed the eight (8) month definition of temporary are not addressed by this policy. See the policy addressing Position Classification.

   3.4. Primary Job Retention: The employee receiving remuneration or compensatory time under this policy shall retain the primary job assignment in addition to the temporary or interim assignment.

3.5. Position Review: If at the end of the eight (8) month period, the vacant position has not been filled, the situation shall be reviewed for (a) continuation, (b) restructuring, (c) reclassification if applicable.

4. **Policy Administration**: Interpretation of and issues arising under this policy shall be the responsibility of the Vice President of the represented area in conference with the Associate Vice President for Human Resources.

Exempt Staff

1. **Purpose**: To provide guidelines for the compensation of staff employees who are:

   1.1. Exempt,

   1.2. Assigned temporary or interim duties generally are for no less than six (6) weeks and not more than eight (8) months in duration,

   1.3. And these duties shall be from a position of greater responsibility than their present assignment.

2. **Definition**: Replacement compensation is defined as remuneration or payment to regular employee who, in addition to his or her current job duties, is temporarily assigned duties of a higher responsibility as the result of a termination, resignation, or layoff. Temporary shall refer to an assignment of not less than six (6) weeks or more than eight (8) months.

3. **Conditions**: The following conditions shall apply:

   3.1. Lateral or Downward Job Duties. When additional temporary duties and responsibilities render a position unchanged, i.e., lateral or downward job tasks, no additional monetary compensation will be authorized.

   3.2. Primary Job Retention. The employee receiving remuneration under this policy shall retain the primary job assignment in addition to the temporary or interim assignment.

   3.3. Position Review. If at the end of the eight (8) month period, the vacant position has not been filled, the situation shall be reviewed for (a) continuation, (b) restructuring, (c) reclassification if applicable.

4. **Distribution**: If replacement compensation is granted the amount shall be determined as follows:

   4.1. The monetary compensation will be twenty-five (25) percent of the budgeted annual salary of the vacant position, but no less than $300 per month.

   4.2. The total remuneration (primary salary plus replacement compensation) shall not exceed the salary of the vacant position.

   4.3. If the duties and responsibilities of the vacant position are dispersed to more than one individual, the allowable compensation (25 percent of the budgeted annual salary of the vacant position, but no less than $300 per month) shall be divided proportionately among the employees sharing the job duties.

4.4. Compensation shall begin upon assumption of the duties of the higher-level position.

5. Policy Administration: Interpretation of and issues arising under this policy shall be the responsibility of the Vice President of the represented area in conference with the Associate Vice President for Human Resources.

POLICY 3.7 CRIMINAL BACKGROUND CHECKS [21] [22] [23]

SCOPE: ALL FACULTY AND STAFF POSITIONS

1. **Purpose**: The purpose of this policy and related procedures is to promote campus safety and the security of personal and Institute property consistent with the requirements of the law and prudent financial and programmatic practices. Thus, Lamar Institute of Technology performs criminal background checks for all faculty and staff positions which have, by their nature and scope, access to confidential student, personnel, and payroll records or master keys, in accordance with state law and Texas State University System policy.

2. **Policy**: In an effort to provide and maintain the safest possible environment for students, visitors, faculty, and staff, and to enhance the security of physical resources, Lamar Institute of Technology shall, consistent with the requirements of the law and prudent practices, conduct criminal background investigations and obtain criminal history record information on each applicant who is under final consideration for a position.

   2.1. It is the policy of Lamar Institute of Technology to obtain:

      2.1.1. Sex Offender and Criminal History record information on each applicant who is under final consideration, following normal screening and selection processes, for all positions.

      2.1.2. Sex Offender and Criminal History record information, including convictions contained therein on a current employee who is under consideration for a transfer, promotion or reclassification.

      2.1.3. Sex Offender and Criminal History record information on a current employee who is under consideration for a transfer, promotion or reclassification and on whom Lamar Institute of Technology did not previously obtain a sex offender history, criminal history record information or criminal conviction record information.

      2.1.4. Sex Offender and Criminal History information on current employees whose new assignments involve contact with minors on a regular basis outside the scope of faculty/student instruction. Examples of the types of activities involving minors that would require criminal background checks are summer camps, research involving human subjects, volunteer activities, etc.

   2.2. The President or President‘s designee may request a Sex Offender and/or a Criminal History check on a current employee who is not a party to a job transfer or reclassification. In this situation “management” will prepare, in writing a business case that substantiates the need to conduct the investigation and submit it to the appropriate Vice President (or President‘s designee) who will consider the request for the background check. If it is approved, the Vice President (or President‘s designee) will submit the business case and request to Human Resources, which will coordinate the investigation. If the current employee refuses to complete, sign and submit the

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[21] Texas Government Code §411.094
[22] Ibid, §411.1405
[23] Texas Education Code §51.215

Criminal Background Check Form in response to a request made in accordance with this policy, the President or designee will take appropriate action.

2.3. It is the policy of Lamar Institute of Technology not to obtain Sex Offender and Criminal History information for:

2.3.1. Position reclassification that results in a title change with no change in current responsibilities.

2.3.2. Career progression promotions occurring within the current department (e.g., Instructor III to Instructor IV or Administrative Associate to Administrative Associate, Sr.)

3. **Definitions**

3.1. **"Applicant"** is an individual who applies for a position within the Institute, whether the individual is an external candidate or a current employee of the Institute.

3.2. **"Position"** means both full-time and part-time positions in all Institute programs, regardless of the funding source, whether the position is filled or to be filled by a regular or a temporary worker, but not including a position filed by a temporary worker provided by a temporary employment agency, since the employing agency should be expected to conduct and be held responsible for conducting the sex offender and criminal background check.

3.3. **"Controlled substance"** has the meaning assigned in Texas Health & Safety Code §481.002.

3.4. **"Select agent"** has the meaning assigned in 18 U.S.C. §175b.

3.5. **"Criminal History record information"** means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions, as more fully described in Texas Government Code §411.082.

3.6. **"Civil history record information"** means information collected about a person by a civil justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions.

3.7. **"Criminal conviction record information"** means public information maintained by the Department of Public Safety, as provided in the Texas Government Code§411.135.

3.8. **"Sex Offender"** information means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions.

3.9 **"Hiring Official"** is appointed by the pertinent Vice President and charged with the responsibility to ensure criminal background checks are performed when required and the results reviewed before job offers or other personnel decisions are made or executed.

4. **Procedures**

4.1. The Office of Human Resources shall be responsible for conducting the criminal background investigation on all faculty and staff positions.

4.2. Lamar Institute of Technology must receive a signed authorization form from the finalist for a position before the background information is requested. The authorization form includes the notice required by Texas Government Code §559.003, as it may be amended from time to time. The authorization form will be completed at the time of interview and returned to the Human Resources Manager for processing.

4.3. Refusal to sign the authorization form will eliminate the applicant from consideration for employment. Following normal screening and selection processes for applicants and for who are under consideration for a transfer, promotion, or reclassification as described in Section 2 above, the hiring official will select the finalist for the position. The hiring official will then notify the Office of Human Resources of the name of the finalist.

4.4. The Office of Human Resources will conduct the background investigation on the finalist selected by the hiring official before the employment offer is made. If circumstances require that an offer be made before the completion of an investigation, the offer must be in writing and state that the offer is contingent on the completion of a satisfactory criminal background investigation. The Vice President for Finance & Operations, the President and or Vice President for Academic Affairs must approve the written offer before it can be given to the finalist. Only the Vice President for Academic Affairs or the President may make an offer of employment for a faculty position.

4.5. The candidate selected as the finalist may be offered employment by the Institute contingent upon the evaluation of the criminal history background check. The Human Resource Manager in charge of information processing will communicate the findings to the Associate Vice President for Human Resources or in his/her absence, the Director of Human Resources, for evaluation. The Associate Vice President for Human Resources will make a recommendation to the department head and/or hiring official. The Vice President for Finance & Operations or the President will make the final decision on employment of the candidate if there is a disagreement.

4.6. The criminal background check shall include the jurisdictions in which the individual has resided and/or worked at least within seven years preceding the date of employment at Lamar Institute of Technology.

4.7. The Associate Vice President for Human Resources or her/his designee shall be responsible for making the decision to promote, transfer, or reclassify an employee based on a background investigation. The Vice President for Finance & Operations or the President will make the final decision on employment of the candidate if there is a disagreement.

4.8. Criminal history recorded information obtained by Lamar Institute of Technology may be used only for the purpose of evaluating applicants for employment and shall no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability, or age.

4.9. Criminal history record information, including conviction information contained therein, will be regarded as confidential as required by law and will not be made a part of the applicant‘s file or the employee‘s personnel file or communicated to any unauthorized person. Under Texas Government Code §411.085, the unauthorized release of criminal history record information is a criminal offense, and consequently, Lamar Institute of Technology shall seek legal advice with respect to any requested release of such information.

4.10. After the expiration of the probationary term of the individual‘s employment, the Office of Human Resources shall destroy all criminal history record information that was obtained about the individual. If the position is a faculty member whose probationary period is 6 years or a position that does not have a probationary period then the Office of Human Resources shall destroy the information one hundred eighty (180) days after the information has been obtained.

POLICY 3.9 LONGEVITY PAY

SCOPE: STAFF

1. Regular, full-time non-academic employees are eligible to receive longevity pay after two years of accrued lifetime service credit. Eligible employees are paid $20 per month for every two years of lifetime service credit and will receive longevity pay increases after each additional two years of service, up to and including 42 years of service. Longevity pay is provided to all full-time non- academic employees who are not on leave without pay the first workday of the month.

2. A regular, full-time employee is defined as one who is appointed at 100%FTE for a period of at least four and one-half months. For the purpose of determining eligibility for longevity pay, a non- academic employee is defined as one who is not engaged in teaching academic courses for any portion of the month involved, and /or whose salary for any portion of the month involved is not paid from faculty salary appropriations.

3. For purposes of determining years of State service of an employee for longevity pay, all prior employment with an agency of the State of Texas shall be counted. This does not include service in independent school districts or community colleges. Prior service is to be counted regardless of method of payment, length of appointment, FTE, continuity of service, or prior eligibility for longevity. One month of service is to be counted for each month or fraction of a month of state employment. In no case shall more than one month of credit be granted for a single calendar month.

4. The amount of an employee‘s life time service credit does not include the period served in a hazardous duty position if the person is receiving or eligible to receive hazardous duty pay.

YEARS OF SERVICE	MONTHLY LONGEVITY PAY
Less than 2 years	$0
Greater than 2 but less than 4 years	$20
Greater than 4 but less than 6 years	$40
Greater than 6 but less than 8 years	$60
Greater than 8 but less than 10 years	$80
Greater than 10 but less than 12 years	$100
Greater than 12 but less than 14 years	$120
Greater than 14 but less than 16 years	$140
Greater than 16 but less than 18 years	$160
Greater than 18 but less than 20 years	$180
Greater than 20 but less than 22 years	$200
Greater than 22 but less than 24 years	$220
Greater than 24 but less than 26 years	$240
Greater than 26 but less than 28 years	$260
Greater than 28 but less than 30 years	$280
Greater than 30 but less than 32 years	$300
Greater than 32 but less than 34 years	$320
Greater than 34 but less than 36 years	$340
Greater than 36 but less than 38 years	$360
Greater than 38 but less than 40 years	$380
Greater than 40 but less than 42 years	$400
Greater than 42 years	$420

POLICY 3.10 FACULTY TEACHING LOAD

SCOPE: FACULTY

Revised: February 24, 2014
Approved by President's Council: March 3, 2014

Each full-time member of the teaching faculty for Lamar Institute of Technology shall teach a minimum of 15 classroom contact hours, or its equivalence, per week. A classroom contact hour consists of a regularly scheduled one-hour period of classroom activity in a course of instruction which has been approved. For purposes of calculating the 15-hour teaching load for each full-time faculty member, the approved schedule for faculty workloads and supplemental payments policy will be used. Each lecture hour will be equated as one classroom instructional hour. Each laboratory or clinical hour will be equated as a portion of a classroom instructional hour. Therefore, a faculty member may teach more than the 15 classroom contact hours per week to meet the minimum teaching load requirements.

Faculty Work Loads During the Summer Term:

Regular full-time faculty members who are selected to teach during the Summer terms shall be paid according to the approved adjunct pay schedule.

POLICY 3.11 FACULTY WORKLOAD PAYMENTS

SCOPE: FACULTY

The following guidelines will apply to computing faculty teaching loads and determining when to pay full-time faculty members on a supplemental basis.

1. An instructional hour equivalent is an artificial unit of measure which does not necessarily correspond to credit hours, lecture hours, laboratory hours, clinical hours, or contact hours. An instructional hour equivalent is used for the purposes of calculating full-time loads and supplemental payments, except where indicated. The following will be used for the purpose of calculating instructional hour equivalents:

    1.1. One lecture hour equals 1.0000 instructional hour equivalent.

    1.2. One science, computer science laboratory hour equals 0.7500 instructional hour equivalent.

    1.3. One healthcare laboratory hour, clinical hour, or practicum, equals 0.8750 instructional hour equivalent.

    1.4. One hour of non-credit instruction (includes lecture, laboratory, and clinical) equals 0.8333 instructional hour equivalent.

    1.5. One laboratory or clinical hour, not included in 1.2 through 1.4 above, equals 0.5000 instructional hour equivalent.

2. A full-time load will be calculated as follows:

    2.1. Full-time faculty teaching load is 15 semester credit hours (SCH) each Fall and Spring term. Faculty teaching lecture/lab and/or Clinical Coordinators may satisfy their teaching load requirements with less than 15 SCH as long as the total instructional hour equivalents are within the range of 240-400 instructional hour equivalents. A recommendation from the Department Chair and Dean will be sent to the Provost/Vice President for instruction for any faculty member with less than the required 15 SCH but within the required instructional equivalent range.

    2.2. Once the full-time load has been achieved by an instructor, any additional course will be taught on a supplemental basis.

Overload/Supplemental for Full-time Faculty:

Regular full-time faculty may teach six (6) to eight (8) SCH in overload during each of the fall and spring terms. An additional three (3) SCH may be requested under extenuating circumstances and must be recommended for approval by the Department Chair and Dean to the Provost/Vice President for Instruction, who has final approval.

Adjunct Faculty Teaching Loads:

- Full-time faculty are considered adjunct faculty for any term outside their faculty appointment. Adjunct faculty may teach up to nine (9) Semester Credit Hours (SCH) during each fall and spring term. The adjunct faculty member may teach six (6) SCH during the Summer I Term and the Summer II Term or 12 SCH during any combination of the Summer I Term, Summer II Term, and Summer III Term. ISD adjuncts are excluded and subject to the work requirements of their school districts.

- Any additional SCH beyond the stated limits must be recommended by the Department Chair and Dean to the Provost/Vice President for Instruction, who has final approval.

The following guidelines will apply to computing overload and adjunct compensation for full-time faculty on a supplemental basis.

- Compensation will be made at a rate of $50 per overload or adjunct Instructional Hour Equivalent.

Defined Minimum Section Seat Limits (As of First Day of Class)

- Face to face, online and hybrid minimum class size is 10 students.
- Specialized programs and clinicals minimum class size will be approved by Provost.

Defined Maximum Section Seats Limits (As of First Day of Class)

- Maximum seat limits defined by Office of Instruction depending on classroom, lab and clinical facility and safety requirements.

Proration based on Section Enrollment:

For courses taught in a cohort program in which enrollment falls below the defined minimum enrollment threshold on the first day of class, overload payment should be prorated to the respective percentage relative to number of students enrolled. Specifically, the proration rates, up to 10 students, should be as follows:

Number of Students	**10-student minimum prorate**	**8-student minimum prorate**	**6-student minimum prorate**	**5-student minimum prorate**
1	10%	13%	17%	20%
2	20%	25%	33%	40%
3	30%	38%	50%	60%
4	40%	50%	67%	80%
5	50%	63%	83%	N/A
6	60%	75%	N/A	N/A
7	70%	88%	N/A	N/A
8	80%	N/A	N/A	N/A
9	90%	N/A	N/A	N/A

Certain courses may have low enrollment caps that must be preapproved by the Provost. This includes first-time-offered courses, evening and Saturday courses, special enrollment programs, courses with graduating seniors, internships/co-ops, high-liability ratio requirement courses, courses with state-mandated enrollment caps, etc.

Compensation for Low Enrolled Classes:

Compensation for courses that have low enrollment but need to be offered in order to meet the needs of students pursuing graduation during the current semester will be considered on an individual basis with approval from Provost prior to the first day of classes.

Compensation for Sections that Exceed Enrollment Capacities

Compensation for sections (excluding those taught at the high school by embedded instructors) that have enrollment in excess the defined maximum seat limit as of the first day of class will be as follows:

1 additional student = $100	4 additional students = $400	7 additional students = $700
2 additional students = $200	5 additional students = $500	8 additional students = $800
3 additional students = $300	6 additional students = $600	9 additional students = $900

Sections that exceed the enrollment capacity by 10 or more students will be developed and the assigned faculty will be paid at the equivalent rate of an un-prorated section.

Effective Date

Implemented: 11/15/2010
Reviewed: 2/2014, 8/2023
Revised: 2/2014, 8/2023

POLICY 3.12 ACADEMIC EXCELLENCE: FACULTY IN-PERSON, ON CAMPUS OFFICE HOURS AND CAMPUS ENGAGEMENT POLICY

SCOPE: FACULTY

In accordance with Texas State University System (TSUS) *Chapter V - Component Employees; Policy 7: Academic Excellence: In-person Teaching, On Campus Office Hours and Campus Engagement* faculty are required to adhere to the following:

In-person Teaching
Full-time faculty are required to teach in-person classes when the College determines in-person teaching is appropriate. Teaching modality for classes is recommended by the Department Chair and Dean of Instruction to the Provost/Vice President for Instruction, who will make the final determination.

On Campus Office Hours
Full-time faculty must maintain in-person office hours at their assigned work location as determined appropriate by the College. All office hours must be approved in writing by the Department Chair and Dean of Instruction and will be documented on the Faculty Workload form. The Faculty Workload form is submitted to the Provost/Vice President for Instruction for final approval.

Campus Engagement:
Full-time faculty must attend significant campus events as designated by the College. A faculty member's absence from such designated events must be approved in writing by the Department Chair and reported to the Dean of Instruction.

Disciplinary Action:
This policy underscores the importance of in-person teaching, on-campus office hours, and attendance of faculty at campus activities. As faculty compliance with the policy is crucial in fostering a vibrant and engaging academic community, the College must take disciplinary action, up to and including termination, against faculty who fail to comply with the requirement of the policy.

Created: February 2024
Adopted: February 2024

SECTION 4: EMPLOYMENT PRACTICES

POLICY 4.1 EQUAL OPPORTUNITY AND WORKFORCE DIVERSITY [24]

SCOPE: FACULTY AND STAFF

1. Nondiscrimination: It is the policy of Lamar Institute of Technology not to discriminate on the basis of non-relevant criteria including, but not limited to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, or veteran status in its educational programs, activities, admissions, or employment practices.

2. Equal Employment Opportunity and Workforce Diversity: In regard to employment, it is the policy of the Institute to insure equal employment opportunity to all individuals. This means that the Institute will seek to insure by all lawful means at its disposal that all prohibited discriminatory conditions in employment are eliminated and that employment policies do not operate to the detriment of any person on the grounds of non-relevant criteria including, but not limited to race, color, religion, sex, sexual orientation, gender identity, or expression, national origin, age, disability, or veteran status. The Institute will also insure that the practices of those responsible in matters of employment and supervision are nondiscriminatory and further, that the Institute will take affirmative action to recruit, employ and promote qualified members of under- utilized groups. This policy is extended uniformly to the employment of all individuals.

3. Responsibility: It is the responsibility of the Institute's management to ensure that the Institute and all its constituencies comply with the provisions of this policy, and with all Federal and State laws, executive orders and regulations regarding equal opportunity and affirmative action. The Associate Vice President for Human Resources shall serve as Access and Diversity officer for staff and administrative employees; the Vice President for Academic Affairs will serve as Access and Diversity officer for the faculty. Final responsibility for Institute efforts rests with the President of Lamar Institute of Technology. Specifically, all departments of the Institute will:

    3.1. Follow policies of recruitment, employment, upgrading, promotion, transfer, training, lay off, or dismissal for all categories of employees, without regard to race, color, religion, sex, sexual orientation, gender identity or expression, color, religion, national origin, age, disability, or veteran status. The sex, disability or age of an employee may be considered only when sex, disability, or age is demonstrably a bona fide occupational qualification (BFOQ).

    3.2. Determine all matters of employment and of subsequent promotion to a higher position only upon the individual's qualifications for the position for which he/she is to be considered.

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[24] Title VII of the Civil Rights Act of 1964, as amended Executive Order 11246, as amended
The Age Discrimination in Employment Act of 1967, as amended
§503 and §504 of the Rehabilitation Act of 1973, as amended Vietnam Era Veterans' Readjustment Assistance Act of 1974 Civil Rights Act of 1991
Title I of the Americans With Disabilities Act of 1990
Uniform Services Employment and Reemployment Rights Act of 1994

3.3. Administer equitably all programs involving salary, fringe benefits, and participation in the affairs of the Institute, for all individuals without regard to any of the characteristics named above.

4. External Recruiting: In its relationship with external recruiting sources, the Institute will require complete conformity to the principles stated above, insuring full opportunity for equal consideration for all prospective employees.

5. Access and Diversity Employment: Finding that a diverse educational and work environment serves a compelling state interest, Lamar Institute of Technology undertakes an affirmative action program to which good faith efforts will be directed for achievement of the following:

5.1. Determination of the extent to which minorities and women are under- utilized in all job categories.

5.2. Identification and elimination of any employment practices which impact has been adverse on minorities, women and others protected by applicable law and which relationship to job performance has not been clearly established. If such employment practices are identified, they will be replaced by others that are based on merit and valid job qualifications.

5.3. Development, through special recruitment efforts and other measures, of applicant pools in which qualified minorities and women are represented in proportions sufficient to help reduce their underutilization, where such underutilization may exist.

5.4. Development, through special recruitment efforts and other measures, applicant pools in which qualified persons with disabilities and qualified veterans are represented.

POLICY 4.2 AGE LIMITATIONS

SCOPE: FACULTY AND STAFF

1. **Age Limitations**: It is the policy of Lamar Institute of Technology that no person shall be denied the right to work solely because of age.[25] Lamar Institute of Technology will conform to Federal regulations and restrictions regarding the employment and work of minors,[26] and the Federal and State nondiscrimination regulations regarding the employment of persons over 40 years of age. [27]

2. **Minors 14 or 15 Years Old**: Under Federal law, a minor younger than 14 years may not be employed. A minor who is 14 or 15 years old may be employed in any occupation except those declared hazardous by the Secretary of Labor, such as driver or helper on a motor vehicle. He or she may not be employed during school hours; only between 7:00 A.M. and 7:00 P.M.; no more than 3 hours a day on school days; no more than 18 hours a week during school weeks; no more than 8 hours a day on non-school days; or no more than 40 hours a week during non-school weeks.[28]

3. **Minors 16 or 17 Years Old**: Minors who are 16 or 17 years old may be employed during school hours for any number of hours and during any period of time, except in occupations That have been declared hazardous by the Secretary of Labor.[29]

4. **Employee Retirement**: There is no mandatory retirement age except for those occupations which have limitations established by law. [30]

5. **Age Discrimination**: Federal law prohibits age discrimination against persons over 40 years of age. These individuals are protected from age discrimination in hiring, discharge, leave, compensation, promotions, retirement, and all other areas of employment.

6. **Enforcement Responsibility**: The Associate Vice President for Human Resources will ascertain that all staff personnel transactions comply with this policy. The Vice President for Academic Affairs will make this determination for faculty. Questions concerning State, Federal, and Institute regulations on age limitations or "hazardous occupations" should be referred to the Office of Human Resources.

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[25] Texas Labor Code Ann. §21.051
[26] Fair Labor Standards Act, Child Labor Provisions
[27] Age Discrimination in Employment Act, 1967
[28] Fair Labor Standards Act, Child Labor Provisions
[29] Ibid
[30] Age Discrimination in Employment Act, 1967

POLICY 4.3 ACCOMMODATIONS

SCOPE: FACULTY AND STAFF

1. **Policy**: Lamar Institute of Technology will not discriminate against any employee or applicant for employment because of disabilities in regard to any position for which the employee or applicant for employment is qualified to perform the essential duties of the position with or without reasonable accommodations. The Institute shall recruit, employ, and promote qualified disabled individuals and comply with the rules and regulations pursuant to the Rehabilitation Act of 1973[31], as amended, and the Americans with Disabilities Act of 1990.[32]

2. A qualified individual with a disability is a person who
   - has a physical or mental impairment that substantially limits one or more major life activities;
   - has a record of such an impairment; or
   - is regarded as having such an impairment.

   "Qualified Individual" is a person with a disability who "satisfies the requisite skill, experience, education and other job-related requirements of the employment position, and who with or without reasonable accommodation, can perform the essential functions of such position."[33]

3. **Responsibility**: The Institute's policy on Equal Opportunity and Workforce Diversity outlines the administrative responsibility for implementation of nondiscrimination as it applied to disabled and other protected class workers.

4. **Requesting Accommodation**: Persons with disabilities, or women affected by pregnancy, must make their need for accommodation known to their supervisor (if already employed) or Human Resources (if an applicant and/or already employed). Any supervisor notified of a request for accommodation shall immediately report it to Human Resources. Human Resources will engage the applicant/employee in the interactive process, during which the applicant/employee, health care provider, and HR will discuss the nature of the disability/condition and the limitations that may impact the applicant's/employee's ability to perform essential job functions.

   Request for accommodation must be in writing and must identify the specific accommodation the individual is requesting relative to the disability or condition. Once a request has been received, the applicant/employee may be given the Medical Certification form that is to be completed by the appropriate health care provider. The medical certification should contain a diagnosis, prognosis, and major life function(s) that are impaired that affect the person's abilities to perform job functions. (Medical documentation may be requested when the disability and/or need for accommodation is not known or obvious.) The Institute will attempt to provide reasonable accommodation for all disabilities which meet the standards established by the Americans with Disabilities Act, the Texas Workforce Commission Civil Rights Division, and the definitions established by judicial review and women affected by pregnancy. The Institute maintains the right to review the

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[31] The Rehabilitation Act of 1973, § 503 and §504. (Public Law 93 112, 93rd Congress, H.R. 8070, September 26, 1973).
[32] The Americans with Disabilities Act of 1990. (Public Law 101-336) Title I
[33] Ibid

requested accommodation and determine if the request can be facilitated; if the accommodation will enable the qualified individual to attain the expected level of performance; or if the request would impose an undue hardship upon the Institute's business operations, cost factors, or safety concerns for all employees.

Before making a decision, Human Resources may communicate directly with the treating physician regarding the applicant's/employee's request for accommodation and any related documentation submitted by the employee. All personal health information will be kept confidential through the review process.

5. **Religious Accommodation**: LIT provides accommodation for an individual's sincerely held religious beliefs and practices unless providing an accommodation would result in undue hardship to the Institute. A religious accommodation may include an adjustment to an individual's work schedule or environment or to the employment application process that allows an individual to practice his or her religious beliefs. Employees and applicants seeking an accommodation for a sincerely held religious belief should make a request to the Office of Human Resources.

6. **Right to Express Breastmilk**: Nursing mothers of children less than one year may use reasonable break time as needed for milk expression. The frequency and duration of breaks for this purpose may vary as determined by the needs of the mother. This is considered paid time; however, nursing mothers should first utilize their normal break periods. Management and employees are encouraged to have a positive, accepting attitude toward employees opting to breastfeed their children.

    - Break time will include the time required to gather, clean, store necessary equipment, any necessary travel time to and from the location used to express breastmilk.

    - In addition to providing break time for an employee to express breastmilk, the college must provide a place (other than a public restroom) that is shielded from view and free from intrusion from other employees and the public where the employee can express milk.

    - The college shall provide access to a nearby clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment. Expressed breastmilk should be stored in the employee's cooler or in a common refrigerator.

    - Supervisors are responsible for alerting pregnant and breastfeeding employees about this policy and should discuss with an expectant mother her plans to express breastmilk up return to work to allow for preparation to cover the duties of the nursing mother during her expression breaks.

    - If an employee prefers, she may express breastmilk in her own private office, or in another private location agreed upon in consultation with the employee's supervisor.

    - Exceptions beyond one year should be discussed in advance with the supervisor.

7. **Accommodations for Pregnant Workers:** In compliance with the Pregnant Workers Fairness Act, LIT is obligated to provide reasonable accommodations to worker's known limitations related to pregnancy, childbirth of related medical conditions, unless the accommodation will cause the employer an undue hardship.

Created:
Reviewed:
Revised: October, 2023

POLICY 4.4 EMPLOYMENT OF VETERANS

SCOPE: FACULTY AND STAFF

1. Employment Preferences Provided Veterans: It is the policy of Lamar Institute of Technology to employ and to advance in employment, disabled veterans and veterans of the Vietnam Era, in accordance with the provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

   It is also the policy of the Institute to give veterans preference in appointment or employment over other applicants having no greater qualifications for the same position, in accordance with the Texas Government Code.[34]

2. **Individuals Entitled to Veteran's Employment Preference**: [35]

   2.1. A veteran qualifies for veteran's employment preference if the veteran:

   2.1.1. Served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law or was discharged military service for an established service-connected disability;

   2.1.2. Was honorably discharged from military service; and

   2.1.3. Is competent.

   2.2. A veteran's surviving spouse who has not remarried or an orphan of a veteran qualifies for a veteran's employment preference if:

   2.2.1. The veteran was killed while on active duty;

   2.2.2. The veteran served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law; and

   2.2.3. The spouse or orphan is competent.

   2.3. A veteran is defined as an individual who served in the U. S. Army, Navy, Air Force, Marine Corps, or Coast Guard, or in an auxiliary service of one of those branches of the U. S. Armed Forces.

   2.4. Individuals are not to be disqualified from employment because of age or any service-connected disability as long as neither renders them incompetent to properly and capably perform the duties of the position to which they apply.

   2.5. The employing authority in each department and the Associate Vice President for Human Resources will insure that any persons entitled to preference under this policy

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[34] Texas Government Code, Chapter 657
[35] Ibid

shall be provided every opportunity to fill available positions of employment applied for, based on the qualifications of such applicants, and if there are no other applicants better qualified for the position or employment applied for.

3. Veterans' Reinstatement[36]: An employee who separates from state employment to enlist in the United States Armed Forces, Texas State or National Guard, or federal military reserves is entitled to be restored to the same position held at the time of separation or to a position of like seniority, status and pay, if he/she is still qualified physically and mentally to perform the required duties and was honorably discharged within five years of beginning military service. Temporary employees are excluded from these provisions.

   Eligible veterans must make application to the Institute for restoration within 90 days after discharge or release from service. The application must be in writing and the eligible veteran must provide evidence of discharge, separation, or release from military service under honorable conditions.

   If a veteran is not qualified to perform the duties of his/her former position because of a service connected disability, he/she is entitled to be restored to another position which he/she is qualified to perform in the Institute with like (or approximate) seniority, status, and pay.

   Veterans who are restored to positions in state government may not be dismissed without just cause from state employment within a year of being reinstated. Restored veterans are considered to have been on leaves of absence during periods of military service, and like other employees they are entitled to retirement and other benefits. In 1979, the Attorney General found that the restored veteran is entitled to be credited with any accrued unused sick leave that he or she accumulated immediately prior to entering military service.[37]

   The institution may not delay or deny this obligation by waiting for documentation that is not immediately available. The employee may be terminated if the documentation becomes available that does not meet the eligibility requirements.[38]

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[36] Ibid
[37] Option, Texas Attorney General, No. MW-109 (1979)
[38] 38 USC Section 4312(f)(4)

POLICY 4.5 ASSIGNMENT AND REASSIGNMENT

SCOPE FACULTY AND STAFF

The President shall have the prerogative of assigning LIT employees to any one or any number of locations within the service area where LIT business or classes need to be conducted. Lamar Institute of Technology also reserves the right to reassign personnel to meet urgent operating needs resulting from new requirements, change in workloads, and/or reorganization.

POLICY 4.6 EMPLOYEE DUTIES AND RESPONSIBILITIES

SCOPE: FACULTY AND STAFF

All Lamar Institute of Technology employees are expected to assume all responsibilities and duties listed in their official Job Descriptions and as assigned to them by the President.

POLICY 4.7 INSTRUCTIONAL PHILOSOPHY

SCOPE: FACULTY

Statement of Instructional Philosophy

Pursuant to the educational philosophy outlined in the Lamar Institute of Technology Mission Statement, instructional personnel at LIT are expected to embrace and exemplify the highest ideals and standards of the teaching profession. Their classroom performance should reflect a strong personal commitment to professional competence within their subject area(s) as well as to the practice and advancement of the art of teaching. Professional development to achieve these goals may include, but is not limited to, scholarly writing; participation in appropriate professional workshops, seminars, and organizations; and pursuit of advanced academic credentials and/or professional licenses.

POLICY 4.8 FACULTY PROMOTION GUIDELINES

SCOPE: FACULTY

Effective: September 1, 2011

Introduction: Promotion to the Instructional Ranks of Instructor I thru IV is earned by faculty members as a result of their employee performance at Lamar Institute of Technology. To apply for promotion, faculty members must submit evidence of their performance and achievements to their Department Chair. Promotions will be awarded when the Department Chair, the Vice President for Academic Affairs, and the President determine that a faculty member has documented excellence in teaching, and other teaching-related duties, provides support for students, and participates in community service; and that the individual has demonstrated a genuine concern in fulfilling the mission of Lamar Institute of Technology.

Full-time faculty are assigned the rank of Instructor I on their initial hiring date. In some instances, the faculty may be assigned a rank of Instructor II, III, or IV on their initial hiring date by the President. In such cases, the faculty member must have exceptional credentials and the Institute must benefit significantly from the assigned rank.

Procedure: Faculty must submit documents that support the Promotion Criteria for which they are applying. All supporting documentation must be delivered by the applicant to their respective Department Chair on December 1st. The Department Chair must evaluate the application, supporting documents, and provide a recommendation to the Vice President for Academic Affairs before the February 1st. The Vice President for Academic Affairs will deliver a recommendation to the President before April 1st. Faculty should submit their Application for Promotion in their 4, 8, or 12 years following their hire date.

Promotion Criteria for Rank of Instructor II thru IV

1. Instructor II

1.1. Promotion Criteria.

1.1.1. A faculty member must have been employed as a full-time faculty member at Lamar Institute of Technology for four (4) years at the rank of Instructor I before applying for a promotion to Instructor II.

1.1.2. A faculty member must provide evidence of quality teaching and student support, on-going professional development, participation in program, department and campus affairs, and service to the community. Documentation

1.1.2.1. Competence in the teaching discipline demonstrated by one of the following criteria:[39]

1.1.2.1.1. Faculty teaching general education courses at the

[39] 2006. Faculty Credentials, Southern Association of Colleges and Schools Commission on Colleges.

undergraduate level: doctorate or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

1.1.2.1.2. Faculty teaching associate degree courses designed for transfer to a baccalaureate degree: doctorate or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

1.1.2.1.3. Faculty teaching associate degree courses not designed for transfer to the baccalaureate degree: bachelor's degree in the teaching discipline, or associate's degree and demonstrated competencies in the teaching discipline.

1.1.2.2. Achieved Satisfactory Rating or higher on the most recent Faculty Annual Review in the following categories:

1.1.2.2.1. Instruction Section

1.1.2.2.2. Professional Development Section

1.1.2.2.3. Participation in Program, Department and Campus Affairs Section.

1.1.2.2.4. Community Service and Other Activities Section.

2. **Instructor III**

2.1. Promotion Criteria.

2.1.1. A faculty member must have been employed as a full-time faculty member at Lamar Institute of Technology for four (4) years at the rank of Instructor II before applying for a promotion to Instructor III.

2.1.2. A faculty member must provide evidence of quality teaching and student support, on-going professional development, participation in program, department and campus affairs, and service to the community. Documentation must include:

2.1.2.1. Competence in the teaching discipline demonstrated by one of the following criteria:

2.1.2.1.1. Faculty teaching general education courses at the undergraduate level: doctorate or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

2.1.2.1.2. Faculty teaching associate degree courses designed for transfer to a baccalaureate degree: doctorate or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

2.1.2.1.3. Faculty teaching associate degree courses not designed for transfer to the baccalaureate degree: bachelor's degree in the teaching discipline, or

associate's degree and demonstrated competencies in the teaching discipline.

2.1.2.2. Achieved Exceed Expectations Rating on the Instruction Section on the most recent Faculty Annual Review.

2.1.2.3. Achieved Exceed Expectations Rating on the most recent Faculty Annual Review in two (2) of the following categories:

2.1.2.3.1. Professional Development Section

2.1.2.3.2. Participation in Program, Department and Campus Affairs Section

2.1.2.3.3. Community Service and Other Activities Section

3. Instructor IV

3.1. Promotion Criteria.

3.1.1. A faculty member must have been employed as a full-time faculty member at Lamar Institute of Technology for four (4) years at the rank of Instructor III before applying for a promotion to Instructor IV.

3.1.2. A faculty member must provide evidence of quality teaching and student support, on-going professional development, participation in program, department and campus affairs, and service to the community.

Documentation must include:

3.1.2.1. Competence in the teaching discipline demonstrated by the following:

3.1.2.1.1. Faculty teaching general education courses at the undergraduate level: doctorate or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

3.1.2.1.2. Faculty teaching associate degree courses designed for transfer to a baccalaureate degree: doctorate or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

3.1.2.1.3. Faculty teaching associate degree courses not designed for transfer to the baccalaureate degree: bachelor's degree in the teaching discipline, or associate's degree and demonstrated competencies in the teaching discipline.

3.1.2.2. Recognized educational leadership.

3.1.2.3. Achieved Greatly Exceeds Expectations Rating on the Instruction Section on the most recent Faculty Annual Review.

3.1.2.4. Achieved Greatly Exceeds Expectations Rating on the most recent Faculty Annual Review in the three (3) following categories.

3.1.2.4.1. Professional Development section

3.1.2.4.2. Participation in Program, Department and Campus Affairs section.

3.1.2.4.3. Community Service and Other Activities section.

Promotion Criteria for Special Circumstances

A faculty member may request a promotion of one level based on special circumstances. Examples of circumstances may include exceptional achievements, service to LIT, and statewide or national recognition as a leader in their discipline and higher education. The request must be approved by the president.

POLICY 4.9 INSTRUCTIONAL RANK (WORKING TITLES)

SCOPE: FACULTY

The criteria for instructional ranks of instructor, assistant professor, associate professor, and professor are listed below. These instructional rankings are not associated with pay levels. The criteria for both instructional rankings and instructional pay levels are outlined in the LIT Policies and Procedures Manual. Faculty should submit a written request to change Instructional Ranking identifying how the requirements for such ranking have been satisfied. The request must be approved by the Department Chair and Vice President for Academic Affairs and forwarded to the President for approval.

CRITERIA FOR RANKS OF INSTRUCTIONAL PERSONNEL

The criteria for defining the instructional ranks of Instructor, Assistant Professor, Associate Professor, and Professor are described below:

1. **Instructor:** All full-time, adjunct, and part-time instructional personnel who satisfy the minimum requirements for their position.

2. **Assistant Professor**: In addition to meeting the minimum requirements for instructional personnel, candidates for the rank of Assistant Professor must be full-time instructors and must either:

    2.1. Possess a Bachelor‘s Degree or higher in the subject area or a closely related area and have a minimum of eight years of successful full-time teaching experience, at least five of which must be at the college level, or

    2.2. Possess a Master‘s degree or higher in the subject area or a closely related area, and a minimum of three years of successful full-time teaching experience at the college level.

3. **Associate Professor:** In addition to meeting the minimum requirements for Assistant Professor, candidates for the rank of Associate must either:

    3.1. Possess a Master‘s Degree or higher in the subject area or a closely related area, and have a minimum of 12 years of successful full-time teaching experience, at least eight of which must be at the college level, or

    3.2. Have successfully completed at least 15 semester hours of graduate level coursework, within or closely related to the subject area, beyond and subsequent to the Master‘s Degree and have a minimum of 10 years of successful full-time teaching experience, at least five of which must be at the college level, or

    3.3. Have successfully completed at least 30 semester hours of graduate level coursework, within or closely related to the subject area, beyond and subsequent to the Master‘s Degree and have a minimum of eight years of successful full-time teaching experience, at least five of which must be at the college level, or

    3.4. Possess a Doctorate in any field with a major or minor in the subject area or

in a field closely related to the subject area or in education, and have a minimum of five years of successful full- time teaching experience at the college level.

4. **Professor:** In addition to meeting the minimum requirements for Associate Professor, candidates for the rank of Professor must either:

   4.1. Have successfully completed at least 30 semester hours of graduate level coursework, within or closely related to the subject area, beyond the subsequent to the Master's Degree and have a minimum of 15 years of successful full-time teaching experience, at least 10 or which must be at the college level, or

   4.2. Possess a Doctorate in any field with a major or minor in the subject area or in field closely related to the subject area or in education, and a minimum of eight years of successful full-time teaching experience at the college level.

SUBSTITUTIONS FOR RELATED WORK EXPERIENCE, LIT CLUB, SPONSORSHIP, AND COMMUNITY SERVICES

1. Up to four years of documented related full-time work experience may be substituted on a one- for-one basis for full-time teaching experience BUT IT CANNOT SUBSTITUTE FOR COLLEGE-LEVEL TEACHING EXPERIENCE.

2. Up to four years of documented community service, including sponsorship of LIT clubs or organizations may be substituted on a two-for-one basis (i.e., two years of community service for one year of credit) for full-time teaching experience BUT IT CANNOT SUBSTITUTE FOR COLLEGE- LEVEL TEACHING EXPERIENCE. Sponsorship of clubs and organizations, or clubs outside of LIT will NOT be considered as allowable means for substitution.

POLICY 4.10 REQUIREMENTS AND CRITERIA FOR TENURE

SCOPE: FACULTY

Issued: September 1, 2007

1. **Requirements:** Only members of the faculty with the academic rank of Instructor, I, II, III or IV may be granted tenure.

   1.1. Faculty members must possess the appropriate degree from a regionally accredited institution in the discipline taught or a related discipline or possess the level of training that is determined equivalent in a special field or discipline.

   1.2. An exceptionally capable and proven instructor needed for a special assignment may be granted immediate tenure at the discretion of the Board of Regents.

   1.3. In exceptional cases, tenure may be granted at the time of appointment to any academic rank by the Board of Regents, or tenure may be withheld pending satisfactory completion of a probationary period of faculty service.

   1.4. In the case of a person who is receiving an appointment both as a faculty member and Department Chair or Vice President , the President may submit a written justification to the Board of Regents that the person be granted tenure status as a faculty member at the time of appointment.

   1.5. In very unique and limited cases in which a person is being appointed solely as a faculty member, the President may submit a written justification to the Board of Regents that the person be granted tenure status as a faculty member at the time of appointment.

2. **Criteria**:

   2.1. Effectiveness as a teacher

   2.2. Departmental, organizational and committee service

   2.3. Student relationships including advising, counseling, tutoring, mentoring and supervision

   2.4. Research and scholarship

3. **Procedures for Granting Tenure**:

   3.1. The Department Chair shall forward a written recommendation to the Vice President for Academic Affairs. Reasons to support the recommendation and an explanation of the data used to support the recommendation shall be included in the recommendation submitted to the Vice President for Academic Affairs. If the Department Chair is a candidate for tenure, the Vice President for Academic Affairs shall forward a written recommendation to the President. Reasons to support the recommendation and an explanation of the data used to support the recommendation shall be included in the recommendation to the President.

3.2. The Vice President for Academic Affairs shall forward his/her recommendation to the President for approval.

3.3. The President shall forward to the Chancellor and the Board of Regents his/her recommendation in advance of the meeting of the Board of Regents where recommendations for tenure are considered.

3.4. Non-tenured faculty members whose accepted years of prior service and designated length of probationary period total three (3) years shall be considered for tenure during the last year of their probationary period(third year).

3.5. The procedures described above shall be conducted on a schedule which will permit the Institute to notify a non-tenured faculty member no later than August 31 of the year of consideration (third year) that tenure will be awarded at the end of his/her probationary period (beginning of fourth year if approved by the Board of Regents), or that the decision on awarding tenure will be postponed, or that employment will be terminated at the end of the probationary period (third year).

4. **Probationary Period:**

4.1. Faculty members who, at the time of employment, have had prior tenured service at an accredited college or university shall, at the determination of the President, serve a probationary period of not more than three (3) years.

4.2. Faculty members who, at the time of employment, had not had prior tenured service at an accredited college or university shall, at the discretion of the President, serve a probationary period of not less than three (3) years. Credit for prior non-tenured service may not exceed two (2) years.

4.3. Tenure may be postponed beyond the originally assigned period of probation upon written notice.

4.4 Notification. No later than August 31 before the last academic year of the probationary period (normally the third year), all non-tenured faculty serving in a rank which accrues time toward satisfaction of a probationary period shall be given notice that the subsequent academic year will be the terminal year of employment or that beginning with the subsequent academic year, tenure will be granted.

POLICY 4.11 TYPES OF STAFF APPOINTMENTS

SCOPE: STAFF

1. Appointment Types: The staff member's appointment type defines the relationship between the Institute and the individual performing the work. Types of staff appointments are as follows:

   1.1. Regular Appointment: A regular appointment occurs when a person is appointed to a continuing monthly salaried position for four and one-half (4 1/2) months or more, for twenty (20) hours or more each week. Employees with regular appointments are eligible for all Institute benefit programs.

      1.1.1. Regular Full-Time: A regular appointment on a work schedule of forty (40) hours each week (100%FTE) for no less than 4.5 consecutive months.

      1.1.2. Regular Part-Time: A regular appointment on a work schedule of at least twenty (20) but less than forty (40) hours each week (50%-99%).

   1.2. Temporary Appointment: A temporary appointment occurs when a person is appointed to a position of short duration, intermittent in nature, or in a position where it is clearly impractical to employ on a continuing monthly salaried basis for as long as four and one- half (4 1/2) months, or more than 20 hours a week. A temporary employee will be employed on an hourly rate basis. Individuals in positions that do not meet the definition of "regular employment" are not eligible for Institute benefit programs except where specified.

      1.2.1. Temporary Full-Time: A temporary appointment on a work schedule basis of forty (40) hours each week not to exceed consecutive 4.5 months.

      1.2.2. Temporary Part-Time: A temporary appointment on a work schedule basis of less than forty (40) hours each week not to exceed 4.5 consecutive months.

   1.3. Orientation to Employment Appointment: A new employee selected to receive a regular appointment to a staff position shall serve an orientation period of six (6) months. During this period the employee will be evaluated by the supervisor to determine the individual‘s ability to perform the job functions. Upon successful completion of the orientation period, the orientation status is converted to a regular status. Nothing in the conversion to regular status shall be interpreted as guaranteeing continued employment or an abrogation of the Institute‘s employment at will policy.

      1.3.1. New employees who have 6 or more months of prior State service will not be restricted from using their vacation. New employees who have no prior State service or less than 6 months service will not be eligible to take vacation time until the completion of the orientation or probationary period.

1.4. Hourly Appointment: An Hourly Appointment is used when someone is appointed to a temporary position and is compensated on an hourly basis for only the actual number of hours worked. This should occur when the appointment is for a short period of time (less than 4 1/2 months), or when the employee will be working less than twenty (20) hours per week.

POLICY 4.12 PROCEDURES FOR FILLING POSITIONS

SCOPE: Faculty and Staff

1. **Policy**: It shall be the goal of Lamar Institute of Technology (LIT) to attract, hire and retain a highly qualified workforce for all positions.

2. **Announcement of Openings**: Posting of all regular full-time and regular part-time position openings must be requested from Human Resources (HR). Approved position openings will be advertised on LIT's job website and with the Texas Workforce Commission and other sites, as needed. All posted positions must remain open for a minimum of five (5) working days.

   2.1. Requests to fill a position (or create a new position) must be discussed with and approved by the appropriate Vice President and with the President's knowledge and support thereof. Hiring managers should consult with HR for position description assistance and approval thereof. The draft position posting will be routed through LIT's job website internal approval process to ensure each level of authority for the hiring unit views and approves the posting in advance of appearing on LIT's job website. This internal approval process includes, but is not limited to: position description review, Vice President approval, budget approval, Human Resources approval and President approval.

   2.2. A current and complete position description must accompany every posting and must meet the requirements of the Americans with Disabilities Act.

   2.3. HR may require a position analysis to validate the classification of the position before the opening is posted.

   2.4. The posting requirements may not apply when a promotion or transfer within the unit is for the purpose of changing the organizational structure of the department. In such cases, HR should be contacted before any commitment is made by the department to ensure position compliance in classification and salary levels.

3. **Lateral Transfers**: A posted position may be filled by the transfer of an employee from one organizational work unit to another under the following conditions:

   3.1. The employee interested in transferring must apply for the position.

   3.2. The employee must possess the minimum qualifications for the position or have clearly demonstrated the ability to perform the job.

   3.3. No increase in pay is awarded at the time of the transfer.

   3.4. The employee must have completed the probationary employment period and has demonstrated job performance deserving of transfer consideration. Internal reference checks will be performed on internal candidates; the feedback of which will be taken into consideration for transfer.

   3.5. The employee's accrued vacation and sick leave balance are transferred to the

new organizational unit. Compensatory leave may be taken prior to the transfer, paid by the existing department, or transferred to the accepting department.

4. **Promotion**: Qualified employees may be considered for promotion for regular full- time and part-time position vacancies under the following conditions.

   4.1. A position must be available.

   4.2. The employee interested in promotion must apply for the vacant position.

   4.3. The employee must possess the minimum qualifications for the position.

   4.4. The employee has satisfactorily completed their probationary employment period and has demonstrated job performance deserving of promotion consideration. Internal reference checks will be performed on internal candidates; the feedback of which will be taken into consideration for promotion.

5. **Recruitment**: HR will coordinate the recruitment of all regular full-time and regular part-time positions and will monitor adherence to all related Policies and Procedures. Positions may be advertised in profession specific journals or on other recruiting websites, as needed.

   5.1. HR will be the official recipient of all applications for employment at LIT. Applicants who contact the hiring organizational unit must be directed to complete a job application before the applicant may be considered a candidate for the vacant position and prior to any serious discussion of employment is conducted. This is applicable to all job applicants.

   5.2. Advertisements in newspapers, recruiting websites and/or professional journals must be approved by Human Resources and the appropriate Vice President before placing the advertisement to ensure compliance with LIT's nondiscrimination policies and budget guidelines.

   5.3. Advertisements must not appear prior to posting of the employment opportunities on LIT's job website.

   5.4. Positions may be posted for broad distribution or on campus only. Divisional only postings must be approved by HR. Divisional postings are intended to give all current regular employees within a division an opportunity to apply for an open position.

6. **Interviewing**: All applications for regular full-time and regular part-time positions will be screened and scored by Human Resources before being interviewed by the hiring unit unless the hiring manager elects to establish a scoring committee and screen and score applications directly.

   6.1. Applications received past the posting deadline or after candidate scoring has been completed will not be considered.

   6.2. Scoring criteria will be based on the position description and must be approved by HR. Human Resources (or the designated scoring committee) will apply the scoring criteria to complete the Position Screening Matrix on all applicants within

the candidate pool at the time of scoring. Selection for interviews will be determined by the candidates' scores. Candidate selections for interviewing must be approved by HR.

6.3. The interview committee will interview a minimum of three (3) applicants, unless there are less than three qualified applicants in the applicant pool based upon the approved scoring criteria. Interview questions shall be based on the bona fide occupational qualifications as defined in the position description.

6.4. Scoring committees, if used, and interview committees (required) must include a minimum of three (3) participants.

6.5. A copy of the interview questions and applicants' answers must be submitted to Human Resources.

6.6. The hiring manager will inform HR of the interview committee's disposition of each interviewed candidate. In turn, HR will complete the Interview Results form on all interviewed applicants.

7. **Selection**: After interviewing the applicants provided by HR, the interview committee and hiring manager will select the best qualified applicant without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, or disability.

7.1. No commitment is to be made to final candidate until the packet of applications and all other related applicant and interview forms have been reviewed by HR for:

7.1.1. Objectivity in selection;

7.1.2. Compliance with equal employment opportunity laws;

7.1.3. Recommended salary level and start dates;

7.1.4. Appropriate documentation (Hiring Packet documents)

7.2. HR may require a hiring department to interview other candidates or reconsider a selection based on the above-mentioned review process and the availability of qualified candidates.

7.3. Human Resources is responsible for checking the final candidate's references and conducting the background check.

7.4. No offer of employment shall be made until all required levels of authority review the final candidate's applicant packet and give their approval to hire, in writing. Once approved, HR will coordinate the offer to the final candidate.

8. **Orientation**: Each new employee will be required to attend New Employee Orientation.

8.1. Benefits orientation (for those eligible employees) will assist the new employee with the selection of insurance and retirement benefits. Failure to attend this orientation and complete benefit enrollment documents in a timely manner may

mean loss of benefits eligibility.

8.2. The orientation conducted by HR also provides the new employee with information on policies, information on the college, as well as required training.

8.3. New (or rehired) employees must meet with HR in order to complete the required new hire paperwork and provide work eligibility documentation and other items needed to establish their personnel and payroll files with LIT.

9. **Exceptions to Normal Recruitment Procedures** Should the hiring organization unit wish an exception to normal procedures and practices such as waiving a posting period, waiving education and/or experience requirements, or offering a salary rate in excess of the established salary range for the position, prior approval from the President must be obtained. In all cases, a letter of justification for the requested exception must be submitted by the hiring manager and approved by the appropriate Vice President and Executive Director of Human Resources before submitting the request to the President.

9.1. Interview exception may be given when a posted position only yields one qualified applicant and that applicant is already employed by LIT in a temporary or part time status and is performing the same job duties as the advertised opening.

10. **Employment Advertisement**: All employment advertisements will include LIT's EEO statement. All recruiting advertisements for LIT must be approved by Human Resources before release for publication.

11. **Disqualification of Applicants**: LIT may reject any applicant who lacks the minimum qualification requirements; who has a record of dismissals, removals, or resignations; who is not in good standing as evidenced from inquiries to former employers; who has practiced deception in his/her application; background check findings are inconsistent with the security sensitive job requirements or for such other causes and reasons deemed sufficient by Human Resources.

12. **Contracts**: No contracts for employment are authorized nor will such contracts be binding upon the College unless prior written approval is given by the President and Board of Regents. NOTE: Faculty appointments are not contracts.

13. **Special Criteria for Employment**: Because of the special nature of certain positions within the college, additional requirements are necessary for the incumbents. Those special employment requirements are as follows:

13.1. **Security Sensitive**: As provided in Section 51.215 of the Texas Education Code, criminal history record information pertaining to an applicant may be obtained by LIT and used in evaluating applicants for employment in security sensitive positions.

13.2. **Driver's License**: Positions requiring employees to drive vehicles, which are the property of the State of Texas, will be required to provide a valid Driver's License and be subject to review of his/her motor vehicle report. A copy of this license will be maintained in the employee's file, if appropriate.

13.3. **Selective Service Registration**: State law requires new hires to present proof

of registration or exemption from registration with the selective service system.

13.3.1. Individuals who are exempt from registration include:

13.3.1.1. Females.
13.3.1.2. Lawfully admitted nonimmigrant aliens.
13.3.1.3. Members of the armed forces on full-time active duty, including cadets and midshipmen at military academies.

13.3.2. This requirement does not apply to a person employed by state agency before September 1, 1999, as long as the person's employment by the agency is continuous.

13.3.3. The Office of the Attorney General issued an opinion that requires only those males who are between ages of 18 and 25 years, inclusive, to furnish proof of either selective service registration or exemption from selective service as a condition of state employment.

14. **Falsification of Information** The information submitted by the applicant on the application and/or resume is used to make decisions regarding hiring; therefore, the applicant must sign the application certifying that the statements made therein are true, complete, and correct to the best of his/her knowledge and belief and are made in good faith. False statements made on the application which were used by the hiring department in the decision-making process will void the application and any actions based on it. If it is found that an employee falsified his/her application and the hiring decision was made based on the invalid representation, that employee is subject to dismissal from employment.

15. **Acceptance of Employment and Other Institute Applications**: When an applicant accepts employment with a unit of the College, all previous or pending applications shall be rendered null and void.

Reviewed: Nov 2023, Feb 2024
Revised: Feb 2024

POLICY 4.13 FACULTY CREDENTIALS

SCOPE: Faculty

Policy: Lamar Institute of Technology establishes standards for the justification and documentation of faculty credentials in order to develop and maintain a qualified and competent faculty.

1. Faculty Educational Requirements

1.1. **Academic Courses**: Faculty teaching academic transferrable courses (courses listed in the ACGM) must have a master's degree in the discipline **or** a master's degree with concentration (minimum 18 graduate SCH) in the discipline.

- Master's degree in the discipline
  OR
- Master's degree with 18 graduate hours in the discipline

1.2. **Academic Laboratory Courses**: Faculty teaching academic transferrable laboratory courses at the undergraduate level must have a Bachelor's degree in the discipline.

- Bachelor's Degree

1.3. **Technical Courses**: Faculty teaching courses not designed for transfer should have a baccalaureate degree in the teaching discipline, or an associate degree and demonstrated competencies in the teaching discipline. In select career and technical education programs, faculty may also be required to have national accreditation, a current professional license, and/or certificate in the discipline. Additional requirements are determined by the department chair and the Dean of Instruction.

- Bachelor's degree in the discipline
  OR
- Associate degree and demonstrated competencies

1.4. **Developmental Courses**:

1.4.1. Faculty teaching developmental courses in reading, writing and mathematics must have a minimum of a bachelor's degree in a discipline related to the teaching assignment. In addition, the faculty member must have at least one (1) of the following:

1.4.1.1. Elementary, secondary or all level teaching certificate from any state;

1.4.1.2. Teaching experience in the classroom within a field related to the teaching assignment; **or**

1.4.1.3. Graduate course in teaching underprepared students

1.4.2. Faculty teaching a College Success Skills Course (DORI) or a learning frameworks course must have a minimum of the following:

1.4.2.1. Bachelor's degree; **and**
1.4.2.2. Teaching experience at the secondary or post-secondary level **or** relevant higher education experience.

2. Alternative Credentialing for Technical Courses

2.1. Faculty members may have experience that clearly contributes to student learning outcomes and can be considered in lieu of formal academic preparation. The institution may consider competence in the field, national accreditation, professional licensure, and/or certificates, honors and awards, continuous documented excellence in teaching or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes. When a prospective instructor does not meet the Faculty Educational Requirements outlined above, but does possess outstanding professional experience or relevant industrial certification/licensure, the individual may be alternatively credentialed

2.2. Two faculty (e.g. program faculty, lead faculty, program director, department chair) must review and approve alternative credentialing of an instructor.

2.2.1. An "Alternative Credentialing Justification" form accompanied by documentation of competencies, experiences, and achievements that contribute to effective teaching and student learning outcomes must be submitted with the "Faculty Credential Matrix".

2.2.1.1. Documentation may include licenses, certifications, awards, work verification forms, portfolios, professional references, vitae, etc.
2.2.1.2. Documentation must include verification from sources other than the potential instructor alone.

2.3. Two years of full-time work experience in the field related to the discipline may be used in lieu of one year of postsecondary education when determining instructional rank and salary.

3. **eLearning Qualifications**

3.1. Faculty teaching an online course(s) must successfully complete the Online Instructor Certification Program offered by the Office of Distance Education. Exemptions for the Online Instructor Certificate Program may be granted by the Director of Distance Learning for previous experiences, training, or relevant credentials.

4. **Records**

4.1. Initial faculty credential requests (Faculty Credential Matrix – New Faculty) as well as credential updates (Faculty Credential Matrix – Faculty Update) must be approved by the Department Chair, Dean of Instruction, Dean of Strategic Initiatives & Accreditation, and the Provost.

4.2. Faculty members are responsible for delivering current credentials. It is also the responsibility of the faculty member to deliver a copy of a current official transcript, state license, registry or certificate when the credential is renewed or updated. Other credentials used to document teaching qualifications and appointments must also be delivered.

4.3. If an employee is required to hold a state license, registry or certificate in order to be qualified as an instructor and lets the license, registry or certificate lapse or expire, the employee will immediately become ineligible for employment and subject to immediate termination.

4.4. Human Resources is responsible for maintaining personnel records. The Dean of Strategic Initiatives & Accreditation will update approved credentials electronically and transfer physical documents to Human Resources for recordkeeping.

Approved: Sept 2013
Reviewed: May 2014, Feb 2024
Revised: Feb 2024

Lamar Institute of Technology
Faculty Credentialing Matrix

Faculty Name: _____ **T#** _____

I. Please list ***ALL*** proposed courses (course number and title) the candidate may be assigned.

Course Rubric & #	*Course Title*

Course Rubric & No.	*Course Title*

II. Candidate Credential(s): Check ***ALL*** that apply

☐	ACADEMIC COURSES: • Master's degree in the teaching discipline **OR** • Master's degree with a minimum of 18 graduate SCH in the teaching discipline	☐	ACADEMIC LAB COURSES: • Bachelor's degree in the discipline
☐	TECHNICAL COURSES: • Baccalaureate degree in the teaching discipline ***OR*** • Associate degree and demonstrated competencies in the teaching discipline	☐	Alternative for TECHNICAL COURSES: • Competence in the field; • National accreditation; • Professional licensure **"Alternative Credentialing Justification" form must be completed.**
☐	DEVELOPMENTAL COURSES: • Bachelor's degree in related discipline; ***AND*** *at least one of the following*: • Teaching certificate • Teaching experience in related field • Graduate course in teaching underprepared students	☐	DORI or LEARNING FRAMEWORKS: • Bachelor's degree ***AND*** • Teaching experience at the secondary or post-secondary level.

Updated 2/8/2024

Lamar Institute of Technology
Faculty Credentialing Matrix

Degrees Earned (submit transcripts with form):

Institution	Degree(s) Earned	Major

Coursework for 18 Graduate SCH requirement (if applicable):

Institution	Course Number	Course Title	Credit Hours

Is the faculty certified to teach online? YES ◯ NO ◯ Date of Certification

Other Documentation (list below and submit documentation with form - work verification, license, etc.):

1.
2.
3.
4.
5.
6.

Approved by:

Department Chair	Date	Dean of Instruction	Date
Dean of Strategic Initiatives & Accreditation	Date	Vice President & Provost	Date

Updated 2/8/2024

Lamar Institute of Technology
Alternative Credentialing Justification

Faculty Name: T#

Teaching Discipline:

I. Please describe the qualifications of the above named individual that, in your professional opinion, justifies credentialing the individual in the identified discipline.

Faculty Approver Date

Faculty Approver Date

Submit this form and all supporting documentation with the Faculty Credential Matrix.

Updated 2/8/2024

POLICY 4.14 NEPOTISM [40] [41]

SCOPE: ALL FACULTY AND STAFF

Nepotism is broadly defined as granting position or advantage in the workplace (i.e., job appointment, promotion, pay increase, etc.) to one's relatives. The purpose of this policy is to comply with *Government Code, Chapter 573* and in situations not covered by *Government Code, Chapter 573* but as defined further below in order to avoid favoritism, the appearance of or likelihood of favoritism, conflicts of interest, and other forms of unfair treatment often associated with nepotism in the workplace.

Individuals are related by consanguinity if one is a descendant of the other, or if they share a common ancestor. An adopted child is considered to be the child of an adoptive parent for this purpose. Individuals are related to each other by affinity if they are married to each other, or the spouse of one of the individuals is related by consanguinity to the other individual. (See table further below.)

In accordance with *Government Code, Chapter 573*, no person related to any member of the Board of Regents within the second degree of affinity or within the third degree by consanguinity shall be eligible for appointment to any office, position, employment, or duty with any Component of The Texas State University System (TSUS), when the salary, fee, or compensation of such appointee is to be paid, either directly or indirectly, out of public funds of any kind.

While not prohibited by *Government Code, Chapter 573*, a TSUS Component must undergo special personnel review and action before employing (or reassigning) any individual related within the second degree of affinity or the third degree of consanguinity to another employee* if:

a. Such employment (or reassignment) causes one to have a direct supervisory relationship over the other; or
b. Such employment (or reassignment) causes one to have authority over the salary or other employment terms of the other, whether directly or indirectly.

* The term "employee" shall refer to those shared service employees to whom the above criteria apply, even though they may be employed by separate TSUS Components.

In instances when the above-named a. or b. instances occur, the related parties shall complete the Component's Nepotism Disclosure form, inclusive of delineating a management plan to satisfy any relevant policy concerns, which shall be approved and signed by the department's Vice President and then submitted to the President(s) for signature before the employment relationship begins. In such instances when it is determined that appropriate allowances cannot be made to adequately relieve the policy concerns of Nepotism, employment/reassignment shall be denied. All situations covered by a Component's usage and administration of a Nepotism Disclosure form shall be reported annually through the President's Report to the Board.

SCOPE: FACULTY AND STAFF

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[40] Texas Government Code, Chapter 573

[41] TSUS Rules and Regulations, Chapter 5, 2.2

The table below is to be used to determine degrees of relationship.

Consanguinity (Blood)			Affinity (Marriage)**		
First Degree	**Second Degree**	**Third Degree**	**First Degree**	**Second Degree**	**Third Degree**
Parent	Grandparent	Great Grandparent	Spouse	Grandparent	Great Grandparent
Child	Grandchild	Great Grandchildren	Parent	Grandchild	Great Grandchild
	Sibling	Uncle or Aunt	Child	Sibling	Uncle or Aunt
		Nephew or Niece			Nephew or Niece

** The ending of a marriage by divorce or the death of a spouse ends relationships by affinity.

LAMAR INSTITUTE OF TECHNOLOGY, LAMAR STATE COLLEGE ORANGE, and LAMAR STATE COLLEGE PORT ARTHUR

Nepotism Disclosure Form

(Completed and approved Nepotism Disclosure forms must be submitted to the appropriate HR office(s).)

INDIVIDUALS INVOLVED

Employee 1

Employee 2

Nature of personal relationship (select whichever applies)

Consanguinity (blood)			Affinity (marriage)*		
First Degree	**Second Degree**	**Third Degree**	**First Degree**	**Second Degree**	**Third Degree**
Parent ☐	Grandparent ☐	Great Grandparent ☐	Spouse ☐	Grandparent ☐	Great Grandparent ☐
Child ☐	Grandchild ☐	Great Grandchild ☐	Parent ☐	Grandchild ☐	Great Grandchild ☐
	Sibling ☐	Uncle/Aunt ☐	Child ☐	Sibling ☐	Uncle/Aunt ☐
		Nephew or Niece ☐			Nephew or Niece ☐

Nature of employment relationship (answer YES or NO)*

Will one of the employees directly supervisor the other?	Yes ☐ No ☐
Will one of the employees have authority (whether directly or indirectly) over the other?	Yes ☐ No ☐

*If all answers above are "no", then no conflict of interest relating to the Nepotism policy exists, therefore no management plan is needed. However, if any answer above is "yes", then a management plan must be identified and approved prior to start of employment/assignment.

Page 1 of 2

MANAGEMENT PLAN

(Provide an outline of how possible conflicts of interest will be mitigated in this employment relationship.)

ACKNOWLEDGEMENT

I accept and agree to the terms of this Management Plan.

Employee 1 Date

Employee 2 Date

APPROVALS

Departmental:

Signature of Director/Chair Date

Vice President:

Signature of Vice President Date

President(s):

Signature of President Date

Signature of President Date

Signature of President Date

POLICY 4.15 DATES OF EMPLOYMENT

SCOPE: FACULTY AND STAFF

1. **Beginning Date**: The effective beginning date for the appointment of new personnel normally will be the first work day within the week, but under the following conditions, the beginning date may be a Saturday, Sunday, or holiday.

   1.1. Assignment is to effect continuous employment within the Institute or as a direct transfer from another State agency to preserve employee benefits which otherwise might be adversely affected by a break in service.

   1.2. Assignment is to a position which requires the new employee to begin work on a Saturday, Sunday, or holiday.

   1.3. Assignment is to a monthly salaried position which is not effective the first calendar day of a month; however, such an assignment requires performance by the employee of all customary duties of the position for all of the official working days of the month in which the employment begins.

2. **Ending Date**: Assignments normally will carry an ending date effective on or before August 31 of the fiscal year in which the assignment was made. Assignments made from grants or contracts must be terminated in accordance with the terms of the grant. The following special provisions apply.

   2.1. The ending date of assignment or the date on which an assignment is terminated may include a Saturday, Sunday, or holiday which immediately follows the last day of work except when Saturday, Sunday, or the holiday is the first day of a new calendar month.

   2.2. The ending date of an assignment may include, as an exception, vacation leave entitlement in lieu of a lump sum payment only if agreeable to the employing department and the President; this is called terminal vacation. This information will be directed to the Director of Human Resources for verification.

   2.3. When the resignation date has been determined in accordance with preceding paragraph 2.1, the additional days provided may not be included unless the employee has performed all of the customary duties of the position for all of the official working days, except those used for vacation, in the month during which the employment is to end.

3. **Unbroken Service**: The following conditions will not constitute a break in an employee's continuity of employment.

   3.1. Termination followed by immediate reappointment without loss of payroll time.

   3.2. Termination to enter military service followed by reappointment within ninety (90) days after honorable discharge or release from military service.

   3.3. Transfer of the employee without loss of payroll time from another State agency.

   3.4. Being placed in a leave without pay status.

4. **Broken Service**:

    4.1. Termination followed by a loss of payroll time before reappointment.

    4.2. Termination to enter military services and failure to request reappointment within ninety(90) days of honorable discharge or release from military service.

    4.3. Failure to be reappointed in succeeding years.

    4.4. Transfer of the employee to other State-supported colleges or universities or other State departments or agencies where there is a loss of payroll time between the employee's resignation and reappointment.

5. **Definitions of Payroll Time**: Any month in which the employee is not separated from service with the Institute.

Created:
Reviewed:
Revised: October, 2023

POLICY 4.16 EMPLOYMENT ORIENTATION PERIOD

SCOPE: STAFF

1. Policy: It shall be the policy of Lamar Institute of Technology to provide an orientation period for the development of all new staff employees.

   1.1. All newly appointed, non-faculty employees of Lamar Institute of Technology shall be subject to an orientation period of six (6) continuous months beginning on their initial date of employment with the Institute.

      1.1.1. This period shall be used for observation of a new employee's work performance by his/her supervisor and to permit the employee to adjust to the job and working conditions. Throughout this period, the immediate supervisor shall provide any assistance considered necessary to improve performance or facilitate adjustments.

      1.1.2. During this orientation period, management is free to discipline, lay off, or terminate the employment of any such employee who is judged not to be competent or otherwise qualified to continue employment without said employee being subject to the Grievance Procedure or the Discipline and Discharge Policy.

      1.1.3. If an employee is to be released during the orientation period, the supervisor must present to the President who will forward to the Office of Human Resources documentation of coaching and counseling.

      1.1.4. Orientation employees may not apply for other vacant positions within the Institute without the written consent of their supervisor. This consent must be presented with the application to the President who will forward to the Office of Human Resources.

2. Upon completion of the orientation period, an employee shall acquire status and all the conditions and privileges of a regular employee. Nothing in the conversion to regular status shall be interpreted as guaranteeing continued employment or an abrogation of the Institute‘s at will policy.

3. Should there be a break in service the rehired employee will serve a six-month orientation period as defined above. However, the employee will be eligible to take vacation if the State service requirement has been met.

POLICY 4.17 PROMOTION, TRANSFER, OR DEMOTION

SCOPE: STAFF

1. **Policy**: Lamar Institute of Technology maintains a policy that requires promotions, transfers and demotions of individuals in staff positions be based on qualifications, performance, and suitability of the employee without regard to race, color, religion, sex (including and as it pertains to pregnancy and wages), sexual orientation, gender identity or expression, national origin, age, disability, genetic information, veteran status, and/or retaliation, and in keeping with Federal and State employment laws and regulations and the regulations of the Institute. It is the policy of the Institute to fill staff positions with the best qualified and best suited candidate either by promoting, transferring or demoting an employee or by hiring from outside the Institute.

2. **Definition of Terms**:

   2.1. Promotion: Refers to movement of an employee from a position in one class (title) to another class having more complex duties and/or responsibilities and salary with a higher minimum and maximum.

   2.2. Transfer: Refers to the lateral change of an employee from one position to another position in another department or a different work unit within the same department. A transfer involves no substantial change of duties, responsibilities, salary, or qualifications.

   2.3. Demotion: Refers to the movement of an employee from a position in one class (title) to another class having less complex duties and/or responsibilities and a salary range with a lower minimum and maximum.

3. **Promotions and Transfers**: A department official may recommend the promotion or transfer of a qualified staff member in his/her department. Upon approval of the President all qualified staff members of the department must be made aware of the vacant position and be given consideration if they indicate an interest. Human Resources will determine posting and other requirements before a commitment to transfer or promote any individual is made.

4. **Demotions**: A department official may recommend the demotion or reassign a staff member to a position where he/she will be able to meet performance requirements, to apply disciplinary action for misconduct, or for other reasons. Upon approval of the appropriate Vice President such a demotion shall be followed by disciplinary procedures. A staff member may request a demotion to start training in another occupation, to continue employment when a layoff is imminent, or for other reasons.

5. **Promotion and Transfer Opportunities**:

   5.1. The purpose of Promotion and Transfer Opportunities is to enhance the career advancement opportunities of staff members by providing each staff member the opportunity to apply and receive consideration for promotion or transfer.

   A staff member who wishes to apply for one of these vacant positions must do so by submitting an application to Human Resources.

   5.2. All staff position vacancies must be listed with Human Resources as outlined in the

Staff Employment Policy.

5.3. Staff members may make application and be considered for a promotion or transfer if they: meet the minimum qualifications for the job; have been employed in his/her current position for a minimum period of six (6) consecutive months; and have a satisfactory record of performance.

Employees still in their probationary period may not apply for other vacant positions within the Institute without the written consent of their supervisor. This consent must be presented with the application to the President who will forward to the Office of Human Resources.

5.4. A staff member's expressed interest in a position will not jeopardize his/her current position or future opportunities.

5.5. A staff member must have the approval of his/her present supervisor if he/she schedules appointments, interviews, etc., during regular work hours. Such scheduling should be at a time when it will cause the least disruption of work in his/her present position and may be limited to a reasonable number of interviews by his/her supervisor. A supervisor may not limit the number of interviews scheduled outside of the regular work schedule of the staff member.

5.6. The effective date of a promotion or transfer will be determined jointly by the two departments involved upon approval of the appropriate Vice President. Normal notice is two (2) weeks.

6. **Pay Rate Adjustment Upon Promotion, Transfer, or Demotion** (see policy 3.5, for complete salary policies):

6.1. Promotion: When a staff member is promoted to a position of increased responsibility or complexity of duties requiring a change of title and having a higher salary range, he/she will be eligible to receive a salary adjustment to the minimum level of the salary range of the new position as defined in Policy 3.5, Section 1.1. If the staff member's current salary is already at or above the minimum salary range of the new position, the hiring manager may recommend an increase in salary within the range of the new position, generally 5%.

6.2. Transfer: There shall be no change in salary in a lateral transfer.

6.3. Demotion: The salary must be adjusted to reflect a reduction in responsibilities and job duties. This salary must be reviewed with the Human Resources department and the appropriate Vice President.

Created:
Reviewed:
Revised: October, 2023

POLICY 4.18 PLACE OF WORK/STATE COMPENSATORY TIME/WORK AT HOME

SCOPE: FACULTY AND STAFF

Policy: Employees must, during normal working hours, conduct Institute business only at their regular place of business or assigned duty point unless they are on travel status or have received prior written authorization from the President of the Institute.

Application: An employee's personal residence may not be considered to be their regular place of business or duty point without the written authorization of the President of the Institute.[42]

No employee may accrue state compensatory time for work performed at any location other than the employee's regular place of employment or duty point. For compensatory time purposes, the employee's personal residence may not be considered to be their regular place of employment or duty point. The State Auditor's Leave Interpretation letter number 98-05 has issued the interpretation that an employee who is authorized to work at home does not accrue compensatory time if working on a holiday at their residence. [43]

[42] Texas Government Code, §658.010
[43] Ibid, §659.018, and State Auditor's Leave Interpretation Letter 98-05.

POLICY 4.19 EMPLOYEE TRAINING - GENERAL STATEMENT: TSUS [44]

SCOPE: FACULTY AND STAFF

Policy: The President of Lamar Institute of Technology is authorized to expend public funds for the training and education of its employees where the training or education is related to the current or prospective duty assignment of the employee.

1. Seminars and Workshops:

   1.1. Employees may take time off from regularly assigned duties to participate in seminars, workshops or similar training events of a limited duration if the employee‘s supervisor(s) determines that the seminar, workshop, or similar training events will enhance the employee‘s job performance.

   1.2. Subject to availability, funds may be expended for employee participation in seminars, workshops or similar training events of limited duration if the following conditions are met:

      1.2.1. The employee‘s supervisor has determined that the seminar, workshop, or similar event will enhance the employee‘s job performance.

      1.2.2. Reimbursable expenses incurred (i.e., attendance charges, tuition course-related materials, and travel expenses) are determined to be cost- effective.

      1.2.3. Travel request was approved by the employee‘s supervisor in advance of training.

   1.3. Travel expense reimbursement for seminars, workshops, and similar training events must meet all applicable policies, rules and statutory provisions regarding travel by state employees.

2. **Continuing Professional Education (CPE):**

Funds may be expended for continuing professional education required to maintain a professional license or certification for those positions which require such licenses or certification and for positions in which a license or certification is desirable.

3. **College Courses**:

Subject to availability of funding, employees may be reimbursed for certain college courses if the following conditions are met:

   3.1. The employee‘s supervisor has determined that the course will enhance the employee‘s job performance.
   3.2. The course is taken in accordance with the Lamar Institute of Technology Employee

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[44] The Texas State University System, Rules and Regulations, Chapter V, Section 6, State Employee Training Act, Texas Government Code, §656.048

Education and Training Plan.

4. **Restrictions on Certain Training**: (Subchapter D. Chapter 656, Title 6, Texas Government Code)

4.1. Training means instruction, teaching, or other education received by a state employee that is not normally received by other state employees and is designed to enhance the ability of the employee to perform the employee‘s job. The term includes a course of study at an institution of higher education if the employing state agency (Lamar Institute of Technology) spends money to assist the state employee to meet the expenses of the course of study or pays salary to the employee to undertake the course of study as an assigned duty. The term does not include training required either by state or federal law or that is determined necessary by the agency and offered to all employees of the agency performing jobs.

4.2. If an employee receives training, as defined in the Subchapter, and during the training period the employee does not perform the employee‘s regular duties for three or more months as a result of the training, then the employee must agree in writing before the training begins to:

4.2.1. work for Lamar Institute of Technology following the training for at least one month for each month of the training period; or

4.2.2. reimburse the agency for all the costs associated with the training that were paid during the training period, including any amounts of the employee‘s salary that were paid and that were not accounted for as paid vacation or compensatory leave.

4.3. An employee may make a written request to the President of Lamar Institute of Technology to waive the requirements in section 4.2 and release an employee from the obligation to meet those requirements. The President may authorize such a waiver if he finds such action is in the best interest of the Institute or is warranted because of an extreme personal hardship suffered by the employee.

4.4. If the employee does not provide the services required under Subsection 4.2 of this Policy, provides those services for less than the required term, or fails to make any required payments and is not released from the obligation, the employee is liable to LIT for the obligated amount, and reasonable expenses incurred in obtaining payment, including reasonable attorney‘s fees and other collection costs.

POLICY 4.20 WORKPLACE VIOLENCE

SCOPE: FACULTY AND STAFF

Policy: Lamar Institute of Technology is committed to providing a safe environment for the well-being of all individuals. Employees have a right to work in a professional, business-like atmosphere, free from physical attack, threats, intimidation, menacing and harassing behaviors. It is Lamar Institute of Technology‘s policy to ensure that employee communications and behaviors reflect high ethical standards. Lamar Institute of Technology does not condone and expressly prohibits any acts of violence against any individual on Lamar Institute of Technology premises. Nothing in this policy shall be construed as a waiver of the Institute‘s constitutional and legal immunities and defenses.

Responsibilities: It is the policy of Lamar Institute of Technology to maintain a safe environment free from violence on campus and at Institute sponsored events.

1. **Supervisors, Directors/Chairpersons, and Administrators**: The first line of responsibility for ensuring a violence free campus rests with directors and supervisors.

    1.1. Directors/Chairpersons and supervisors are responsible for making their subordinates aware of this policy and reporting mechanisms.

    1.2. Directors/Chairpersons and supervisors have the additional responsibility to implement, maintain, and monitor compliance with this policy and to take immediate and appropriate corrective action as necessary. If necessary, this action should be taken in consultation with the President and the Director of Safety.

    1.3. It is the responsibility of the Director of Safety and the President to ensure that an investigation and determination of facts is done in a way that is fair to all concerned.

2. **Employees**: It is the responsibility of all employees to maintain a work environment free of threats or acts of violence. Each employee is expected to report threats or circumstances that have the potential for threatening workplace safety especially when:

    2.1. The act, behavior, or communication is abusive and could cause another person physical or psychological harm.

    2.2. The act, behavior, or communication damages or has the potential to damage property.

    2.3. The act, behavior, or communication interferes with an employee‘s work performance.

3. **Disciplinary Actions**:

    3.1. No individual will be disciplined, penalized or otherwise prejudiced for making a complaint or participating in an investigation of the complaint.

    3.2. Any individual who knowingly makes false accusations; fails to report violations of this policy; or otherwise fails to cooperate with or facilitate an investigation is subject to disciplinary action, up to and including termination.

3.3. Once a determination is made that violent behavior has occurred or would have occurred had the intervention not taken place, the individual(s) committing the violent behavior will be disciplined and/or criminal charges will be filed. Discipline will be determined by the supervisor and approved by the Director of Human Resources and if necessary by the Director of Safety. Discipline may include termination.

Definitions:

1. **Violence**: Violence includes, but is not limited to, intimidating, threatening or hostile behavior, physical or verbal abuse, harassment, stalking, vandalism, arson, sabotage, use of weapons, possession of weapons on Institute property, the threat of any of the above, or any other act inconsistent with this policy.

2. **Harassment**: Pervasive behaviors that interfere with job performance or cause unnecessary discomfort, humiliation, or harm to another person. This includes the following examples: threats, gestures, or actions that are offensive and are not welcomed.

3. **Threats**: Threats are typically a first sign of potential violence. A threat is a communicated intent to inflict physical or mental harm on a person and/or harm property. A threat is the expression of a present or future intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating has the present ability to do harm and with regard to whether the expression is contingent, conditional, or future.

WORKPLACE VIOLENCE PREVENTION PROCEDURE:

1. **How to Report an Incident**:

   1.1. Anyone can report an incident. All employees are responsible for reporting incidents of perceived violence or threats of violence.

   1.2. Any employee who becomes aware of behavior or communication that may constitute a threat or act of violence, not deemed to be of an immediate nature, should contact the supervisor, chairperson/director, the appropriate Vice President, and the President who will contact the Director of Safety.

      1.2.1. This includes volatile situations occurring outside the workplace that have the potential for spilling over into the workplace (for example: domestic violence).

      1.2.2. The supervisor, chairperson, or director must report the incident to his/her direct administrator and to the Director of Human Resources.

      1.2.3. All reported incidents will be investigated by either the supervisor or the Director of Human Resources and the Director of Safety.

      1.2.4. All reports will be handled with strict confidentiality whenever possible.

2. **Bodily Harm/Imminent Danger**: In the event of imminent bodily harm, individuals should seek protective cover and call extension 8311 (Lamar University Police Department‘s emergency number) as soon as possible.

3. **Other Preventive Measures**: Education on how to prevent and avoid violence will be provided to employees and students through written communication and training programs.

PRESIDENTIAL AUTHORITY:
The President or his designee (first, the Vice President for Finance & Operations, second, the Vice President for Instruction; third, the Deans; fourth, the Chairs) has the right to remove a person from the Institute campus when the health and safety of the community so requires.

POLICY 4.21 TERMINATION CLEARANCE (EXIT INTERVIEW)

SCOPE: FACULTY AND STAFF

1. **Policy**: It is the policy of Lamar Institute of Technology to conduct termination clearance procedures (exit interviews) with all regular faculty and staff members prior to their leaving Institute employment due to retirement, resignation, dismissal (discharge), layoff, or other types of termination. Disposition of all personnel and payroll records will not be finalized until the faculty or staff member complies with the provisions and procedures of this policy.

2. **Faculty or Staff Member's Responsibility**: Prior to leaving the Institute, it is the faculty or staff member's responsibility to do the following.

   2.1. If resigning or retiring, submit a written resignation to the President and to the supervisor at least two (2) weeks, (two (2) months if retiring), prior to the effective date of termination, stating the reason(s) for the termination.

   2.2. Return all tools, uniforms, equipment, manuals, and other Institute property in his/her possession to the supervisor.

   2.3. Return all library materials to the Library and/or pay any outstanding library fines.

   2.4. Return all electronic and IT equipment to the IT Department.

   2.5. Settle all financial matters such as indebtedness to the Institute or return of travel credit cards with the Finance Department.

   2.6. Return all office keys and parking access cards and settle any outstanding parking tickets with the Campus Police Department.

   2.7. Visit Human Resources for an exit interview and to settle insurance and retirement matters.

3. **Supervisor's Responsibility**: Upon notification of an individual resigning or terminating employment, it is the supervisor's responsibility to do the following:

   3.1. Determine the reason(s) for resignation or termination.

   3.2. Collect all property issued to the employee such as tools, uniforms, equipment, credit cards, manuals, etc. All keys must be returned to Facilities Management.

   3.3. Initiate the required F3.6 - Vacation Sick/Leave report and the Employee Exit checklist forms and instruct the employee of all exit requirements.

   3.4. Notify LIT Information Technology to deactivate all passwords of the employee and close all technology accounts.

   3.5. If necessary, see that locks are changed.

   3.6. After approval by the President, forward immediately to Human Resources a

Personnel Action Form (F3.2) to remove the employee from payroll and to notify Human Resources of the employee's termination.

4. **Human Resource Responsibility**: Human Resource Services is responsible for conducting a final exit interview with the terminating faculty or staff member to do the following:

   4.1. Further determine why the employee is leaving the Institute and to uncover sources of job dissatisfaction, if any.

   4.2. Ensure completion of institutional exit procedures, collecting items not already returned to the Department.

   4.3. Inform the employee of insurance benefit continuation or conversion and retirement plan refunds.

   4.4. Ensure that the employee's supervisor completes and returns to Human Resources all necessary forms.

   4.5. Notify Payroll to release the employee's final paycheck after clearance is obtained from the offices/departments named in Section 2 of this policy.

5. **Job Abandonment**: An employee is deemed to have abandoned his/her job when for a period of three consecutive work days the employee has been absent from work and failed to report those absences to his or her direct supervisor. In such instances, LIT will assume the employee has voluntarily abandoned their job and will be processed as a voluntary termination with an effective date of the last date that the employee actually reported to work. The direct supervisor will submit to Human Resources exit paperwork accordingly and all information systems accounts, passwords, credit cards and telephone accounts will be deactivated.

Created:
Reviewed:
Revised: October, 2023

POLICY 4.22 REEMPLOYMENT AND REINSTATEMENT

SCOPE: STAFF

1. **Policy**: It is the policy of the Institute to favor reemployment of former employees who performed satisfactorily when previously employed and who are eligible for rehire, if doing so will benefit the employing department and the Institute.

2. **Reemployment**: Reemployment is the rehiring of a former employee, with the President's approval, who performed satisfactorily and is eligible for rehire to a vacant position within the Institute. Individuals may be reemployed if they have voluntarily resigned in good standing or have completed temporary employment in good standing. Individuals may be reemployed after discharged if, after consultation with the discharging department, it is the opinion of the Director of Human Resources that reemployment will not be detrimental to the Institute. The President has final approval.

   Individuals discharged for cause must have successfully completed eighteen (18) months of documented outside employment before they will be allowed to seek employment at Lamar Institute of Technology.

3. **Reinstatement**: Under specified circumstances, former employees may be reinstated to fill vacancies in the same position, or one of like pay and status held immediately prior to their separation. Reinstatement restores any benefits and service credits accrued at the time of separation in accordance with sections of the General Appropriations Act and rulings of the State Auditor. Employees who may receive reinstatement privileges are:

   3.1. Those individuals who have been involved in a temporary or seasonal layoff without fault on their part;

   3.2. Those individuals who have been on an approved leave of absence without pay and are returning to work;

   3.3. Those individuals who have been discharged and the discharge is not upheld; or

   3.4. Those individuals who have entered the Armed Forces of the United States by either Selective Service or enlistment and meet the requirements as outlined in the Reinstatement of Veterans provisions of the Military Selective Service Act and Article 62524a and 4b, Vernon's Annotated Civil Statues and,

   3.5. Those individuals who have been removed from a regular position in accordance with the Retrenchment Policy.

POLICY 4.23 EMPLOYMENT OF NON-CITIZENS [45]

SCOPE: FACULTY AND STAFF

1. **Purpose**: To comply with the provisions of the United States Immigration Laws governing the employment of immigrant and non-immigrant aliens (non-citizens).

2. **Policy**: It is the policy of the Institute to employ immigrant and non-immigrant aliens within the provisions of applicable federal laws and regulations. Immigrants are those who have been granted permanent resident status, but who are not United States citizens. Non-immigrants or aliens are those individuals who are admitted temporarily for purposes and periods of time. Immigrants (permanent residents) can engage in all forms of employment.

3. **Non-immigrant or Alien Status**: Non-immigrants who wish to be employed by the Institute must provide documentation of current work eligibility issued by the United States Citizenship and Immigration Service (USCIS). The Institute will not be responsible for the Alien‘s application for work eligibility. Below are the most common types of work eligibility visas granted:

   3.1. International students with F-visas: International students are aliens temporarily admitted to this country under United States Citizenship and Immigration Service (USCIS) rules, to study at a recognized educational institution approved by the Attorney General of the United States. International students can be identified by the symbol F-1 which appears on their visas (F-2 for spouses and children).

   International students who are taking a full course of study may be offered on campus employment pursuant to the terms of a scholarship, fellowship, or assistantship deemed to be part of their academic program if related to their course of study. International students do not require USCIS permission to accept this kind of on-campus employment; however, the student's employment must not displace a United States citizen or permanent resident.

   International students on F-1 status may, upon completion of their studies, apply for permission for employment for purposes of "practical training." Students who have been granted "practical training" status by USCIS may be employed in any position related to their field of study and only for the period of authorization.

   The F-1 visa normally limits the number of hours international students may work to twenty (20) hours per week on campus during academic sessions. During the summer or other vacation periods, international students may work up to forty (40) hours per week. In order to work on campus at this Institute, the student must be enrolled at the institute. Spouses or children with F-2 visas may NOT be employed by the Institute.

   3.2. **Non-immigrants with J-visas**: Non-immigrants with J-1 visas (J-2 for spouses or

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[45] Immigration and Nationality Act, as amended; The Mutual Educational and Cultural Exchange Act of 1961; IRS Publication 518, Foreign Scholars and Educational and Cultural Exchange Visitors; IRS Publication 519, United States Tax Guide for Aliens Immigration Reform and Control Act of 1986

children) are students, scholars, trainees, teachers, professors, research assistants, specialists or similar persons temporarily admitted to this country under USCIS rules, to participate in a program designated by the Secretary of State.

Non-immigrants with J-1 visas may be employed by the Institute if permission to work is obtained from their sponsors.

Spouses or children with J-2 visas must have permission of USCIS to seek employment in the United States before they may be employed by the Institute.

3.3. Non-immigrants with H1B visas: Individuals with H1B visas are admitted to the United States as "workers of distinguished merit," "temporary workers," or "trainees." Their employment will terminate if their visa status changes such that they are no longer eligible to work under USCIS rules.

4. **Benefit Eligibility**: Non-citizens who are employed are eligible for the same benefits as are other employees of comparable positions.

   Non-immigrants on F-1, who have been authorized to work MAY not be subject to social security withholding (FICA). All non-immigrants must pay income tax withholding.

   Non-immigrants on H-visas are subject to social security taxes and income taxes.

5. **Form I-9**: To ensure that a prospective employee is a citizen of the United States or has authorization to work in the U.S., an agency must verify the identity and employment eligibility of, and complete Form I-9 for, all employees hired.

   5.1. Verification is required for only those applicants who are hired.

   5.2. Form I-9 must be completed within three business days of hire. If the individual is unable to present the required documentation within the three-day period, the individual must present a receipt(s) reflecting his or her application for acceptable documentation within three business days of hire and present the documents within 21 business days of hire.

   5.3. Non-immigrants or aliens will not be hired until documentation has been submitted to the Office of Human Resources verifying their current work authorization.

6. **Institute Responsibility for Change of Status or Extension of Visa's**: The Institute will assist the international employee applying for a change of status or extension by providing the requested verification of employment or wage determination. The Institute will not be responsible for the completion of the application. This is the responsibility of the international employee.

POLICY 4.24 RETRENCHMENT

SCOPE: NON-FACULTY STAFF

1. **Policy**: The Institute endeavors to provide stable employment to all employees. Situations including, but not limited to, budgetary constraints, a lack of work, reorganization, reductions in legislative appropriations, legislatively mandated reductions in positions, significant loss of enrollment or a change in technologies may require a reduction in the work force or a reduction in hours worked to assure the continued quality and efficiency of the Institute.

2. **Retrenchment Procedures:** The President will designate the departments or functional areas of reductions. The department administrator and appropriate Vice President will determine the level at which reductions in staff will have the least detrimental effect on institutional operations and shall specify the reduction of personnel accordingly. All non-regular employees of the designated areas will be affected before any regular employees.

   This decision is to be based on the operation of the job functions, not on the attributes or seniority of the incumbent. If there are several positions providing the same or similar function, the retrenchment shall be determined by performance rating.

3. **Notifications:** Staff members will receive notification of change in employment status not later than thirty (30) days prior to the date of the actual change.

4. **Employee Options:** A regular staff member who has received a notification of lay off may elect one of the following options. The displaced employee shall report within a week of notification to the Human Resources Office for counseling and assistance.

   4.1. The displaced employee may elect to seek employment in vacant positions for which he/she is qualified by submitting an application for that position.

      4.1.1. The Human Resource Manager may notify the hiring department of the availability of the displaced employee. If the hiring department wishes, the displaced employee may be interviewed prior to the advertising and recruitment.

      4.1.2. The receiving supervisor will determine if the displaced employee is to be offered the vacant position. The placement must be agreed upon by both the hiring supervisor and the displaced employee. Failure to accept an extended offer will negate further rights under this policy.

   4.2. Accept the laid off status as of the effective date.

   4.3. Submit a notice of resignation from employment to be effective no later than the layoff date (resignation will waive eligibility for layoff and notification rights).

   4.4. Elect retirement if eligible (retirement waives eligibility for layoff and notification of rights).

5. **Benefits Eligibility:** The following rules concerning benefits will apply to regular staff members who have been laid off:

   5.1. Payment for all accrued vacation leave will be made if the employee has not been rehired by the Institute or any other State agency.

   5.2. Sick leave balance at the time of layoff will be restored if the employee is rehired by the Institute (or any State agency) within twelve (12) months to a regular position.

   5.3. At the request of the employee, current group insurance coverage may be retained for eighteen (18) months under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The employee must pay the total monthly premium for the coverage.

   5.4. Time spent in layoff status will not count toward total State service, longevity, seniority or retirement.

6. **Recall**: The Office of Human Resources will maintain a list of the regular staff members who have been laid off. Regular employees will be eligible for recall should the eliminated position be reinstated for a period of three (3) months from the date they were laid off.

   6.1. The Institute will attempt to notify the employee of the vacancy either by telephone or by mail sent to the employee‘s last known address. The employee shall respond in person or mail and submit an application for the vacancy not later than the fifth working day after receipt of the Institute notification. The employee is responsible for keeping the Institute informed of the employee‘s current address. If an employee cannot be located, does not respond to notice prior to the closing date of the vacancy, declines an interview for a position at the previous classification level held, declines a job offer, or becomes gainfully employed outside the Institute, the employee‘s name will be removed from the recall list and any remaining layoff benefits and recall rights will be forfeited.

   6.2. Recalled employees who are placed in positions for which they qualify will be paid at the rate budgeted for the position at that time.

POLICY 4.25 PERFORMANCE EVALUATION

SCOPE: FACULTY AND STAFF

1. **Scope and Purpose**

   1.1. The employee performance evaluation is a tool of management and not an end in itself. Ratings can be a positive means in assisting staff personnel in improving job performance. It affords management an opportunity to make known to staff personnel the objectives and goals of the department and of the Institute.

   1.2. The employee performance evaluation should be conducted on an annual basis or more frequently as appropriate. The employee performance evaluation should not reflect personal prejudice, bias, or favoritism on the part of those conducting the ratings or reviews. The results of such an evaluation procedure should be used to assist management in:

      1.2.1. Determining faculty/staff personnel deserving of merit pay increases.

      1.2.2. Providing constructive feedback to faculty/staff. This feedback should recognize exceptional performance, good performance, or performance deficiencies.

      1.2.3. Determining training opportunities and needs of the faculty/staff, where improvement is needed, and establishing remedial plans when needed.

2. **Application of Policy**

   2.1. These rules and procedures are applicable to all faculty/staff personnel.

   2.2. The Office of Human Resources is authorized to assist in the development and the preparation of department guidelines and forms utilized in the performance evaluation system.

3. **Required Procedures**

   3.1. The Institute shall establish a system of employee performance evaluation that reflects an impartial rating of an employee‘s performance.

   3.2. Each employee shall be evaluated by his/her immediate supervisor and the results must be reviewed with the employee by the supervisor. The supervisor doing the evaluating must have first-hand knowledge of the performance of the employee during a major portion of the rating period. The evaluation will be forwarded to the next level.

   3.3. All new staff employees other than temporary appointees and/or student employees shall undergo a Performance Evaluation upon completion of six (6) months of service following a new appointment, and annually thereafter. All new full-time faculty employees shall undergo a Performance Evaluation upon the completion of their first teaching semester and at least annually at the completion of every Spring semester thereafter. At other times, special evaluations may be conducted for the purpose of improving or recognizing performance.

3.4. As an integral part of the probationary/annual Performance Evaluation, the immediate supervisor is to discuss the rating with the employee. If the employee receives the rating of “Needs Improvement” the supervisor and the employee shall establish an action plan designed to improve the performance. Such employees may be reevaluated within sixty (60) calendar days, and a new rating should be given at this time. The evaluation and the recommended sixty (60) calendar days are not disciplinary probation.

Created:
Reviewed:
Revised: October, 2023

POLICY 4.26 VOLUNTEER EMPLOYEES

SCOPE: FACULTY AND STAFF

1. If occasion should arise where an unpaid volunteer is to be used by any Institute department, the following policies and procedures shall apply:

    1.1. A job description detailing the tasks and responsibilities of the volunteer shall be developed and submitted to the President.

    1.2. A waiver of compensation shall be completed and signed by the volunteer employee. A copy of this waiver is to be retained by the employee; another copy is to be retained by the department; and the original waiver is to be submitted to the Human Resources department with the volunteer job description.

2. Volunteer employees are not to be offered compensation and are not eligible for benefits.

POLICY 4.27 RECRUITMENT PLAN

SCOPE: FACULTY AND STAFF

Policy: Lamar Institute of Technology undertakes a program of affirmative action to which good faith efforts will be directed for achievement of the following:

1. Determination of the extent to which minorities, women and others are underutilized in all job categories.

   The Office of Human Resources will prepare a report to the President which will present the diversity of the Institute workforce and identify areas of underutilization.

2. Identification and elimination of any employment practices which impact has been adverse on minorities, women and others protected by applicable law and which relationship to job performance has not been clearly established. If such employment practices are identified, they will be replaced by others which are based on merit and valid job qualifications.

   The office of Human Resources will provide hiring departments with informational packets with each set of applications. Included in this informational packet will be an Interview Guide, the Staff Hiring Process, and directions for developing the screening matrix.

   The Human Resource Manager or designee will meet with the Search Committee upon request and work with the committee members.

3. Development, through special recruitment efforts and other measures, of applicant pools that reflect the diversity of the population of the State of Texas.

   All vacancies will be announced by the Office of Human Resources. The vacancies will be publicized in the EMPLOYMENT BULLETIN, on the Human Resources Hot Line, on the Human Resources and Lamar Institute of Technology web sites, and throughout the Institute. When requested the vacancies will be advertised in other media. The EMPLOYMENT BULLETIN is distributed to the Texas Workforce Commission and through a number of minority organizations which have approved the sending of the announcements.

   Faculty, professional, and administrative positions will be advertised on the web site, www.HigherEdJobs.com by the Office of Human Resources The search committees may announce the vacancy in professional journals and web sites.

4. The applicant pools of all positions will be reviewed to determine the diversity of the pools.

   The Associate Vice President for Human Resources reviews the applicant pool of all staff positions and the qualifications of minority and female candidates prior to approving the hiring of the recommended candidate. The Vice President for Academic Affairs is responsible for reviewing the applicant pool for faculty positions prior to recommending the selected candidate to the President.

Created:
Reviewed:
Revised: October, 2023

POLICY 4.28 EMPLOYEES AS VOLUNTEERS

SCOPE: FACULTY AND STAFF

This policy establishes guidelines for Lamar Institute of Technology employees to volunteer as mentors/tutors at LIT, within local school districts and/or nonprofit agencies. The following conditions apply:

1. A full-time, regular employee of LIT may volunteer to serve as an unpaid volunteer during his/her normal working hours at LIT or at a local public or private school and non-profit organizations. The maximum length of time an employee may be reassigned for this activity is two hours per week, including any travel time. The time may be used only during the week of approval.

2. An employee who wants to participate in a volunteer program must complete the “Request and Verification for Reassigned Time to Volunteer” by obtaining the permission of his/her supervisor and the appropriate vice president.

3. An employee who receives reassigned time will not be approved for compensatory time or overtime within the same week. (Note: Work week at LIT will begin on Saturday and end on Friday.)

4. Each week that he/she participates, an employee will have the time spent in a volunteering activity verified and recorded on the “Request and Verification for Reassigned Time to Volunteer” Time reassigned for volunteering shall be reported as time at work in accordance with the established payroll procedures.

5. The Lamar Institute of Technology will pay no mileage or any other costs associated with the volunteer activity.

6. The employee’s immediate supervisor will maintain the official files of all employees who volunteer. The form shown on the next page can be located on the LIT form file.

LAMAR INSTITUTE OF TECHNOLOGY

Request and Verification for Reassigned Time to Volunteer

Full-time, regular employees of LIT may volunteer to serve as unpaid for non-relatives during their normal working hours at LIT.

The maximum length of time an employee may be reassigned to volunteer shall not exceed two (2) hours per week, including any travel time. The time approved may be used only in the approved week. Employees who receive reassigned time will not be approved for compensatory time or overtime within the same week. No mileage or any other associated costs will be paid for this activity.

Employees who volunteer must have the reassigned time verified by the supervisor on this form**. This form must be submitted to the employee's immediate supervisor each week that reassigned time is requested**. The supervisor shall maintain these records.

PART I - APPROVAL

I request permission to volunteer in an approved program at_____from___to _.
(Name of Agency) (Date) (Date)
During my normal working hours as agreed by my supervisor. I will be working in_____
(Name of Program) Employee's Signature_____Date___ Supervisor's Signature____Date___
Appropriate Vice President / Department Chair's Signature_____Date
The appropriate LIT Vice President / Department Chair is the final signatory for this request for reassigned time.
The final signatory should sen~~d the original to the employee and a copy to t~~he supervisor.

PART II - APPROVAL

The employee takes the approved form to the supervisor of the volunteer activity for verification at each session for the week.
This is to verify that__from LIT is participating in an approved volunteer program
(Name of Employee)
at_____in the_program.
(Name of Agency) (Name of Program)

Date of Volunteering	Time	Signature and Title of Program Supervisor	Program Supervisor's Phone Number

The employee's supervisor should keep the original of this form for his/her file after Part II, Verification, has been completed.

POLICY 4.29 EMPLOYMENT VISAS AND PERMANENT RESIDENCY

SCOPE: FACULTY AND STAFF

Issued: September 1, 2009

1. **Purpose**: The purpose of this policy is to provide information and guidelines related to filing petitions for Federal employment authorization of non-immigrants. Non-immigrants make a great contribution to the institutional mission of Lamar Institute of Technology. Therefore, departments and other Institute offices in which these individuals are employed or where proposed employment is identified must be aware of Institute procedures for processing these petitions. Provided below is a general overview of approved procedures for filing these petitions. Department heads should ensure that individuals in their areas who are involved in hiring employees or processing related paperwork are provided with this information.

   1.1. In order to comply with the provisions of the Immigration Reform and Control Act, Lamar Institute of Technology may not employ individuals who are not authorized to work in the United States.

   1.2. Petitions submitted on behalf of Non-immigrants must fully comply with Federal laws and regulations of the Department of Labor (DOL) and The Department of Homeland Security (DHS).

   1.3. Petitions for Federal employment authorization must serve to support the mission of the Institute.

   1.4. In good faith, Lamar Institute of Technology is committed to filing temporary and when appropriate permanent employment authorization petitions on behalf of all full-time faculty and staff.

   1.5. Requests for temporary and permanent employment authorization for other faculty positions and for staff positions shall be evaluated on a case-by-case basis. Part-time positions are not eligible for petition-based employment authorization.

   1.6. The Human Resources Office on behalf of Lamar Institute of Technology facilitates the preparation and filing of petitions for temporary employment authorization for non-immigrants or recommends cases for processing by board certified immigration attorneys. The office does not provide legal advice or assist in negotiations of salary, conditions of employment or payment of fees for filing petitions.

   1.7. Board-certified immigration attorney‘s working on behalf of Lamar Institute of Technology may facilitate the preparation and filing of petitions for permanent employment authorization for non- immigrants. These attorneys are board-certified to practice immigration law and have been authorized by the Texas State Attorney General‘s Office to assist in the filing of petitions on behalf of the Institute as the need arises. This authorization is maintained through the Texas State University System Office. Utilization of outside attorneys is based on the type, demand and complexity of petitions or the availability of resources.

2. **Definitions**:

2.1. **Petition**: The completed appropriate U. S. government form or forms and required supporting documentation, signatures, and associated fees submitted to the appropriate agency of the DHS for the purpose of employing a non-immigrant. Lamar Institute of Technology is considered the petitioner for all employment-based authorization petitions submitted by the Institute.

2.2. **Non-immigrant**: A person who has been lawfully admitted to the United States for a temporary period and for a specific purpose. Non-immigrants may be employed in the U.S. only if permission to work has been authorized by the DHS.

2.3. Immigrant or Permanent Resident: A person who has been lawfully admitted to the United States to reside and work unrestricted on a permanent basis; sometimes referred to as lawful permanent resident, resident alien, or green card holder.

2.4. Beneficiary: The employee or prospective employee of Lamar Institute of Technology for whom the Institute is filing a petition.

2.5. Department Chair or Representative: An employee of Lamar Institute of Technology who is appointed by his or her department and is responsible for completing forms and compiling the supporting documentation and any other required forms and documentation and forwarding them to the preparer.

2.6. Preparer: The Lamar Institute of Technology employee or immigration attorney assigned to the case that complies and submits petitions to the appropriate government offices.

2.7. H-1B: A non-immigrant category for the temporary employment of a non-immigrant who performs services in a " specialty occupation" by a specific employer. A specialty occupation requires the theoretical and practical application of a body of specialized knowledge and a bachelor's degree or the equivalent in the specific specialty. H-1B employment authorization is granted by petitioning the U.S. Citizenship and Immigration Services (USCIS), an agency of DHS, by submission of Form I-129.

2.8. Prevailing Wage: The prevailing wage rate is defined as the average wage paid to similarly employed workers in the requested occupation in the area of intended employment as determined by the Texas Workforce Agency.

2.9. Labor Condition Application: The Form ETA 9035E Labor Condition Application (LCA) is required by the Department of Labor for all H-1B petitions and includes attestations regarding hiring practice, employment notification and prevailing wage requirements.

2.10. Legal Permanent Residency: Legal Permanent Residency (LPR) is the process whereby a nonimmigrant becomes an immigrant and receives permanent resident status to live and work in the U.S. For employment-based LPR, A Form I-140 petition is submitted by the employer to request an immigrant visa on behalf of a beneficiary. Upon approval of the I-140 petition, the beneficiary submits a Form I-485 application to adjust their status from non- immigrant to immigrant.

2.11. Permanent Employment Certification: The Form ETA 9089 Permanent Employment Certification (PERM) is required by the Department of Labor as the first step for most employment-based immigrant visa petitions. If the certification involves a job offer as a

college or Institute professor, the employer shall submit documentation to show clearly that the employer selected the nonimmigrant for the job opportunity pursuant to a competitive recruitment and selection process, through which that person was found to be the most qualified candidate. Specific advertising and recruitment steps are necessary for PERM. The requirements for selection include minimum education, experience, specialized knowledge, etc., necessary for the job, and a salary that is considered at “prevailing wage” for the position.

2.12. Selection Date: For the purpose of filing an LCA for a prospective faculty member, the selection date is the date the candidate is approved for hire by the Texas State University System Board of Regents. PERM certifications must be submitted to the DOL within 18 months of selection date.

2.13. Lamar Institute of Technology does not submit petitions for part-time H1-B workers due to the complexity involved in monitoring requirements for part time H1B workers.

2.14. The H-1B status may not be used for the post-doctoral positions that will be employed part time. F-1 (post-doctoral student or J-1 (Exchange Visitor) status are used for these positions. Applications for changing from one status to another can take several months, so planning ahead is crucial if a change of status will be necessary in order to employ a part-time doctoral candidate. Contact the International Student Services office for assistance.

3. **General Information Related to Petition Processing**

3.1. Prior to making the request for the filing of a petition, the Department Chair should ensure that he/she understands Lamar Institute of Technology employment policies and procedures related to the prospective position that is to be filled. Failure to carefully follow Lamar Institute of Technology employment policies can jeopardize the process of filing a petition.

3.2. The department proposing to hire the non-immigrant should discuss the issue of work authorization with the prospective employee early in the process. For appropriate guidance to ensure the protection of a job applicant‘s rights, consultation with Human Resources is advised.

3.3. When a non-immigrant candidate has been selected for employment, the Department Chair unit should notify the Human Resources Office of their intent to hire a non-immigrant and have the finalist complete the Non-Immigrant Questionnaire and submit it to Human Resources.

3.4. Upon notice and receipt of the Non-Immigrant Questionnaire, Human Resources will forward information to the immigration attorney where it is determined if the prospective non- immigrant is employable in their current status or, if not, determines the appropriate employment authorization petition necessary for employment.

3.5. If an outside attorney is recommended by Human Resources, then the Human Resources Office will contact the attorney to initiate the process. Copies of all correspondence between the beneficiary and the attorney should be sent to Human Resources.

3.6. Upon notice and receipt of the required forms, the Department Chair completes and

returns the forms to the preparer. Once the petition and required documents are complete, the preparer forwards them to Human Resources for review.

3.7. Filing a petition does not guarantee that the petition will be approved. After a petition is submitted, the approval of a petition and processing is solely determined by DHS. Hiring departments must be aware of expiring work authorization dates.

3.8. Human Resources will inform the beneficiary‘s department within 90, 60 and 30 days of the expiration of the beneficiary‘s work authorization so that steps can be taken to file an extension of the work authorization, if necessary.

3.9. The Department Chair will notify the Human Resources office upon the termination of any H-1B employees so that Human Resources can inform USCIS as required by law.

4. **H-1B Temporary Worker Petitions for Employment of Non-Immigrants**

4.1. This section of the policy regarding H1-B will be effective 9/1/09.

4.2. The preparer on behalf of the Institute files petitions related to H-1B Temporary Worker employment authorization using Form I-129. Form ETA-9035E Labor Condition Application, and other supporting documentation.

4.3. The beneficiary may not complete forms I-129 or ETA-9035E.

4.4. For H-1B petition, the hiring unit: 1) must pay the prevailing wage for the position; 2) must certify that funding is available for the period of employment requested and 3) is responsible for the return transportation if the non-immigrant is terminated for any reason.

5. **Permanent Resident Petitions**

5.1. The preparer on behalf of the beneficiary files petitions related to Legal Permanent Residency (LPR) using Form I-140 and the associated Form ETA-9089 Labor Certification Application and other associate’s forms.

5.2. The beneficiary may not complete Form I-140.

5.3. The Institute, as the employer, may not seek or receive payment “ of any kind for any activity relating to obtaining permanent labor certification, including payment of the employer‘s attorney‘s fees” per Chapter V, Title 20, Code of Federal Regulations—Part 656 Labor Certification Process for Permanent Employment of Aliens in the United States. §656.12 improper commerce and payment.

5.4. The appropriate offices must review job postings that are related to filing the petition. Human Resources should review and approve all faculty and staff position postings.

5.5. Following the submission of the I-140, the beneficiary may apply for adjustment of status using form I-485 and the beneficiary may also apply for a non-immigrant visa at a U. S. embassy or consulate. Lamar Institute of Technology is not responsible for processing the adjustment of status or immigrant visa applications. The beneficiary

may wish to seek assistance from a board-certified immigration attorney for these

applications.

5.6. For LPR petitions, the hiring unit must pay, or be prepared to pay, the prevailing wage for the position.

5.7. The hiring department should make requests to LPR petitions after 12 months of progress toward tenure.

6. **Payment of Fees Related to Filing Petitions**

6.1. Lamar Institute of Technology pays fees related to filing petitions for the beneficiary as the cost of doing business. This includes the cost of premium processing (See 6.7), if premium processing is necessary. The Lamar Institute of Technology, department or office hiring the prospective employee is responsible for costs related to the filing of petitions.

6.2. The beneficiary pays fees related to filing petitions for the beneficiary‘s dependents.

6.3. The beneficiary pays fees related to filing Form I-485.

6.4. The Institute office or department responsible for paying for petition related fees must request the Accounting Office at Lamar Institute of Technology to create checks as required for payment of fees related to a petition. The office or department that is paying for fees related to filing the LCA or petition must forward the checks as instructed to Human Resources.

6.5. The hiring department should inform the prospective employee regarding the payment of fees.

6.6. The beneficiary pays attorney fees, except for those instances indicated in 6.1.

6.7. Because of processing backlogs and unpredictability of processing times at DHS service centers, DHS offers premium for expedited processing of H-1B petitions. The cost of this service, as of 2008, is an additional $1000. Although DHS indicates that approval of the petition occurs within 15 days of receipt, the application process may take longer because of the complexity of the process and Department of Labor requirements.

7. **Petition Recordkeeping**

7.1. Files related to the filing of petitions are housed in the Human Resources Office.

7.2. Public access files are housed in the Human Resources Office.

8. **Applicable Federal Rules and Regulations**

8.1. Federal Register, Vol. 69, No. 247, Monday, December 27, 2004, Rules and Regulations, Page77387, §656.1 and §656.2.

8.2. Federal Register, Vol. 72, No. 95, Thursday, May 17, 2007, Rules and Regulations, page 27945, §656.12.

POLICY 4.30 TERMINATION AND DUE PROCESS PROCEDURES

SCOPE: FACULTY

Termination of the employment of a tenured faculty member and of all other faculty members before the expiration of the stated period of their appointment, except by resignation or retirement, will be only for good cause shown.

1. **Good cause includes but is not limited to the following**:

    1.1. Failure to work efficiently or effectively;

    1.2. Insubordination;

    1.3. Serious professional or personal misconduct, examples of which include:

        1.3.1. Commission of a misdemeanor involving moral turpitude, or a felony;

        1.3.2. Failure to secure and maintain Federal, State, or local permits required in the discharge of teaching, research, or other professional duties, including failure to maintain appropriate documentation;

        1.3.3. Willful destruction of property or violent disruption of the orderly operation of the campus;

        1.3.4. Violation of the System‘s ethics policy (Chapter VIII of the TSUS Rules and Regulations), including acceptance or solicitation of gifts that might tend to influence the discharge of one‘s professional responsibilities;

        1.3.5. Stealing and publishing as one‘s own the intellectual property of another;

        1.3.6. Misuse or misappropriation of state property, resources, funds, including funds held by a faculty member as part of official duties;

        1.3.7. Sexual harassment, as defined by Section 4.4 of Chapter VII of the TSUS Rules and Regulations; and,

        1.3.8. Racial harassment as defined by Section 4.3 of Chapter VII of the TSUS Rules and Regulations.

    1.4. Professional incompetence and/or neglect of professional duties;

    1.5. Mental or physical disablement of a continuing nature adversely affecting to a material and substantial degree of the performance of duties or the meeting of responsibilities to the institution, or to students and associates;

    1.6. Illegal use of drugs, narcotics, or controlled substances. A faculty member who, by a preponderance of the evidence, under the TSUS Rules and Regulations, is found to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension or other discipline as determined by the

President or the President's designee. That an employee is charged in a criminal case, or is found "not guilty" therein, shall not be construed as prohibiting administrative enforcement of the TSUS Rules and Regulations. If, in the judgment of the President or the Board of Regents, the best interests of the students or Lamar Institute of Technology, or the System so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings; and,

1.7. Intentionally or knowingly violating any Board or administrative order, rule, or regulation, including the provisions of Chapter V, Section 2.144 of the TSUS Rules and Regulations. The employee is presumed to have knowledge of such Board or administrative order, rule, or regulation that is published in the TSUS Rules and Regulations, or is a published policy of Lamar Institute of Technology.

2. **Suspension**: The President may, for good cause, suspend an accused faculty member pending immediate investigation or speedy hearing as hereinafter provided when the continuing presence of the faculty member poses a danger to persons or property or an ongoing threat of disrupting the academic process. An employee who is suspended or discharged from a particular duty or job at Lamar Institute of Technology may be suspended or discharged from all other duties or jobs at Lamar Institute of Technology for the same or other good cause. The President shall, as soon as possible, notify both the Chancellor and the Vice Chancellor and General Counsel of any such actions.

3. **Summary Dismissal**: In cases of good cause where the facts are admitted by the faculty member, summary dismissal may follow.

4. **Hearing Tribunal**: In all cases where the facts are in dispute, the accused faculty member shall be informed in writing of the charges which, on reasonable notice, will be heard by a special hearing tribunal whose membership, including its chair, shall be appointed by the President from members of the faculty whose academic rank is equal to or higher than that of the accused faculty member. At such a hearing:

4.1. The hearing tribunal shall not include any accuser of the faculty member. The faculty member may challenge the alleged lack of fairness or objectivity of any tribunal member, provided such challenge is made prior to the submission of any evidence to the tribunal. The faculty member shall have no right to disqualify such member from serving on the tribunal. Each such challenged member shall determine whether he or she can serve with fairness and objectivity in the matter. In the event the challenged member chooses not to serve, the President shall appoint a substitute.

4.2. The faculty member shall have a right to attend the hearing; confront and cross-examine adverse witnesses; present relevant evidence on his or her own behalf; testify or choose not to testify; and, be assisted or represented by counsel. The hearing shall be closed although the faculty member may request that it be open to the public. Notwithstanding a faculty member's request, the tribunal may close all or a portion of a hearing to deliberate or if it appears likely that privacy interests of others are relevant and could be affected by an open hearing.

4.3. Lamar Institute of Technology, through a representative and/or through counsel, shall

have the right to attend proceedings; present witnesses and evidence against the faculty member; and, cross-examine the faculty member (if the faculty member testifies) and his or her witnesses.

4.4. The hearing tribunal, by a majority of the total membership, shall make written findings on the material facts and a recommendation of the continuance or termination of the faculty member‘s tenure as well as any supplementary suggestions it may have concerning the case. The original of such findings, the recommendation, any supplementary suggestions, and the record of the hearing shall be delivered to the President and a copy thereof sent to the faculty member. Any minority findings, recommendations, or suggestions shall be distributed in the same manner.

4.5. Review by President. The President shall review the record, plus any additional written briefs the parties which to submit, and render a decision, stating his or her reasons therefore in writing and communicating the same to the faculty member. The President may recommit the matter to the same tribunal to hear additional evidence and/or to reconsider its findings, recommendations, and suggestions if any. The original finding, recommendations, and suggestions of the hearing tribunal, a transcript of the hearing, any briefs submitted, and the decisions, recommendations, findings, and suggestions of the President shall be delivered to the Board.

4.6. Appeal to the Board. Upon written request by the faculty member, received in the TSUS System Administrative Office within thirty (30) calendar days of the faculty member‘s receipt of the President‘s decision, the Board shall review the record before it. Such request should specifically address any defects in procedure or substance which require reversal of the President‘s decision. The President may submit a written response to the request for review. By a majority of the total membership, the Board may approve, reject, or amend any decisions, findings, recommendations, and suggestions before it, or recommit the matter to the President for reconsideration or the hearing of additional evidence. The Board shall notify the faculty member in writing of the reasons for its decision.

5. **Termination of Faculty Employment Under Special Circumstances**: If, in the judgment and discretion of the Board, reductions in legislative appropriations for faculty salaries; governmentally mandated reductions in faculty positions; significant loss of enrollment; consolidation of departments or other reorganization; dropping of courses, programs, or activities for educational or financial reasons; or financial exigency make such action advisable, the employment of a faculty member who has been granted tenure or of any other faculty member before the expiration of the stated period of his or her employment, may be terminated in accordance with the provisions of this Section.

5.1. A faculty member whose employment will be recommended for termination under this section shall be given:

5.1.1. a statement of the basis for the decision to terminate the faculty member‘s employment, together with a description of the manner in which the recommendation of termination was made;

5.1.2. access to the information and data upon which the recommendation was based; and,

5.1.3. an opportunity to respond consistent with the requirements of due

process

5.2. In cases involving the termination of faculty employment under the provisions of this Section, the guidelines to be used to identify faculty members in a designated program whose employment will be recommended for termination shall include the following:

5.2.1. Whenever possible, faculty reduction will be accomplished through attrition;

5.2.2 Within a designated program, the termination of the employment of a faculty member with tenure may not be recommended in favor of retaining a faculty member without tenure unless:

5.2.2.1. The removal of a non-tenured faculty member would eliminate an essential part of a program or render a program dysfunctional; or,

5.2.2.2. The removal of a non-tenured faculty member who is deemed to be of equal or greater merit than a tenured faculty member would jeopardize the advances achieved by Lamar Institute of Technology under its diversity program.

5.3. A faculty member recommended for termination under the provisions of Section 5 should be given the opportunity for appointment in a related area provided: (a) the faculty member is qualified professionally to teach in such area or is willing to undergo the appropriate professional retraining that will qualify him or her to do so; and (b) a position is available.

5.4. A faculty member whose position has been terminated will be given first consideration for rehiring, should the position be re-established within a three- year period.

POLICY 4.31 APPOINTMENT OF PROGRAM DIRECTORS

SCOPE: FACULTY

Policy: The appointment of Program Directors shall be the responsibility of the Provost, Dean of Instruction, and the Department Chair with oversight responsibility for the program. The need for a program director is a decision based upon several criteria including, but not limited to 1) requirement of an external accrediting agency, 2) requirement of a program accreditation standard, 3) number of student majors, 4) number of faculty within a program, 5) number of courses scheduled by semester, 6) level of oversight of all program facilities, 7) level of oversight regarding the safety of students, 8) external learning sites established by the program, 9) responsibilities of the program director, 10) associate degree and certificate programs, 11) a campus and off-site clinical facility that provides services to the public and 12) overall program management.

Approved by President's Council: November 18, 2013
Effective Date: January 1, 2014
Reviewed: November 20, 2023
Revised: November 20, 2023

POLICY 4.32 GRIEVANCE POLICY

SCOPE: STAFF

Approved by President: December 2013

Every employee of Lamar Institute of Technology is entitled to present grievances concerning such individual's wages, hours of work, or conditions of work individually or through a representative that does not claim the right to strike. [46] Dismissals may not be grieved unless the employee can present factual allegations that the decision to dismiss constitutes violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States. Employees with work-related problems are encouraged to discuss the problem with their immediate supervisor. If the problem cannot be resolved through this informal process, the employee may file a formal grievance.

Except where otherwise stated in this grievance procedure, employees may represent themselves or be represented by a fellow employee or other representative, with the exception of an attorney, while exercising the rights provided in this grievance procedure.

All meetings and investigations related to grievance reviews shall be conducted during the staff employee's regular working hours insofar as possible.

The Institute will guarantee and insure that staff personnel subject to these rules shall be afforded fair, equitable, and expeditious hearing of matters of grievance without fear of coercion, discrimination, or reprisal because of exercising the right of request for redress from grievance.

SCOPE: FACULTY

A faculty member may present a grievance, in person, to the President or his/her designee on an issue related to wages, hours of employment, conditions of work, promotion denial, or the non-renewal or termination of the faculty member's employment.

The President may develop procedures for faculty grievances on these issues that include the following provisions:

1. The designee or hearing officer, presiding over the grievance, will make a recommendation to the President, who will make the final decision regarding the grievance;

2. The faculty member may present the grievance individually or through a representative that does not claim the right to strike;

3. A hearing officer may not recommend changing the administration's action regarding tenure, non-renewal, termination of employment, or denial of promotion unless the faculty member establishes, by a preponderance of evidence, he or she has been denied a right guaranteed by the constitution or laws of the United States or the State of Texas.

4. A faculty member may not recommend changes in disciplinary actions taken against a faculty member, unless the faculty member establishes, by a preponderance of evidence,

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[46] Texas State University System Rules and Regulations Amended May 7, 2003.

that the disciplinary action was an abuse of discretion and authority of the person imposing the disciplinary action.

5. The administration need not state the reasons for the questioned decision or offer evidence in support thereof, unless the faculty member presents a prima facie case in support of his or her allegation, in which case, the officer shall determine whether the administration has stated in nondiscriminatory reason for its decision.

Formal Grievance Policy

1. The regularly established administrative channels shall be the route of all matters of grievance.

2. An employee shall at first present in writing any matter of grievance to his/her immediate supervisor. This should be done within three (3) working days from the beginning of the grievance. Upon receipt of the grievance as submitted by the employee, the immediate supervisor shall consider all of the facts of the case and he/she should report his/her decision in the matter in writing to the employee within two (2) working days after receipt of the grievance.

3. If the matter is not satisfactorily resolved in the eyes of the grievant, he/she may continue to have the grievance heard and adjudicated by each level of supervision in the regular administrative channel until the level of the vice President is reached. At each level above the first supervisor, the request for a grievance hearing must be made by the grievant and should be submitted in writing within three (3) working days from the delivery of the decision of the lower supervisor. At each level of hearing, the supervisor shall review all the facts of the case and the decisions rendered by the lower supervisor, and then he/she should render a decision in writing to the grievant within three (3) working days after receipt of the grievance.

4. If the matter continues to be unresolved in the eyes of the grievant, he/she may then submit the grievance in writing to the President. This shall be done within five (5) working days after receipt of the decision of the Vice President.

   The President may decide to appoint a Grievance Review Committee to help review the grievance, he may elect to review the grievance personally, or the grievant may request in writing that the President appoint a Grievance Review Committee.

   The President or Committee shall conduct an investigation of all the events leading to the grievance, review all decisions rendered by lower supervisors, and render a decision in writing as soon as possible after the investigation is complete. The decision of the President shall be final in all cases of grievance.

5. At any step or level of the grievance procedure, the Human Resources Director may be requested by the grievant or the supervisor to serve as a consultant to the grievance. In such cases, the Human Resources Director shall serve in the capacity of an information gathering and advisory member only, and shall not have the power of making binding decisions.

6. A complaint or grievance in which an employee alleges that disciplinary or dismissal action has been taken without adequate cause, and the employee alleges that illegal discrimination has occurred on the basis of race, color, religion, sex, sexual orientation, gender identity or

expression, age, national origin, or non-job related mental or physical handicap, should be referred and discussed with the Human Resources Director.

Grievance Review Committee

1. The Grievance Review Committee will consist of five employees appointed by the President. The Committee should include professional as well as classified personnel. All members must be present to conduct any business.

2. The Grievance Review Committee should meet within ten (10) days after the notification of their appointment by the President. The Committee should meet prior to the hearing to review the process and select a chairperson to conduct the hearing.

3. The Chairperson shall be responsible for setting the date and time for the Hearing, reserving a room for the Hearing, and notifying Committee members, the grievant, and the person against whom the grievance has been filed. The Chairperson may grant one postponement at the written request of one of the parties. A postponement should not exceed one week of the original Hearing date.

4. The committee Chairperson should receive documents pertinent to the Hearing at least *two (2) working days prior to the Hearing. Required documents include:*
    a. The employee's original grievance.
    b. The supervisor's decision in the matter.
    c. Any subsequent decisions in the matter.
    d. A list of witnesses from both parties.
    e. Any relevant documentation either party wishes to provide. The Chairperson has the authority to exclude irrelevant, immaterial, or unduly repetitious documents.

5. The Hearing may be recorded in lieu of a hand-written record.

6. The following persons may be present during the Hearing. Witnesses will not be allowed in the Hearing room except to testify.
    a. The grievant.
    b. The grievant' s representative, with the exception of an attorney.
    c. The department representative(s) against whom the grievance has been filed (a spokesperson must be designated if more than one representative appears).
    d. Committee members.
    e. The Human Resources Director.

The Grievance Hearing

1. The Grievance Hearing shall be conducted by the Committee Chairperson.

2. The order of the Hearing shall be:
    a. The Chairperson shall open with a statement that includes the purpose of the Hearing and a warning to all present to maintain the confidentiality of the Hearing.
    b. The Chairperson shall allow the grievant to make an opening statement. The grievant will then respond to questions from committee members as well as the individual against who the grievance was filed.

c. The Chairperson shall allow the individual against whom the grievance was filed to make an opening statement. The individual will then respond to questions from the committee members as well as the grievant.
d. The Chairperson shall allow the grievant to call any witnesses. The witness will then respond to questions from committee members and the individual against whom the grievance was filed. Witnesses are only allowed in the Hearing to present testimony and answer questions.
e. The Chairperson shall allow the person against whom the grievance was filed to call any witnesses. The witness will then respond to questions from the committee members and the grievant.
f. Committee may wish to call witnesses not called by either party. Committee members and both parties may question the witness.
g. The Chairperson shall allow the grievant and then the individual against whom the grievance was filed to make concluding statements.
h. The Chairperson shall ask that everyone clear the room except committee members. The committee will submit a written recommendation of findings of relevant facts to the president within three (3) working days. The recommendation must be based on a majority vote of the committee members.
i. The President will make a final decision and submit it to the grievant within three (3) working days.

POLICY 4.33 FACULTY EVALUATION

SCOPE: FACULTY

Approved by Instructional Council: February 12, 2014
Approved by President's Council: March 3, 2014

Full Time Faculty Evaluation

Faculty members shall be evaluated annually by their Program Director/Coordinator, Department Chair, Dean of Instruction and Vice President for Academic Affairs relating to various professional duties and activities. In the evaluation process, these procedures will be followed:

a. Each faculty member shall complete the Faculty Annual Review (F2.08I) that sets forth what he or she has contributed in the following areas:
    1. Instructional
    2. Professional Advancement
    3. Participation in Program, Department, and Campus Affairs
    4. Community Services and other Activities
    5. Administration of Programs (if Applicable)
b. The faculty member will submit the Annual Faculty Review to their Program Director/Coordinator. If the faculty member does not have a Program Director/Coordinator the Annual faculty Review will be submitted to the Department Chair.
c. The Program Director/Coordinator shall assess the faculty member's contribution based upon the Annual Faculty Review submitted by the faculty member and other factual information deemed necessary by the supervisor for a thorough and accurate assessment. The Program Director/Coordinator will forward the Annual Faculty Review to the Department Chair.
d. If the faculty member is teaching a fully online course, the Director of Distance Education will evaluate the faculty member's online instruction before the Department Chair completes the evaluation of the faculty member.
e. The Department Chair shall make written recommendations for improvements, if warranted, in each area of the report. The Department Chair also shall evaluate the extent to which the faculty member's accomplishments, service activities, recognitions, and honors have enhanced the professional prestige and reputation of the Department and if professional activities have developed valuable knowledge, skills, or associations that will benefit students or other faculty members.
f. The Department Chair shall discuss with each faculty member the basis for the evaluative judgments and recommendations. In addition, the Department Chair shall provide to the faculty member a written summary of the evaluations, recommendations, and discussion.
g. The Department Chair shall forward the completed evaluation to the Dean of Instruction for review. The Dean of Instruction shall complete an evaluation and forward the completed evaluation to the Vice President for Academic Affairs .
h. The Vice President for Academic Affairs shall confer with the Dean of Instruction and Department Chair, complete the evaluation and return the evaluation to the Department Chair who, in turn, delivers a copy to the faculty member.

Adjunct Faculty Evaluation

Adjunct faculty members shall be evaluated by their Program Director/Coordinator, Department Chair, Dean of Instruction and Vice President for Academic Affairs each semester they are employed. In the evaluation process, the following procedure will be followed.

a. Each adjunct faculty member shall complete the Adjunct Faculty Evaluation /F2.08I Adjunct form each semester and return to their Program Director/Coordinator. If the faulty member does not have a Program Director/Coordinator the Adjunct Faculty Evaluation will be submitted to the Department Chair.
b. If the adjunct faculty member is teaching a fully online course, the Director of Distance Education will evaluate the faculty member's online instruction before the Department Chair completes the evaluation of the faculty member.
c. The Program Director/Coordinator will assess the adjunct faculty member's performance and forward the evaluation form to the Department Chair.
d. The Department Chair will complete the evaluation making written recommendations for improvements.
e. The Department Chair shall discuss with each adjunct faculty member the basis for the evaluative judgments and recommendations.
f. The Department Chair shall forward the completed evaluation to the Dean of Instruction for review. The Dean shall complete an evaluation and forward the completed evaluation to the Vice President for Academic Affairs.
g. The Vice President for Academic Affairs shall confer with the Dean of Instruction and Department Chair, complete the evaluation and return the evaluation to the Department Chair who, in turn, delivers a copy to the adjunct faculty member.

POLICY 4.34 INTELLECTUAL PROPERTY

SCOPE: FACULTY, STAFF AND STUDENTS

June 14, 2010
Revised: March 5, 2014
Approved by President's Council: March 24, 2014

Policy: The intent of this policy is to safeguard the interests and mission of Lamar Institute of Technology (LIT) while encouraging creative thinking and activity by employees and student.

For purposes of this policy, the term "intellectual property" refers to inventions, discoveries, patents, patent applications, scientific or technological developments, and copyrightable instructional materials, regardless of the mode of publication, such as books, articles, study-guides, artistic works, movies, and television programs.

Most published scholarly works written by members of the faculty or staff are the property of the author. In instances where LIT pays the full or a substantial part of the costs of production and/or publication, such as work produced as part of the employee's designated workload, arrangements concerning the ownership of the copyright and the division of any royalties must be submitted to the college president or the Vice President for Academic Affairs according to procedures established by this Intellectual Property Policy.

Intellectual property unrelated to an individual's employment, appointment or association with LIT that is conceived, created or developed on an individual's own time and without the college's support, funds provided by or through the college, use of college resources, facilities (excluding libraries), equipment, and/or materials shall be deemed the exclusive property of the creator(s)/inventor(s), and LIT shall have no interest in or claim to such property.

Intellectual property not considered instructional material that is conceived, created, or developed or that results from research supported by a grant or contract with an external agency or by private gift to Lamar Institute of Technology shall be deemed the property of LIT unless applicable laws or governmental regulations specifically provide otherwise.

A reasonably complete and detailed disclosure of intellectual property for assigning ownership rights to the college and/or requesting a fair and equitable arrangement for joint ownership for the mutual benefit of the faculty and the college, sharing of royalties or reimbursement to the college of its costs and support must be submitted to the college president or Vice President for Academic Affairs prior to beginning the work creating intellectual property. Disclosure of reimbursement figures will be made to all affected employees.

Faculty, staff and students are free to publish and invent and, subject to the terms stated in the above policy, to benefit from publishing and invention. Faculty and staff, however, are not to allow their writing or inventing to interfere with their regular assigned duties unless prior arrangements have been made. In addition, faculty and staff are required to make a disclosure of intent to publish or invent prior to beginning the work. The Texas State University System Rules and Regulations contain additional information on the intellectual property rights of faculty, staff and students. In the event of conflict between the provision(s) of this policy and The Texas State University System Rules and Regulations or other System policies, the System rules, regulations, and policies shall govern.

POLICY 4.35 FACULTY GOVERNANCE

SCOPE: FACULTY

Approved by President's Council: March 24, 2014

Policy: Lamar Institute of Technology (LIT) recognizes that the President of LIT, as well as the Board of Regents of the Texas State University System, has the final authority in matters of governance.

However, faculty are also charged with certain responsibilities in regard to these matters. Members of the faculty participate in the governance of LIT through their service on committees. The LIT Faculty Senate serves as the official body responsible for ascertaining and relaying the advice and opinions of the faculty of LIT to the administration. The following is a list of other committees whose membership includes faculty.

- Allied Health / Mamie McFaddin Ward Scholarship Committee
- Curriculum Review Committee
- Developmental Education Committee
- Distance Learning Committee
- Graduation Committee
- Instructional Council Library Committee
- LIT Scholarship Committee
- Partnership in Achieving Student Success (PASS) Advisory Committee
- President's Council
- Program Coordinators / Director's Council
- QEP Steering Committee
- Safety Committee
- Sick Pool Committee
- Student Activities Committee
- Student Services Fee Committee
- Web Committee

POLICY 4.36 FACULTY CLASSROOM OBSERVATION POLICY

SCOPE: FACULTY

Approved by President's Council: October 19, 2015

All current full-time faculty, adjunct faculty, and instructional staff will be observed once per year. New instructors (full time, adjunct and instructional staff) will be observed twice during their first semester of teaching and once a year thereafter.

Observations shall be conducted by program directors/coordinators and department chairs using the Classroom Observation Checklist.

Procedure

1. **Pre-observation meeting**: The parties will meet in advance to discuss the course, the class session to be observed, and any other matters that will aid the observer in placing his or her observations in context.
2. **Post-observation meeting**: The parties will meet after the observation to discuss the Classroom Observation Checklist.

3. **Reporting**: The observer will provide one copy of the Classroom Observation Checklist and any additional pages to the faculty or instructional staff member and submit one copy to the department chair for inclusion in the faculty or instructional staff members Annual Review.

The goals of the classroom observations are:

- To improve the teaching of the individuals being
- To improve teaching at Lamar Institute of Technology in general
- To articulate and underscore Lamar Institute of Technology's commitment to quality teaching.
- To enhance the effectiveness of classroom instruction.

SECTION 5: CONDITIONS OF EMPLOYMENT

POLICY 5.1 EMPLOYEE AFFIDAVIT AND OTHER RESOURCES

SCOPE: FACULTY AND STAFF

1. Mandatory Policies: All new faculty and staff members are required to sign as a condition of employment, the Employee Affidavit which acknowledges receipt of the State Property Accounting Responsibility[47], Political Aid and Legislative Influence Prohibited[48]. New employees also receive the AIDS Policy and Procedure [49], Drug Free Workplace Policy[50], and an Employee Handbook.

2. Forms Required for Processing New Employees:

   2.1. All new faculty and staff will complete the Biographical Data Form and the Internal Revenue Service Withholding Form W-4 during the initial orientation.

   2.2. Employees must also provide documentation proving eligibility to work in the United States and fill out the form I-9 (required by the United States Citizenship & Immigration Service).

   2.3. New employees hired to fill any position requiring college course work or completion of a degree or degrees will be required to furnish official transcripts. Any employee who claims completion of college course work or a degree(s) on the original application, shall if recommended for hire, furnish transcripts for hiring department to validate the decision of that department. Falsification of records or claims will void the application and all action taken as a result of the false information.

   2.4. New employees who will fill positions requiring use of an Institute vehicle will be required to present a valid Texas driver's license.

   2.5. Male employees between the ages of 18 and 25 years, inclusive, must furnish proof of registration or exemption from registration with the selective service system.[51] Individuals exempt from registration include:
   - Persons not between the ages of 18 and 25 years
   - Females
   - Lawfully admitted non-immigrant aliens
   - Members of the armed forces on full-time active duty

   This requirement does not apply to a person employed by a state agency before September 1, 1999, as long as the person's employment by the agency is continuous.

3. **Retirement Plan Requirements**: All new faculty and staff members must supply

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[47] Article 60 1b, Section 8.02, V.A.C.S., Responsibility for Property Accounting
[48] Appropriation Bill, Article V
[49] SB 959, 71st Legislature
[50] Drug Free Schools and Communities Act of 1989
[51] Texas Government Code, Subsection 651.005

information required for the Teacher Retirement System of Texas.[52] Faculty members and eligible professional and administrative staff must supply information for an Optional Retirement Plan (ORP) if ORP is selected instead of Teacher Retirement.[53]

4. **Social Security Number**: All individuals must have a social security card and number before they can be employed. Human Resources is responsible for ensuring that all new employees have a social security card and number, and that the number placed on the Lamar Institute of Technology Employee Biographical Data Form described in item 1 above is correct. To do so the Human Resources Office may request a copy of the Social Security card.

5. All employees must provide documents that establish their work eligibility and identification at the time of employment. Foreign nationals will be required to have current work authorization before allowed to begin working on the Institute campus. All new employees must go to Human Resources on their first day of employment and satisfy this federal statute [54] (if not previously supplied to department.)

6. No faculty or staff member of the Institute may receive any compensation for his/her services until these affidavits and other requirements have been executed.

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[52] Teacher Retirement Law, Chapter 3, Texas Education Code
[53] Optional Retirement Law, S.B. 279, Chapter 51, Subchapter 3
[54] Immigration Reform and Control Act of 1986.

POLICY 5.2 REQUESTS FOR EMPLOYEE INFORMATION

SCOPE: FACULTY AND STAFF

1. **Policy**: Requests from various business, government agencies, organizations, and individuals for information relating to the projected, current, or previous employment of persons at Lamar Institute of Technology should be referred to Human Resources. Because of federal and state privacy laws, extreme care must be exercised before releasing any data or material which may be requested. No request for information concerning projected, current, or former employees of the institution should be honored without obtaining the prior approval of Human Resources.

   The Human Resources Department is responsible for the development and maintenance of a centralized personnel record file for regular faculty and staff members. Specific employee information and personal data will be maintained as required by federal and state laws and regulations, and for various internal and external reports. Employees may view the information in their files.

2. **Collection and Update of Information**: Employee information and personal data is originally collected from each individual at the time of employment. Employees are responsible for promptly notifying Human Resources of any change in personal data as follows[55]:

   2.1. Legal name, if changed by marriage or otherwise,

   2.2. Mailing address and/or residence address,

   2.3. Telephone number,

   2.4. Marital status, for income tax

   2.5. Number of dependents, for income tax and/or group insurance purposes, and

   2.6. Insurance beneficiary.

3. Reference Checks and Employment Verifications: All inquiries or reference checks concerning present or former employees are completed by Human Resources. All verbal or written requests for information should be referred to Human Resources.

4. Disclosure of Employee Information and Personal Data: Only information specified under the Texas Public Information Act that is not of a personal, confidential nature, or information authorized by the employee, will be released.[56]

   4.1. Open Records: The following employee information and personal data will be made available to any person. All requests must be submitted in writing to the Office of the President.

      4.1.1. Employee name

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[55] Texas Public Information Act, Government Code, chapter 552.
[56] Ibid

4.1.2. Sex

4.1.3. Ethnicity (i.e., Caucasian, Black, Hispanic, American Indian, Asian, etc.)

4.1.4. Salary

4.1.5. Title

4.1.6. Dates of employment

4.1.7. Home address and home phone number, except when an employee has indicated in writing that he/she does not wish this information to be divulged.

4.1.8. Reasons for leaving Lamar Institute of Technology employment. Subjective information regarding the evaluation, discipline or dismissal of an employee is protected from disclosure to the public; however, final actions and decisions, such as discharge, are public. It may be divulged that the employee left because of retirement, resignation, depletion of funds, completion of project, death or discharge. However, the reason for discharge will not be divulged.[57]

The requestor must pay any unusual expense incurred in providing the employee information and personal data. The President's office must be notified of each request.

4.2. Employees' Right to Personal Data: Present or former employees have the right to review, in the presence of a Human Resources staff member, all information relevant to their employment relationship that is in their personnel file. This includes information pertaining to and/or anything bearing upon: [58]

4.2.1. Qualifications for employment, i.e., letters of recommendation, applications, etc.

4.2.2. Employment and its terms, i.e., evaluations of performance, counseling memos, payroll authorizations, etc.

4.2.3. Separation from employment, i.e., documents relating to termination of employment, counseling memos, termination statements. The employee shall be allowed to make copies of documents, take notes, or add rebuttal statements. Present or former employees may not review information that would invade the privacy of a third party. [59]

4.2.4. The types of employee information listed in items 4.1.1. and 4.1.2 are clearly defined as releasable under the Texas Public Information Act. All requests for information must be made in writing E-mail requests are valid. The Associate Vice President for Human Resources will determine if the

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[57] Texas Public Information Act, Government Code, chapter 552.
[58] Ibid
[59] Ibid

requested information is to be released. Request may be referred to the Vice President for Finance and Operations for further determination.

5. **Privacy Policy**: Employees are entitled to be notified about information collected about them, unless such information is protected under Texas Government Code, Section 552.023.[60] With few exceptions, an individual is entitled to:

   5.1. Be notified about information the State has collected.

   5.2. Receive and review the information.

   5.3. Correct inaccurate information. [61]

6. **Access to Confidential Information**: Employees who have access to confidential information regarding students, fellow employees, or others should take care in guarding such information. Confidential information should not be discussed except in the line of duty and with specific authorization.

[60] Texas Government Code, §552.147
[61] Ibid, §559.003 (a)

POLICY 5.3 EMPLOYEE ETHICS AND STANDARDS OF CONDUCT [62]

SCOPE: FACULTY AND STAFF

1. **Standards of Conduct**: State law forbids that State officers and employees have any interest in, or engage in, any business or professional activity, or incur any obligation that is in substantial conflict with the proper discharge of duties in the public interest. Specifically, no State employee should:

   1.1. Accept or solicit any gift, favor, or service that might reasonably tend to influence him/her in the discharge of his/her official duties, or that he/she knows, or should know, is being offered him/her with intent to influence his/her official conduct.

   1.2. Accept employment or engage in any business or professional activity that he/she might reasonably expect would require or induce him/her to disclose confidential information acquired by reason of his/her official position.

   1.3. Accept other employment or compensation which could reasonably be expected to impair his/her independence of judgment in the performance of his/her official duties.

   1.4. Make personal investments that could reasonably be expected to create a substantial conflict between his/her private interest and the public interest.

   1.5. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his/her official powers or performed his/her official duties in favor of another.

   1.6. Full-time employees are not allowed to be concurrently employed as a paid lobbyist for any association, individual firm or corporation.

   1.7. An employee is prohibited from posting information on his/her person Student Information System record or account or the record or account of a relative. An employee is prohibited from posting inaccurate information to his/her personal Human Resources records or those of a relative. The definition of relative is the same as that used in the nepotism policy.

   Failure of any employee of the Institute to comply with one or more of the foregoing standards of conduct or those listed in the Texas State Institute Rules and Regulations that apply to him/her, shall constitute grounds for removal from office, or for discharge, whichever is applicable.

2. **Publicity of Individuals Restricted**: No State appropriated funds may be used for the purpose of publicizing or directing attention to any individual official or employee of the Institute. This prohibition does not prevent the dissemination of information in respect to the work, legal responsibilities, or activities of the Institute.

3. **Political Influence**: The General Appropriations Act regularly prohibits the use of State

[62] Employees of Lamar Institute of Technology are bound by the TSUS Rules and Regulations, Chapter VIII, “Ethics Policy for Regents and Employees of the Texas State University System”

funds “regardless of their sources or character…for influencing the outcome of any election, or the passage or defeat of any legislative measure.” This prohibition does not extend to furnishing information or facts pertinent to the official duties and responsibilities of the Institute.

4. **Speech and Assembly**: In the interest of protecting the expressive activity rights guaranteed by the Constitution of the United States, Texas Education Code § 51.9315(k), an employee, including a member of the faculty, who obstructs or disrupts any activity authorized to be held on a campus shall be subject to dismissal as an employee (TSUS Rules and Regulations - Chapter V, Subparagraph 2.133).

POLICY 5.4 OUTSIDE OR DUAL EMPLOYMENT AND OTHER ACTIVITIES [63]

SCOPE: FACULTY AND STAFF

1. **Policy**: Lamar Institute of Technology recognizes the common practice of faculty and staff members to hold some form of outside employment or position due to needs, interest, or development. However, dual employment interests, and activities must not interfere or conflict with the faculty or staff member's position with the Institute.

2. **Approval**: Prior administrative approval from the Vice President generally is not required for staff employees but it is for faculty members. Outside employment, whether compensated or not, must be reported to the department official who has the responsibility for determining whether or not the outside employment interferes or conflicts with the faculty or staff member's position with the Institute (i.e., Department Chairperson, Director, or Dean, unless otherwise directed by the Vice President or the President). Should it be determined that a conflict exists, the faculty or staff member may not accept or continue the outside employment or position. In such cases, if the faculty or staff member accepts the other employment anyway or does not resign the other employment voluntarily, the department official may recommend other action, including discharge, to ensure that Institute duties are performed properly.

   Faculty members must complete an authorization for outside employment and submit this through the chain of command to the Vice President.

   Prior administrative approval is required for a faculty or staff member to hold elective or other non-elective offices or positions of honor, trust, or profit with any government entity (see sections 4.2 and 4.3 below).[64] In such cases, the President is authorized by the Board of Regents to find and determine whether such employment or position held or sought by any faculty or staff member would be in conflict with the individual's position with the Institute.

3. **Guidelines:** All dual employment by any faculty or staff member of Lamar Institute of Technology is prohibited unless it meets the following guidelines:

   3.1. That it does not interfere with the regular work of the employee;

   3.2. That it involves only a reasonable amount of time, involvement, and duration;

   3.3. That it avoids competition with legitimate private enterprises;

   3.4. That it does not bring the employee into antagonism with the interests of the State of Texas, or the goals of the Institute;

   3.5. That the official capacity or connection of the employee is not used in connection with

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[63] Texas Government Code, §667.001 et seq.; Ibid, §659.041; Texas Government Code, §411.0077; Opinion, Texas Attorney General, No. JM-93(1983), No. 96-109 (1996) Texas Government Code §2252.901

[64] Texas Government Code, §667.001 et seq.

such outside employment;

3.6. That is does not conflict with any law or constitutional provision, nor possess a reasonable potential for such a conflict.

4. **General**:
Other employment and activities for a faculty and staff member that are directly related to the professional activities of the individual and contribute to the general welfare of the Institute are permissible provided such employment meets the guidelines in item 3 above. Such consulting, professional performance, and other outside employment and activities by a faculty member should contribute to his/her performance as a teacher and as a productive scholar, and should contribute to the individual's and the Institute's obligation of public service.

Faculty or staff members may hold other non-elective offices or positions of honor, trust, or profit with any government entity subject to prior administrative approval by the President.

Faculty or staff members may serve as members of the governing bodies of school districts, cities, towns, or other governmental districts; provided, however, that they receive no compensation for serving as members of such governing bodies, subject to prior administrative approval by the President.

The use of Institute equipment or facilities in connection with outside employment or any private activities, faculty or staff, is prohibited except in cases where such use is clearly justified and is approved in writing by the President through normal administrative channels.

5. **Dual Employment with the State:** The Texas Constitution places limits on persons holding more than one civil office of employment at the same time. A non-elected employee of the State of Texas may hold more than one position if the positions are of benefit to the state and there is no conflict. Employees seeking to hold more than one position must inform each agency of their dual employment status. The agencies must rule whether such dual employment is allowable. Dual employment within the Institute or with another State agency or institution must be reported through the chain of command to the appropriate Vice President for approval and to the Office of Human Resources by the faculty or staff member so that steps may be taken to maintain personnel and leave records in compliance with the following provisions.

Complete, separate leave records will be maintained for each employment;

State service credit will accrue as if the employee had a single position;

Leave balances do not transfer upon termination of one position;

An employee with two part-time jobs may quit both, transfer to a new full-time position with another employer, and take his or her existing leave balances to the new position;

The employee must notify the institution prior to accepting a second position;

Employees holding or applying for dual positions who fail to inform Lamar Institute of Technology of their status are subject to immediate termination.

6. **Dual Employment with the Institute:** When it is beneficial to the Institute, qualified exempt

staff employees may be assigned teaching duties in addition to their regular assignment. Should these additional duties be assigned during the regular workday (8:00 am to 5:00 pm) approval to adjust the regular work schedule must be obtained through the chain of command up through the area Vice President.

POLICY 5.5 CORRECTIVE REVIEW PROCEDURE

SCOPE: STAFF

1. **Policy**: It is the policy of Lamar Institute of Technology that supervisory efforts should be concentrated on the prevention of serious personnel problems rather than on disciplining employees for misconduct. If performance review measures are imposed, it is essential that each problem be investigated so that the facts of the situation are known; that an action taken be primarily corrective rather than punitive and be appropriate to the offense, and that the dignity of the employee be respected. Disciplinary action is designed to correct, not punish. An employee being reviewed should be told what he/she has done wrong, and should clearly understand what is expected of him/her. He/she should be given a reasonable period of time to improve his/her performance or correct his/her actions or behavior, except in cases of discharge. An employee may be discharged when reasonable corrective or rehabilitative methods have failed, or when the nature of the violation warrants immediate separation or when in the judgment of the employee‘s supervisors the best interests of the department or institution would be best served by discharge. Supervisors shall have the right to summarily discharge an employee for cause or not.

2. **Policy Application**: This policy applies to all regular staff. This policy and procedure shall be applied without regard for race, color, sex, sexual orientation, gender identity, or expression, religion, national origin, age, or disability. The policy and procedure herein established do not apply to dismissal during the probationary period. At any time during the probationary period, an employee may be terminated without recourse to the grievance policy. The Institute makes initial appointments on a six (6) month probationary basis. (See 5.6 for Administrative Officers).

3. **Definitions of Minor Violations**: Rule violations of a minor nature have little effect on the continuity, efficiency, and safety of Institute work, but cannot be tolerated if repeated. The following are a few examples of what may be termed minor rule violations that can result in either verbal or written performance reminders being entered into an employee's record. Continuation of an offense can result in stronger performance enhancing action. This list is in no way all inclusive.

   3.1. Unexplained, inexcusable, or unauthorized absence or tardiness.

   3.2. Failure to notify supervisor as soon as possible on first day of absence.

   3.3. Failure to observe assigned work schedules (starting time, quitting times, rest and lunch periods).

   3.4. Soliciting or collecting contributions for any purpose on Institute premises without management permission.

   3.5 Selling or offering for sale any article or service without management permission.

   3.6. Unsatisfactory work performance.

   3.7. Loafing or other abuse of time during assigned working hours.

   3.8. Interfering with an employee's work performance or duties by talking or other

distractions.

3.9. Distributing written or printed matter of any description on Institute premises without management permission.

3.10. Leaving regularly assigned work location during normal working hours without notifying immediate supervisor.

3.11. Violations of confidentiality which do not significantly affect the operation of the Institute or the operation of the department/division.

3.12. Performing unauthorized personal work on Institute time.

3.13. Defacing bulletin boards or notices posted thereon.

3.14. Violations of safety rules.

3.15. Failure to maintain time card or record card as instructed.

3.16. Discourteous treatment of the public, students or other employees.

3.17. Improper political activity of a minor nature.

3.18. Behavior or activity on or off campus that is of such nature to cause discredit or embarrassment of the Institute, except constitutionally protected activities.

3.19. Violation of internal department work rules.

3.20. Engaging in excessive visiting, personal conversations, or using the telephone or computer for personal use.

3.21. Accepting any gifts or favors which influence or tend to influence performance of duties or the granting of services or favors of other Institute personnel, applicants, clients, or other persons.

3.22. Failure to follow any reasonable instructions issued by supervisor related to performing of tasks and/or job duties.

3.23. Smoking in any Institute building or official vehicle.

Corrections for minor violations will remain active in nature for two (2) years. Accumulation of 3 or more active corrections will automatically move the corrections into the major violation category. Active corrections may be of different violations.

4. **Definitions of Major Rule Violations**: Major offenses are any continued failure to perform assigned workload, willful, deliberate, or negligent acts or violations of Institute policies or rules of such a degree that continued employment of the offending individual may not be desirable. The following are examples of some offenses that may subject an employee to a performance or disciplinary probation, demotion, decision making leave (suspension) or discharge. Severity of the offense or degree of inability to perform will determine the level of performance review or discipline. Performance or disciplinary probation, demotion, decision making leave (suspension), or termination must have the

approval of the appropriate Vice President. In cases of demotion, decision making leave (suspension) or termination, the Director of Human Resources may hold a hearing with the employee and supervisor. The Director of Human Resources will then make a recommendation to the President. This list is in no way inclusive of all possible violations.

4.1. Any act which might endanger the health, safety, or lives of himself/herself or others.

4.2. Refusal to perform work properly assigned by a supervisor.

4.3. Willful, deliberate, or repeated violations of Institute rules.

4.4. Willful, deliberate, or repeated violations of safety rules.

4.5. Willfully falsifying any Institute records.

4.6. Completing the time card for another employee or allowing his/hers to be completed by another employee.

4.7. Leaving Institute premises during working hours without permission from the supervisor.

4.8. Deliberately or negligently abusing, destroying, damaging, or defacing Institute property, tools, equipment, or the property of others on Institute premises.

4.9. Gambling on Institute premises.

4.10. Deliberately delaying or restricting work, or inciting others to delay or restrict work.

4.11. Fighting on Institute premises (any employee directly involved).

4.12. Bringing liquor, marijuana, or narcotics onto the Institute campus; or consuming liquor or using marijuana or narcotics on Institute premises; or reporting for duty under the influence of liquor, marijuana, or narcotics. The same applies to any habit-forming or controlled substance not prescribed by a physician. (See Drug Policy)

4.13. Carrying firearms or other dangerous weapons on Institute premises.

4.14. Failure to return to work on expiration of vacation or leave of absence, or when called back after a layoff.

4.15. Disclosure of confidential Institute information to unauthorized persons.

4.16. Theft, misappropriation or unauthorized use of Institute funds or property, or other dishonest actions.

4.17. Continued unsatisfactory work performance.

4.18. Unexplained, inexcusable, or unauthorized leave for more than three days.

4.19. Continued absences or excessive tardiness.

4.20. Violation or internal department work rules, breaches of confidentiality which severely

impacts the Institute or the operation of the department/division.

4.21. Insubordination or willful disobedience.

4.22. Abusive, unruly, indecent or obscene conduct.

4.23/ Conviction of a felony or conviction of a misdemeanor involving moral turpitude.

4.24. Improper political activity on campus.

4.25. Behavior or activity on or off campus while representing the Institute that is of such nature to cause discredit or embarrassment to the Institute.

4.26. Flagrant or repeated minor rule violations.

5. Should questions arise over determination of major or minor classification, the Director of Human Resources along with the appropriate Vice President shall make the determination.

6. **Corrective Reviews**: For repeated incidents of substandard performance, misconduct, or rule violations the performance review should be progressive. It is the supervisor‘s responsibility to remind orally and coach the employee‘s performance to avoid the Corrective Review. The normal sequence of action in the Corrective Review process is (1) Oral/Written Reminder (2) Written Reminder/ Probation; (3) Decision Making Leave; (4) Discharge/ Demotion. Depending on the severity of the case, the action may begin at any of these stages or move beyond any one. Any action involving probation, decision making leave (suspension), demotion, or discharge must be reviewed by the Director of Human Resources to ensure that compliance with these policies prevails.

6.1. **Oral Reminders**: Normally, initial performance review should be in the form of an oral discussion and reminders of the employee‘s responsibility, especially for minor rule violations. If it appears that an employee has failed to perform his/her work or conduct himself/herself according to requirements, the supervisor should first talk to the employee about the matter, affording the employee an opportunity to tell his/her side of the incident. If facts indicate that the employee may have been at fault, the supervisor should discuss the matter with him/her. If the supervisor wishes, he/she may call on another supervisor to be present as a witness. The employee should clearly understand the gravity of the action and that the reminder is an opportunity to correct his/her actions. The responsibility for the ―correction‖ becomes the employee‘s. Supervisors should maintain a complete and accurate written documentation of the reminder.

6.2. **Written Reminder**: Written Reminder involves both a formal interview with the employee by the supervisor, and an official memorandum to him/her emphasizing the failure of the employee to fulfill his/her responsibilities to his/her job and/or co-workers and the negative effect on his/her record and his/her opportunities for advancement. If the immediate supervisor does not have the authority to discharge, then such an interview should not occur until the supervisor with that level of authority has been notified. A written reminder should include: names of everyone involved, dates, description of the unsatisfactory performance or behavior, witness (if any), and action taken. Reference should also include the dates and results of prior oral reminders or other written reminder(s). It should be signed by the reminding official. It should also bear the employee's comments, if any, and his/her signature. The employee should be

informed that his/her signature indicates he/she has received the reminder, but not necessarily that he/she agrees with its contents. If the employee refuses to sign the reminder, a witness, preferably another supervisor, should verify that the employee has received the reminder and refused to sign an acknowledgment. A copy of the written reminder should be sent to the President and to the Director of Human Resources to be filed in the employee's permanent file.

6.3. **Performance/Disciplinary Probation**: A performance/disciplinary probation involves both a formal interview with the employee by the supervisor with hire/terminate authority, and an official memorandum emphasizing the failure of the employee to fulfill his/her responsibilities. The performance/disciplinary probation may be imposed with the written reminder. The written document should include:

6.3.1. A description of the failure to perform or inappropriate conduct, witnesses (if any), dates, and record of previous reminders.

6.3.2. An identification or description of appropriate performance of the employee‘s responsibilities or conduct. This will be used as the standard by which the employee‘s acceptance of his/her responsibility or conduct will be measured during the ensuing probationary period, and a review day at the end of the probationary period.

6.3.3. A warning of possible further action if the performance/behavior remains unchanged.

6.3.4. Signatures of the department supervisor/manager and the employee. The employee should be given the opportunity to comment and be made aware that his/her signature indicates receipt of the document but not necessarily agreement.

The probationary period should not exceed six (6) months and a formal review must conclude the probationary period. Intermittent reviews are suggested. If at any time the supervisor determines that the employee‘s behavior/performance is not improving, the supervisor may elect to move into a more severe level of discipline.

The letter of probation must be sent to the Director of Human Resources to be filed in the employee's permanent file. A copy of the formal review at the conclusion of the probation should be sent to the Director of Human Resources.

6.4. **Demotion**: Demotion shall mean removal to a lesser position with less authority and responsibility. Salary shall be consistent with the new position's salary group. At no time shall the salary be higher than the previous position.

6.5. **Decision Making Leave (Suspension):** "Decision Making Leave (suspension)" is time away from the job which is designed to allow the employee the opportunity to make a decision regarding his/her future performance/employment with the Institute.

During this time the employee must decide between submitting a resignation or submitting an action plan to correct his/her deficient behavior/performance.

6.5.1. A supervisor with authority to discharge has authority to suspend with or

without pay. Normally, Decision Making Leave will be one day with pay. Before action is taken, the immediate supervisor must discuss the situation with his/her supervisor, the Director of Human Resources, and the employee. The employee should be counseled and given an opportunity to present his/her perspective. If the employee‘s explanation is not acceptable to the supervisor, the employee should be presented with a statement indicating the reasons for the Decision-Making Leave and the number of days with or without pay. Suspension without pay involves removal from the payroll for a specified period of time. The supervisor who has discharge authority must forward an F3.2 through the Office of Human Resources to Payroll.

6.5.2. At the end of the Decision-Making Leave period, if the employee wants to continue in his/her current position, he/she must present to the supervisor an action plan, acceptable to the supervisor, to correct his/her behavior or job performance. If the plan is not accepted by the supervisor, the employee will be terminated. If the plan is acceptable by the supervisor, a period of probation will be established and reviews will be made to determine if the employee is fulfilling his/her action plan.

6.5.3. Upon return from Decision Making Leave, if the employee does not wish to continue in his/her position, the employee must present a written resignation to the supervisor and complete the exit interview with the Office of Human Resources. This will be a voluntary termination.

6.5.4. If it is in the best interest of the Institute, the employee may be placed on Administrative leave pending an investigation and decision regarding the extent of disciplinary action to be taken, if any.

6.6. **Discharge or Release**: In the case of other than serious or repeated offenses, release from employment should be a last resort. When it becomes necessary to release an employee, he/she, in effect, will have released himself/herself by the record he/she has established. The supervisor/manager who has the authority to employ also has the authority to discharge. Since the most extreme disciplinary measure is discharge, before the discharge, the first-line supervisor or management official who initiates this action must review the decision and the supporting documentation with the Director of Human Resources. Since discharge requires prior consultation and approval, it should not be done "on the spot." If the appropriate Vice President feels it is improper to leave the employee on duty until the investigation or review by the President can be completed, he/she should seek approval from the President to place the employee on administrative leave. This allows time for an investigation.

6.7. In extremely serious cases involving unruly behavior, violence or threat of violence, or imminent danger to personal safety or property, the Police Department should be notified immediately. The supervisor and Police Department will determine the need for immediate arrest or removal from Institute property of an employee. This may include collecting all Institute property from the employee. This should be considered an immediate suspension and may warrant proceeding with the discharge process.

7. **Alternative Disciplinary Actions**: Other forms of disciplinary action may be appropriate in some cases. These may include making up lost time, docking, withholding salary increases, transfer to more suitable work, or compensating the Institute for damage. With the exception of making up lost time and docking, these alternative disciplinary actions must be reviewed

by the President and the Director of Human Resources before they are initiated.

8. **Discharge**: Any employee being discharged under the provisions of this policy normally shall not be allowed to terminate his/her employment voluntarily, unless he/she does so prior to notification of the discharge. The official personnel record will reflect that the employee was discharged or resigned during pending disciplinary action. This is required because of rehire policies, possible legal actions, unemployment compensation liability, etc.

9. **Involuntary Terminations Other Than Discharge**: It is not the intent of this policy to prohibit, or in any way restrict, the Institute and its administrative officials from the right to terminate any employee under the employment at will policy established by the Board of Regents. An employee so terminated shall not have recourse through this policy. However, an employee may utilize the appeal procedure. Examples of termination for non-disciplinary reasons include, but are not necessarily limited to, reduction in force due to lack of work or funds, due to redesigning jobs and changes in the organizational structure, and due to compliance with Institute or TSUS policies and rules (e.g., retirement, nepotism, etc.).

10. **Employee Notification**: Notice of (1) disciplinary probation, (2) demotion, (3) Decision Making Leave/suspension, (4) dismissal from employment shall be given to the affected staff employee in writing with a copy to be filed in the Office of Human Resources. In situations requiring immediate action by the supervisor, such notice must be given in person but in such cases, a follow-up written notice must be given in person or by Certified Mail--Return Receipt Requested as soon as possible thereafter.

POLICY 5.6 ADMINISTRATIVE OFFICERS EMPLOYMENT/TERMINATION

SCOPE: ADMINISTRATIVE STAFF

1. **Policy**: The Texas State University System (TSUS) Board of Regents or the President of the Institute may remove an administrative officer of the component Institute when in the judgment of the Board or the President the interests of the System or the Institute require removal. An administrative officer shall not have a right to a hearing unless the officer alleges that the decision to terminate constitutes violation of a right guaranteed by the laws or constitution of the State of Texas or of the United States and requests an administrative hearing to review the allegations. In such case the administrative officer shall be afforded an opportunity to present allegations before a hearing committee consisting of three impartial administrative officers of the Institute appointed by the President. Such allegations shall be heard under the same procedures as in the case of dismissal of staff for cause, with the following exceptions:

   1.1. The burden of proof is upon the affected administrative officer to establish at such hearing that the decision in question constitutes violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States.

   1.2. The President of the Institute need not state the reasons for the questioned decision nor offer evidence in support thereof unless the affected administrative officer presents a prima facie case in support of such allegations. In such case, the hearing committee shall determine whether the President has no other reason for his decision.

   1.3. The hearing committee will make written findings on the material facts and a recommendation, which findings and recommendation shall be forwarded to the President and to the affected administrative officer. The administrative officer may appeal to the President and ultimately to the Board of Regents in accordance with the terms and procedures specified in Chapter V, Subsections 4.234 and 4.235 of the TSUS Rules and Regulations

2. If the administrative officer has tenure at the Institute by virtue of holding a past faculty position or otherwise, termination as a member of the tenured faculty shall be only for good cause shown, and the official shall be given a hearing if terminated from tenured faculty status according to the LIT Policies and Procedures Manual.

POLICY 5.7 APPEAL AND GRIEVANCE

SCOPE: STAFF

1. **Purpose**: To provide standard procedures whereby a staff member, with the exception of administrative staff member, may seek relief and satisfaction from disciplinary actions imposed by the supervisor.

2. **Policy**: It is the policy of Lamar Institute of Technology to afford staff members the opportunity for fair and prompt consideration of appeals and/or grievances, including allegations of discrimination.

3. **Applicability**: Regular staff members are eligible to use either the appeal procedure or the grievance procedure as defined herein. Probationary and temporary staff members including hourly paid student assistants, work study students, and other hourly paid employees, are eligible to use the grievance procedure, but are not eligible to use the appeal procedure, except in cases involving alleged discrimination under the law.

4. **Definitions**:

   4.1. Appeal: An appeal is an employee's formal expression of dissatisfaction or disagreement with the following personnel actions: performance/disciplinary probation, demotion, decision making leave with or without pay, and/or discharge.

   4.2. Grievance: A grievance is an employee's informal expression of disagreement or dissatisfaction with aspects of employment such as working conditions, hours of work, work environment, relationship with supervisor and other employees, or policies or decisions of the department considered by the employee to be inappropriate, harmful or unfair. Cases involving alleged discrimination under federal and state law and cases of alleged sexual harassment must also be reported directly to the Director of Human Resources.

5. **Staff Member's Rights**: No staff member shall be disciplined, penalized, restrained, coerced or otherwise prejudiced in his or her employment, in any manner whatsoever for exercising the rights or remedies provided for in this appeal or grievance policy. Employees who follow the appeal or grievance procedures shall be allowed time off from regular duties, with pay, for attendance at scheduled meetings and hearings. Employees, who use this policy procedure to purposely disrupt the operation of the work unit of the Institute, are subject to disciplinary action.

6. **Management Rights**: It is not the intent of the Appeal or Grievance Policy and Procedure hereby established to prohibit, or in any way obstruct, a manager or supervisor from prudently exercising his or her management rights. "Management rights" are defined as, but not necessarily limited to, the right of a manager or supervisor to hire employees within established Institute policies; set work schedules, lunch hours and breaks; assign work activities, transfer, promote or demote an employee to achieve optimum use of the employee's skills and talents; discipline or discharge an employee; redesign jobs to insure operational efficiency.

7. **Grievance Procedure**: The Director of Human Resources shall guarantee and insure that staff members subject to these procedures are afforded fair, equitable and expeditious review of matters of grievance. The decision of the appropriate vice president shall be final.

   The grievance will process through the established administrative channels. When a grievance is presented, it should be presented in writing to the Director of Human Resources with a requested course of action.

   Failure of an employee to process a grievance to the next step within the prescribed time limit will constitute abandonment of the grievance. Failure of management to give an answer within the prescribed time shall authorize the employee to proceed to the next step. Time limits include working days only. Any extension of the time limits must be approved by the Director of Human Resources.

   7.1. A staff employee shall present in writing any matters of grievance to the Director of Human Resources. This should be done within five (5) working days from the grievable occurrence. Upon receipt of the grievance, the Director of Human Resources shall have the appropriate supervisor consider all of the facts of the case and report the decision in the matter in writing to the employee within three (3) working days after receipt of the grievance.

   7.2. If the matter is not satisfactorily resolved in the eyes of the grieving, he/she may continue to have the grievance reviewed and adjudicated by each level of supervision in the regular administrative channel until the level of the vice president is reached. At each level above the first supervisor, the request for grievance review must be made by the grieving and should be submitted in writing within three (3) working days from the delivery of the decision of the lower supervisor. At each level, the supervisor shall review all the facts of the case and the decisions rendered by the lower supervisors, and then he/she should render a decision in writing to the grieving within three (3) working days after receipt of the grievance.

   7.3. If the matter continues to be unresolved in the eyes of the grieving, he/she may then submit the grievance in writing to the appropriate vice president. This shall be done within three (3) working days after receipt of the decision of the lower supervisor. The Vice President shall conduct an investigation of all the events leading up to the grievance, he/she shall review all decisions rendered by lower supervisors, and he/she shall render the decision in writing as soon as possible after the investigation is complete (not to exceed thirty (30) days). The decision of the Vice President shall be final in all cases of grievance.

   7.4. At any step or level of the grievance procedure, the Director of Human Resources may be requested by the grieving or the supervisor to serve as consultant to the grievance review. In such cases, the Director of Human Resources shall serve in the capacity of an information-gathering and advisory member only, and shall not have the power of making binding decisions.

8. **Appeals**: Staff personnel who have at least six (6) months of continuous service and who holds a staff position will have the right to appeal any matter of (1) performance/disciplinary probation, (2) demotion, (3) Decision making leave , or (4) dismissal from employment by the department or other administrative subdivision by whom the person is employed.

Each notice of (1) performance/disciplinary probation, (2) demotion, (3) Decision Making Leave, (4) dismissal from employment will be given to the affected staff employee in writing with a copy to be filed in the Office of Human Resources.

8.1. Procedure for Processing Appeals

8.1.1. A staff employee desiring to make an appeal following a probation, demotion, decision making leave period, or dismissal from employment will advise the Director of Human Resources in writing within five (5) working days of the action of his/her desire to initiate an appeal. The written request identifies the reason(s) why the employee feels that he or she was treated unjustly or suffered discriminatory action.

8.1.2. The Human Resources Office shall determine if the notice of intent to appeal has been filed in a timely manner and if there is cause for appeal. The Director of Human Resources will work with the staff member and the management staff to assure a swift resolution of the appeal.

8.1.3. The regularly established administrative channels will be the route of all matters of appeal. The procedure shall be the same as for matters of grievance as stated in the grievance procedure until the matter reaches the level of the appropriate vice president.

8.1.4. The appellant shall be advised by the appropriate vice president of the appellant's right to select the method of the last state of appeal adjudication from the following options:

8.1.4.1. Adjudication by vice presidential review as outlined in grievance procedure.

8.1.4.2. Adjudication by hearing before an ADVISORY AD HOC APPEALS BOARD.

8.1.5. If so optioned by the appellant, the appropriate vice president will appoint an Ad Hoc Appeal Board composed of not less than three (3) members to serve as an advisory body to the vice president. The Ad Hoc Appeal Board will not have the power to make a decision or an agreement binding upon the Institute. The Ad Hoc Appeal Board will be composed of at least one (1) faculty member, one (1) administrative or professional staff and at least one (1) member from the classified personnel. One (1) member of the above categories will serve as Chairman Pro Tempore of the Appeal Board.

8.2. Rights of an Appellant

In presenting an appeal, each employee has the right to the following:

8.2.1. Be dealt with impartially and objectively.

8.2.2. Be free from restraint, interference, coercion, discrimination, or reprisal.

8.2.3. Be given a reasonable amount of time to prepare and present the case.

8.2.4. To seek advice and counsel from a legal counsel retained by the employee or supporting employee.

8.2.5. The Ad Hoc Appeal Board will be appointed as soon as possible after the receipt by the vice president of the option chosen by the appellant. The Director of Human Resources will serve as advisor to the Board and will make the necessary arrangements for a hearing room, secretarial assistance to the Board, and all other physical arrangements deemed necessary and proper.

8.2.6. It shall be the functions of the Ad Hoc Appeal Board to conduct hearings, investigations, and all other activities that will bring to light all of the facts of the case and to otherwise take whatever necessary actions to insure a complete, fair, and impartial hearing for the benefit of all parties concerned. After completion of all hearings, investigations, etc., the members of the Appeal Board shall meet in executive session to deliberate the findings and they will prepare and submit in writing to the vice president their recommendation for adjudication of the case.

8.2.7. The Vice President for Finance and Operations shall render his/her decision in the matter of appeal as soon as possible after the receipt of the findings and recommendations of the Ad Hoc Appeal Board, and shall take steps to notify the appellant accordingly.

8.2.8. In those rare instances in which there is no vice president within the normal administrative channel or if the area vice president requests to be removed from the decision-making role, the President may appoint any of the vice presidents of the Institute to hear the findings of the Ad Hoc Advisory Board, to render a decision and serve as the administrator of record.

8.2.9. The decision of the vice president will be binding unless the President decides to review the case for further consideration.

8.3. **Scheduling and Notice of Hearings**: The hearing officer contacts the employee filing the grievance either directly or through the Office of Human Resources, setting a date for an appeal hearing within the framework as stipulated in the Institute Policies and Procedure Manual. The notice should include:

8.3.1. A statement of time, place, and nature of the hearing;

8.3.2. A short, simple statement of the grieved action and the requested resolution.

8.3.3. The hearing officer may grant one postponement at the written request of one of the parties. The hearing officer may grant an additional postponement if satisfied that the basis for the request justifies further delay. A postponement usually should not exceed two (2) weeks from the date of the previously scheduled hearing.

8.4. **Filing of Document Before the Hearing**: The following written information should be made available to the hearing officer before the hearing date.

8.4.1. A copy of the employee's written request and justification for a hearing.

8.4.2. A copy of any department documents recommending an adverse personnel action which precipitated the appeal.

8.4.3. A copy of all applicable documentation submitted by the supervisor and/or a copy of the personnel record upon which the adverse personnel action was based.

8.4.4. Any documents or written statements which the employee provides and wants made available at the hearing.

8.4.5. Any additional information or recommendation of the Office of Human Resources.

8.5 **Conduct of Hearings**: Appellate hearings will not be open to all Institute employees or the public. By consent of both parties, however, persons other than those listed below may be permitted to attend.

These persons present at the hearing may include:

8.5.1. The aggrieved employee

8.5.2. One or more department representatives, including the employee's supervisor or the person in the administrative structure who made the decision which resulted in the appeal, the Director of Human Resources or Assistant Director of Human Resources. Where there is more than one department representative, a spokesman is designated to serve in oral and written presentations.

8.5.3. Employees who are to appear as witnesses at the hearing. However, these employees will remain outside the proceedings until called by the chair.

8.5.4. Legal counsel or the employee representative may be present and give guidance and advice to the employee. This person may not address committee members, witnesses, or departmental representatives or be entitled to act in an advocacy role. An advocacy role will only be permitted if the administration uses legal counsel in such a role.

8.6 **Hearing Schedule**: The order of the hearing usually follows this schedule:

8.6.1. The hearing officer calls the meeting to order, states the purpose of the meeting, and identifies the employee(s) filing the appeal, the department and Institute representative(s), and other persons in attendance.

8.6.2. Presentation by the employee(s) and witnesses. During the presentation the employee will present reasons for requesting the appeal of the action and desired resolution.

8.6.3. Presentation by a representative of the department and witnesses.

8.6.4. Petitioner may present a rebuttal case.

8.7 **Authority of Hearing or Administrative Officer The hearing officer has the authority**:

8.7.1. To exclude irrelevant, immaterial, or unduly repetitious evidence and note any objections to evidence in the record.

8.7.2. To specify and enforce maximum time limitations on all phases of the hearings.

8.7.3. To invoke "the Rule" when determined appropriate, that is, excusing all witnesses from the hearing except when called to give testimony and cautioning them not to confer with one another concerning their testimony. Invoking "the Rule" does not require removal of the grieving or Institute/Department representative although they may be witnesses. However, they still may not confer with other witnesses concerning their testimony.

8.7.4. To receive documentary evidence in the form of copies or excerpts if the original is not readily available. To give the parties an opportunity to compare the copy with the original.

8.7.5. To take official notice of undisputed facts commonly known among the general public, such as historical events, courses of nature, and main geographical features. In addition, notice may be taken of generally recognized facts within the area of the hearing officer's specialized knowledge, such as the organization of the Department. Parties are notified during the hearing of the material officially noticed, including any staff memoranda or data. The parties will be afforded an opportunity to contest the material so noticed. The special skills or knowledge of the Department or Institute Campus may be used in evaluating the evidence.

8.7.6. To take any other action indicated to maintain decorum and to ensure a fair hearing.

8.7.7. To close the hearing after all evidence is heard. In considering the evidence, the hearing officer will determine the weight, reliability, and credibility of the evidence presented.

8.7.8. To reopen the hearing if appropriate after deliberation, to receive further information if deemed necessary. To conduct other investigations as needed necessary to reach an informed decision and recommendation.

8.7.9. To prepare a recommendation including the reasons for such a decision. The decision shall be based exclusively on the evidence presented and on matters officially noticed.

POLICY 5.8 EMPLOYEE EDUCATION AND TRAINING PLAN

SCOPE: FACULTY AND STAFF

1. **Purpose**: The Employee Education and Training Plan ("the Plan") provides employees of Lamar Institute of Technology with assistance in obtaining additional college-level education and training to increase their value to the Institute. The Plan is intended to operate such that payments made under it qualify, in the case of undergraduate or graduate classes required in a degree plan, as qualified tuition reduction under Section 117 of the Internal Revenue Code; or, for all other courses, as business expenses for courses related to the employee‘s present position, under Section 162 and thus excluded from taxable income under Section 132(d). As such, the Plan represents an internal administrative procedure for the Lamar Institute of Technology. It is not intended to operate as a fringe benefit plan under Section 127 of the Internal Revenue Code.

2. **Definitions**:

   2.1. Benefits-Eligible Employee: Any employee defined as a regular full-time employee by the Teachers Retirement System of Texas is a Benefits-Eligible Employee. This includes all persons employed for a definite period of at least four and one-half months or one long semester at a workload not less than one- half of the standard workload, excluding those employees who are required as a condition of employment to be enrolled as students.

   2.2. Course: Any course offered by an accredited college or university for which academic or technical credit is awarded upon successful completion of the course. The term “course” shall include any associated laboratory or other practical instruction only if such instruction is an integral part of the course and is not separately numbered. The term course shall include “Developmental” and “Pre-Collegiate” courses and laboratories that are offered on a regular basis by an accredited college or university and published in its official undergraduate or graduate academic catalog

   2.3. First Class Day: For a class offered under any regularly published semester or term schedule, the official “first class day” established for that semester or term regardless of the actual date of the first meeting of the specific class. For any class for which an official “first class day” is not established or cannot be determined under the preceding definition, the date of the first scheduled meeting of the class.

   2.4. Standard Workload: The standard workload for an employee (100% FTE) shall be the workload defined in State law or regulation as the standard workload. If no such definition is available, the percent FTE reported for that employee to the Texas Higher Education Coordinating Board in accordance with Lamar Institute of Technology rules and procedures shall be used for purposes of the Plan.

3. **Eligibility**:

   3.1. Benefits-Eligible Employee is eligible to make application for payment under the plan for any course, the first-class day of which falls on or after the day that the employee

has been a Benefits-Eligible Employee for a continuous period of six (6) calendar months.

3.2. An employee whose application contains significantly incorrect information, who violates the provisions or procedures of the Plan, or who fails to complete his or her obligations under the Plan, may be declared ineligible for any subsequent participation in the Plan.

4. **Payments**:

4.1. Payments for an approved undergraduate or graduate course shall not exceed the current cost of assessed tuition and fees for Lamar University. Payments will be made, subject to the other provisions of the Plan, for any course which will maintain or improve the skills required for the employee‘s current job. The institution has determined that, since the primary business of the Institute is to provide courses leading to a degree, any undergraduate or graduate degree will improve the skills required of any employee. Payment will thus be made for any undergraduate course which is required on any degree plan that the employee may be pursuing.

4.2. Payments will be made, subject to the other provisions of the plan, for no more than two (2) courses in each of the Fall and Spring semesters, and one (1) course during the Summer term. Courses are non-transferable to future semesters should an employee enroll in less than the two allowable courses per semester.

4.3. Payments are applicable only to the course for which approval was granted. A new application must be fully approved as specified in Section V before a different course may be substituted under “drop and add” procedures for the originally approved course.

4.4. If an employee has previously been the beneficiary of payment under this plan for a course, payment will not be made a second time for the same or an equivalent course, except when the course was officially dropped (or the student officially withdrew) owing to documented medical causes or at the request of the employee‘s supervisor on account of workload considerations.

4.5. Payments will be made, subject to the other provisions of the Plan, for no more than five (5) courses per academic year (nominally September 1 through August 31) for any employee. Payments will be made during summer terms for eligible employees even though they are not employed during the summer months if such employees are benefits-eligible during the semester immediately preceding the summer, unless they have resigned, or their employment has been permanently or indefinitely terminated.

4.6. Mini-sessions may be approved for payment; however, they will not be approved for absences from work.

4.7. The maximum payment for any one course shall comprise tuition and all fees associated with the course. In the event that an employee is enrolling in more than two courses at an accredited college or university during the same fall or spring

semester (one during the summer), the employee shall pay the incremental charges for tuition and other fees resulting from the additional course(s). Payments will not be made for any deposits or other charges which are refundable at the end of the course or subsequently.

4.8. Payments for courses taken at a Lamar Component will be paid directly to the college or university. Payments for courses taken at another accredited college or university will be reimbursed upon successful completion at a rate not to exceed the current Lamar University required tuition and fee rate for an equal credit hour course.

4.9. Travel expenses will not be reimbursed under this Plan.

4.10. Refunds for dropped or withdrawn from accredited college or university courses will be refunded back to the account from which they were paid.

4.11. In order to conform to IRS regulations and guidance, payment will be made for Physical Activity Courses (PEGA or PHED prefixed courses) only to the extent that such courses are required for graduation.

5. **Availability of Funds for the Plan:** Payments under the Plan are subject to funds being available in the Lamar Institute of Technology budget. The Lamar Institute of Technology is not required to make any funds available in any given fiscal year. In the event that funds available in any given year are not sufficient to fund all applications for payments, approved applications shall be funded in order of receipt by the finance office of the employing component until available funds are exhausted.

6. Applications for Payment: An employee applying for payment under the Plan must complete the appropriate application form and submit it to his/her Account Manager and/or appropriate Dean/Director/Vice President (as indicated on the form) for approval of the course to be taken. The Account Manager or appropriate Dean/Director/Vice President may decline to approve payment for a course if the employee is not in good academic standing or is not making satisfactory academic progress as defined in the rules governing federal student financial aid. The application shall then be submitted to the Human Resources Office. Payment will be authorized only after completion by all administrative offices.

7. Plan Administration/Release Time:

7.1. Nothing in the Plan shall in any way modify or waive any accredited college or university entrance or other academic requirements or course prerequisites.

7.2. Approval of payment under the Plan does not constitute approval to be absent from assigned duties during normal working hours.

7.3. With the employee‘s supervisor and those above the supervisor‘s approval, release time for one class may be granted. Release time is not to exceed the time required for one course. An employee may take only one course a semester during the employee‘s scheduled work day.

7.3.1. Permission to be absent from assigned duties will only be granted if the designated course is not available after work hours.

7.3.2. Variation in a work schedule or flex-scheduling is not permitted solely for an employee to take a course. Flex-scheduling is to be used only when it improves or benefits the operation of the department or office.

7.4. Permission to be absent from assigned duties is at the sole discretion of the employing institution. Nothing in this policy shall be construed as requiring any administrator or supervisor to approve release time during normal working hours. Supervisors and administrators may treat each application for release time based on the particular expertise, duties, and responsibilities of the individual employee involved, even though this may result in some employees being permitted release time and others not.

7.5. Release time under this plan shall not be used for prerequisite testing, advisement, or other non-instructional activities.

7.6. Nothing in the Plan shall be construed as prohibiting Lamar Institute of Technology from making payment outside this plan for any course or training for any employee when taking such course or training is initiated by a supervisor or administrator.

7.7. Completed applications must be in the Human Resources Office on or before the “first class day” of the semester as defined in subsection 2.3 of this policy.

Created:
Reviewed:
Revised: October, 2023

POLICY 5.9 WORKERS' COMPENSATION [65]

SCOPE: FACULTY AND STAFF

1. Workers' compensation has been established by a series of acts which have evolved into the current laws providing this coverage. Financial compensation is paid to employees for physical injuries and illnesses arising out of and in the course of employment. Workers' insurance; nor does it provide compensation for damage to, or loss of, personal property. Compensation laws provide rights and responsibilities to the employee and the employer; and remedies in case of dispute. The administration of the law is overseen by the State Office of Risk Management (SORM). Workers' compensation is not a form of health

2. All Institute employees who have a physical injury or occupational disease as a result of or in the course of employment are eligible to file for workers' compensation.

3. The Institute is required to furnish each employee a safe place to work, free from recognized hazards likely to cause harm. The Institute is also required to provide initial assistance to injured employees by notifying them that they are covered by workers' compensation and the proper procedure to follow in applying for benefits. The Institute must secure information on the injury to submit to the SORM. The Office of Human Resources will coordinate workers' compensation claims.

4. The employee must fulfill the following responsibilities to establish a claim for compensation:

   4.1. The employee must notify his/her supervisor, or a higher-level person within his/her department, of an on-the-job injury, or first clear symptoms of an occupational disease within thirty (30) days of that injury or first clear symptoms.

      4.1.1. Supervisors are required to complete the TWCC-121 (Supervisor's Investigation of Employee's Accident/Injury) the same day of the accident/injury/illness and return it to Human Resources.

      4.1.2. Incident/accident investigations shall be completed by the Office of Campus Safety within one working day of notification.

   4.2. A Notice of Injury or Occupational Disease and Claim for Compensation must be completed and filed by the employee with the Texas Department of Insurance, Division of Workers' Compensation within one year of the injury or first clear symptom of the occupational disease.

   4.3. An employee who fails to give notice to the Institute of the injury or symptom of occupational disease within 30 days causes the Institute and the SORM to be relieved of any legal responsibility.

   4.4. Compensation is not a full wage. Health and other insurance premiums are the responsibility of the employee.

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[65] Texas Labor Code, Title 5, Workers' Compensation

POLICY 5.10 EMPLOYEE BENEFITS AND SERVICES

SCOPE: FACULTY AND STAFF

1. **Policy**: The Institute has developed a variety of benefits available to eligible employees. Participation in the various benefits is usually voluntary and predicated on meeting certain eligibility requirements. Some benefits have mandatory participation. Each benefit contained in this section is explained in general terms. For specific information, employees should contact the Office of Human Resources.

2. **Insurance**:

   2.1. All benefits-eligible employees may participate in the Institute group insurance plans administered by the Employee Retirement System of Texas. The Human Resources office is responsible only for administration of the programs and record keeping. The Human Resources office staff is available to provide general assistance to employees in dealing with insurance issues but each employee is individually responsible for meeting the requirements set by the insurance company policies.

   2.2. Currently, the Institute has insurance coverage available in dental, prescription, medical/hospitalization, life, dependent life, accidental death and dismemberment, long term care, and short- and long-term disability. Participation in any of these programs is voluntary.

   2.3. The amount of state contribution, by current state law, provides coverage for medical and basic life coverage for the employee only. If dependents are enrolled, a lesser contribution will be made toward the dependent‘s premium.

   2.4. The State of Texas provides a contribution towards the premiums of these coverages. The amount of the contribution is set each legislative session. The employee must pay for coverage beyond the basic plan through payroll deductions. Long term care premiums are paid to the carrier.

3. **Reimbursement Account (TEX-FLEX)**:

   3.1. A Reimbursement Account or Cafeteria Plan is an employee benefit plan that has been so-named for the "menu" of benefits offered. Such plans are optional to each participant. The major advantage of a Reimbursement Account is that it pays for benefits with pre-tax dollars, thereby creating tax savings for participants.

   3.2. Employees who participate may use their pre-tax dollars to pay for unreimbursed medical expenses (such as health insurance deductibles physician visit co-pays, prescription co- pays and deductibles, vision care, dental care); and/or expenses for child care or dependent care.

4. **Retirement Plan**:

   4.1. All regular employees must participate in a retirement program. Most staff employees will be enrolled in the Teacher Retirement System. Faculty and some administrative

   personnel will have the opportunity to choose between TRS and one of the programs

available under the Optional Retirement Program.

4.2. Deductions made for these plans and the amount contributed by the State of Texas are determined by the State legislature. The state also regulates conditions for withdrawal of contributions.

4.3. Employees anticipating retirement should contact the Office of Human Resources for assistance. Employees who terminate prior to retirement should also contact the Office of Human Resources to determine disposition of any funds in the employee's account.

5. **Social Security (FICA)**:

5.1. All staff and faculty employees are covered by Social Security except as provided in Sections 5.2 and 5.3. Under this program, deductions are made from each employee's paycheck and are matched by the Institute as the employer.

5.2. Undergraduate student employees who are enrolled in a minimum of 6 credit hours during each long semester and 3 credit hours during the summer semesters will not be subject to Social Security deduction, beginning June 1, 2000. Student employees enrolled for fewer than the designated hours or not attending class will be subject to Social Security.

5.3. The provisions of Sections 5.2 does not apply to employees in regular or temporary positions for which student status is not required as a condition of employment.

6. **Savings Plan**:

6.1. Employees may elect to participate in several plans which allow deductions from their payroll checks to be put into several types of savings. The plans are U.S. Savings Bonds, the State of Texas Deferred Compensation Plan, and Tax-Sheltered Annuities. For further information on these, employees should contact the Office of Human Resources.

POLICY 5.11 RECOGNITION AND RETIREMENT AWARDS

SCOPE: FACULTY AND STAFF

1. **Policy**: Lamar Institute of Technology offers recognition awards to all faculty and staff who have completed career milestones of five or more years of service to the Institute and a retirement award to those employees who retire under the provisions of the Institute Retirement Plan.

2. **Eligibility**:

   2.1. Time spent on family medical leave and family care reduced schedules will count toward service.

   2.2. Employees not currently employed at the time of the awards ceremony are ineligible for an award.

   2.3. Full-time employees who retire under the provisions of the Institute Retirement Plan are eligible for a service award if the full required service time has been earned.

   2.4. The awards program will recognize service to Lamar Institute of Technology (including time at other Lamar institutions) in five (5) year increments; thus, awards shall be presented to employees with 5, 10, 15, 20, 25+.years of continuous of service. The cost of each award shall not exceed that amount established by the State of Texas.

   2.5. At the time of the award, the employee must hold a full time or 100% FTE staff position.

   2.6. Periods of professional leave, military leave, or extended medical leave and leave without pay as defined in the LIT Policies and Procedures Manual will not be counted as interruptions in employment, but no service credit will be given for such leave periods. Periods covered by the FMLA will be given service credit.

   2.7. Part-time Student Assistant, Student Work Study, Hourly or Part time employment shall not count toward Staff Awards service credit time

SECTION 6: ATTENDANCE/LEAVE

POLICY 6.1 OFFICIAL WORK WEEK, HOURS OF WORK AND PLACE OF WORK

SCOPE: FACULTY AND STAFF

1. **Official Work Week and Working Hours**: The Institute's normal work week begins at 12:01 A.M. Saturday and ends at midnight the following Friday. State law sets the minimum work week for regular full-time salaried employees at forty (40) hours.[66] Administrative and departmental offices will be open from 8:00 am to 5:00 pm Monday through Friday, except on designated holidays.[67] Offices shall remain open during the noon hour each working day with at least one person on duty to accept calls, receive visitors, or transact business.[68] Departments that are prevented from remaining open throughout the normal workday because of structure, size or function shall arrange telephone coverage during the periods that personnel are not available. Schedules may be shifted to provide for Saturday and Sunday needs in some departments; however, the time worked on such days counts toward the forty (40) hours per week required above.[69] Exceptions will be made for legal holidays authorized by the current General Appropriations Bill and promulgated by the President.

2. **Service Departments**: Service department personnel will normally observe the forty (40) hour work week; however, because of service department operations, employees may have different work schedules and may be subject to call on a standby basis for emergencies, special events, and in unusual circumstances. The regular hours will, however, be compensated in accordance with state law.

3. **Lunch Periods**: Employees are entitled to a maximum of a 1-hour lunch period. Lunch periods are to be scheduled by supervisors to ensure that work requirements are effectively continued. If Lunches are taken on Institute property, employees are expected to adhere to Institute rules and standards.

4. **Rest Periods**: Work load permitting, a rest period of not more than fifteen (15) minutes during the first half of a regular workday and not more than fifteen (15) minutes during the second half of a regular workday is permitted for full time employees. Part-time employees who are scheduled to work four (4) hours or more but less than a full day will be afforded one fifteen (15) minute rest period. Breaks are dependent on work schedule and supervisory approval.

   Rest periods cannot be accumulated for use at a later date nor used to shorten the regular workday or lengthen the lunch period. In all instances, the utilization of rest periods is subject to the work load demands of the organizational unit as determined by the supervisor. During break periods, the employee is on paid leave and all normal standards of conduct should apply.

5. **Observance of Regulations**: Each staff member must observe the regular work schedule

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[66] Vernon's Civil Statutes, Article 5165a, Section 1, "Weekly Working Hours of State Employees."
[67] Texas Government Code§658.007
[68] Ibid Code§658.007
[69] Ibid§658.007

for his/her work location. Absence from duty must be accounted for under established leave policies on approved leave forms. In no case shall an employee be paid for unaccounted time. Failure to properly notify a supervisor concerning an absence and to receive necessary permission may result in disciplinary action up to and including termination. Any individual who is consistently late for work, or who does not return from rest periods or lunch periods promptly, is subject to disciplinary action up to and including termination. The staff member is responsible for notifying the supervisor close to the opening of the work day if he/she will be late or absent from work. When it is necessary to leave work early; the staff member is to make necessary arrangements with the supervisor prior to the time of departure.

6. **Place of Work**: Employees must, during normal working hours, conduct agency business only at their regular place of business or assigned duty points unless they are on travel status or have received prior written authorization from the administrator of the employing agency. An employee's personal residence may not be considered to be their regular place of business or duty point without the written authorization of the President of the Institute. [70]

[70] Texas Government Code §658.010

POLICY 6.2 FACULTY WORK SCHEDULES

SCOPE: FACULTY

Policy:

Faculty Work Schedules and Door Schedules are due to the Provost's Office by the fifth-class day as listed in the Academic Calendar for the term.

1. Each full-time faculty member (full time is a minimum of 240 instructional equivalents) must be on duty each workday, Monday through Friday, in a given term, except when on approved leave.

   1.1 If all of an instructor's courses are taught online, the full-time faculty member is expected to be on campus five days a week.

2. Faculty are recognized as full-time employees who work a 40-hour workweek; therefore, faculty will be available to be on campus between 8:00 a.m. and 5:00 p.m. (or as assigned), Monday through Friday.

   2.1 Granted, faculty will not be expected to be on campus from 8:00 a.m. until 5:00 p.m. every day, but if a meeting is called during that time, the faculty member is expected to attend.

   2.2 Faculty will be given one weeks' notice of such meetings; when applicable.

3. Each full-time faculty shall be on duty a minimum of 30 hours per week.

   3.1 This time EXCLUDES any overload courses.

   3.2 On duty means that a faculty member is on campus (assigned location), available to students and colleagues.

   3.3 The 30 hours consists of office & teaching hours and LIT service (student recruitment, department meetings, program meetings, TLC trainings, committee meetings, and committee work); however, there are other ways for a faculty member to be on duty, provided the faculty member receives approval of the department chair.

   3.4 The "Faculty Workload – College Service Lists" contains activities your leadership (department chair or higher) may approve.

4. The 30 hours will be reported as follows:

   4.1 30 hours on door schedule, 30 hours – office and teaching hours and LIT service.

   4.2 Faculty who wish to be off campus part of their LIT Service time will request approval via Request to be Absent from Assigned Schedule Form.

5. Faculty who teach primarily late in the day or primarily online (60% online or more) shall

adhere to the following guidelines for being on campus:

5.1 The faculty member will maintain a 30-hour workweek.

5.2 The faculty member will be available on campus for evening and online students.

5.3 The schedule will be approved by leadership (department chair or higher).

6. Banking of Hours: In the instances where a faculty member exceeds the 30 hours of on campus availability, he or she may wish to bank the extra hours to use for personal time off. LIT's guidelines on banking is: No official banking, but professional judgement of department chair may allow flexibility.

7. Program Directors must show an additional two hours on their schedules. Department Chairs must show 40 hours.

8. For full-time faculty, travel between campuses or teaching sites will be counted as part of the 30 hours for regular load courses only. This time is not offered for overload courses.

9. Release time must be documented on the work schedule with the appropriate instructional equivalents. (20% = 48IE, 40% = 96IE, 50% = 120IE).

10. Faculty members shall enter overload course sections on their schedules of OL. Overload hours will be in addition to the 30 hours of required time on campus.

11. The number of hours worked each day must be totaled on each column of the faculty work schedule.

12. Each faculty member shall post a copy of their approved schedule on their door. The Faculty Work Schedule will populate the Door Schedule.

13. The President or designee must approve any exceptions to the normal workday and normal workweek in writing prior to beginning of the term.

Approved by President's Council: November 18, 2013
Effective Date: January 1, 2014
Reviewed: August 2019; February 2023; November 20, 2023
Revised: August 27, 2019; November 20, 2023

POLICY 6.3 ABSENCE/ATTENDANCE

SCOPE: ADMINISTRATION AND STAFF

1. **Absence/Attendance**: A staff member is expected to report to work according to departmental work schedule. If unable to do so, the supervisor or designee must be notified at the opening of the work day or as soon as possible. Unless approved by the supervisor, Voice Mail should only be used in an emergency to give notice to the supervisor and followed up as soon as possible. Excessive absenteeism (including tardiness), unexcused absences, or failure to give proper notification of absences, shall be considered sufficient cause for disciplinary action or separation from Institute employment. An unauthorized absence of more than three (3) consecutive working days (with or without prior notification) may be considered job abandonment and may result in separation for cause.

   In a situation of absence of more than three (3) consecutive days for illness, the employee must notify the supervisor of the reason for absence and upon return provide a doctor's statement releasing the employee to full duty or identifying any restrictions. A written statement acceptable to the supervisor may be substituted for the doctor‘s release to work. Patterns of absence or situations of possible abuse of sick leave will be addressed by the supervisor as a disciplinary matter and a doctor's statement may be required for absences of less than three (3) consecutive days.

   Employees who are on sick leave for more than ten (10) consecutive working days must be put on leave with pay status and an appropriate F3.2 (Personnel Action Request) must be generated by the department. The employee will remain on leave with pay until all approved leave usage is expended, then a leave without pay adjustment must be made by the department.

2. **Leave Eligibility**: It is the policy of the Institute to provide leave benefits, subject to the standards within the Texas Government Codes, Interpretations by the Office of the State Auditor, and other state laws, for all eligible staff members of the Institute. All regular full-time (100% FTE) staff members, and regular part-time (50%-99% FTE) staff, are eligible for leave benefits. The accumulation of leave and pay for eligible regular part-time (50%-99% FTE) staff members will be on a prorated basis. Employees appointed for less than half time (50% FTE) or less than four and one-half months are not eligible for leave.

3. **Leave With Pay**: In order for a staff member to be eligible for pay when absent from work, he/she must qualify in accordance with the provisions of the appropriate policy, i.e., Compensatory Leave, Development Leave, Emergency Leave, Administrative Leave, Holidays, Jury Duty, Military Leave, Sick Leave or Vacation Leave.

4. **Leave Without Pay**: A regular staff member may be allowed a leave of absence without pay for a reasonable period of time. A leave without pay is for a reason not specifically referred to in one of the policies covering absences with pay. Any absence of this nature is considered to be a leave of absence without pay (LWOP) in accordance with the provisions of the appropriate policy, i.e., Leave Without Pay, Military Leave, or Family Medical Leave.

5 **Job Abandonment**: An employee is deemed to have abandoned his/her job when for a period of three consecutive days the employee has been absent without approval. This employee is subject to termination. Supervisors should implement the following procedure:

5.1. Documentation should be provided to the Director of Human Resources

5.1.1. Reflecting the length of the unapproved leave and any known circumstances,

5.1.2. Efforts expended to contact the employee.

5.2. The Director of Human Resources or the department manager shall send a certified letter to the last known address of the employee informing the employee of the imminent loss of employment and giving the employee a time frame in which to respond.

5.3. If the employee fails to respond, or responds with a reason that is unacceptable to the supervisor, the appropriate vice president, with the approval of the President, may terminate the employee. The decision will be reviewed with the Director of Human Resources. To do so:

5.3.1. A certified letter must be sent to the employee notifying him/her of the termination and referring him/her to the Office of Human Resources for an exit interview.

5.3.2. All passwords and information systems accounts must be deactivated by the supervisor. All credit cards, telephone cards, and cell phone accounts must be deactivated.

5.3.3. An F 3.2 Personnel Action Form must be prepared terminating the employee. The date of termination shall be the first day after the close of the third day of unauthorized absence.

POLICY 6.4 TIME AND ATTENDANCE/LEAVE RECORD [71]

SCOPE: FACULTY AND STAFF

1. **Time and Attendance Records**: Lamar Institute of Technology is under the jurisdiction of the State Government Code and must comply with all the rules and regulations promulgated there under, including the requirement to maintain attendance and leave records on each employee. Under the Government Code, the Institute is required "to keep a record of the vacation and sick leave accrual and absences of each employee, and the reasons therefore, whether from sickness, vacation, or leave of absences without pay. Such records shall be available for public inspection." Also, hours worked and absences from work by a staff member must be recorded to ensure the staff member's receiving proper payment for hours actually worked, or for leave entitlements. To this end, department officials are encouraged to appoint departmental time clerks who will be responsible for timekeeping records for a specific unit, department, or subdivision thereof.

2. **Time Reporting**: Each employee is responsible for accurately reporting the actual time worked or official absences on the departmental leave records. By affixing his/her signature to the F3.6, the supervisor certifies the accuracy of the report. Intentional reporting of absences as time worked is a major rule violation and will subject the staff member to discharge.

   2.1 Leave Reporting: Employees are to report their leave taken using the online leave reporting feature found on the Employee Dashboard in the employee section of the Self Service Banner. Each employee is responsible for accurately reporting the actual time absent for work, using the appropriate earn code. By approving the leave report, the supervisor certifies the accuracy of the report.

   2.2 Request for Leave are to be submitted using the online leave request feature found on the Employee Dashboard in the employee section of Self Service Banner. Employees will not be able to submit digital leave requests sooner than 90 days from their intended day off or request leave that will occur within the current month. Supervisors are responsible for communicating to their employees their preference for leave requests made outside of the digital leave request period. Once a digital request for leave has been approved, the leave will automatically be added to the employee's digital leave report for that month.

3. **Records Retention**: All leave records must be retained for official audit purposes. The Institute retention schedule requires time records be maintained for the current fiscal year plus the previous three fiscal years.

Created:
Reviewed:
Revised: October, 2023

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[71] Texas Government Code §658.010

POLICY 6.5 HOLIDAYS/ENERGY CONSERVATION DAYS

SCOPE: FACULTY AND STAFF

1. **Holidays**: Current legislation authorizes the state legal holidays, but provides that educational institutions may adjust the actual observance of these holidays to permit efficient schedules. The President of Lamar Institute of Technology authorizes the specific holiday schedule to be observed each year, and this schedule is issued from the Office of the President. The Institute will not exceed the paid holidays granted to state agencies as part of the Appropriations Act for each year of the biennium, however, the holiday schedule will be arranged to best meet the needs of the Institute constituents. Only regular faculty and staff members of the Institute shall be eligible for paid holidays.[72]

2. **General**: Following are the conditions of a paid holiday for employees of the Institute:

   2.1. Regular part-time faculty and staff are entitled to the same holidays with pay granted to regular full-time employees. However, the holiday pay for part-time employees shall be determined on a basis proportionate to the rate provided to full time employees. [73]

   2.2. A staff member can be required to work on a holiday, but shall be given alternate time off within a twelve-month period following the holiday worked at a rate of one hour for each hour worked, to be taken on a date mutually agreed upon by the staff member and the supervisor. Library, Police, and service departments may adopt internal policies which allow the department official to designate an alternate holiday schedule.

   2.3. If a holiday occurs while a faculty or staff member is on sick leave or vacation leave, it will be counted as a holiday and not as leave.

   2.4. A faculty or staff member who is on leave without pay is not eligible for pay for a holiday.

   2.5. If a holiday falls in mid-month (other than the first or last workday of the month), the employee must be a state employee (legal definition is employed by the state and not on leave without pay) on the day before and the day after the holiday. If the holiday falls on the first workday of a month, the employee must be a state employee on the day immediately after the holiday. If the holiday falls on the last workday of the month, the employee must be a state employee on the day immediately before the holiday. [74]

3. Holidays observed should be recorded on the monthly Vacation/Sick Leave form (F3.6). If a holiday is observed on the day scheduled by the Institute, an "H" is entered on that date. If the staff member works on the holiday, an “HW” for “holiday worked” and the number of hours is entered on that date. If the holiday is observed on a day other than the day scheduled by the Institute, an “HT” for “holiday taken” and the number of hours taken is entered on that date.

4. A staff member who wishes to take time off for religious purposes on a day that is not an official Institute holiday must charge such time as vacation leave, leave without pay, or must

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[72] Texas Government Code §662.011
[73] Attorney General Opinion No. M1014 (12/9/71)
[74] Texas Government Code §662.011

make up such time if this is agreeable to the supervisor. Employees are entitled to observe the holidays of Rosh Hashanah, Yom Kippur, Good Friday, and Cesar Chavez in lieu of any holiday(s) on which the Institute is required to be open and staffed to conduct business. The employee may, with the supervisor's approval, work a holiday on which the Institute is closed and use the compensatory time for one of the above holidays.

5. The President may arrange work schedules to fit the academic calendar in order to provide efficient and economical operation.

6. A holiday is for the standard eight (8) hour day, employees working non-traditional schedules will only receive eight (8) hours of holiday time.

7. **Energy Conservation Days**

   Energy conservation days may be a part of the College holiday schedule but are not paid holidays. Energy conservation days are used to increase the number of days the College is closed, which results in energy savings. Non-exempt employees will be required to use vacation or compensatory time for the energy conservation days. Since compensatory time cannot be advanced to employees, those without sufficient vacation time available will need to acquire the necessary compensatory time for the energy conservation days prior to those days. Non-exempt employees should be given the opportunity to work enough extra hours prior to the energy conservation days to accumulate enough compensatory time to offset the energy conservation days. Compensatory time earned must be approved in advance by the employee’s supervisor. Exempt employees are expected to work the time necessary to accomplish the requirements of the job and while they do not accrue compensatory time, their additional time worked may be used to cover EC absences. Employees may also have the option to take Leave without Pay on energy conservations days if they choose to do so.

Created:
Reviewed:
Revised: October, 2023

POLICY 6.6 FAMILY MEDICAL LEAVE ACT [75]

SCOPE: FACULTY AND STAFF

1. **Policy**: It shall be the policy of Lamar Institute of Technology to provide all eligible employees twelve (12) weeks leave time to care for their needs and those of their family members. This policy shall meet the requirements of the Family Medical Leave Act. Employees utilizing FMLA will be granted the rights preserved in that legislation and the regulation defined by the U.S. Department of Labor and the State Appropriations Act.

2. **Eligibility**: To be eligible for leave under the Family Medical Leave Act, an employee (Faculty or Staff) must have:

   2.1. Been an employee of the State of Texas at least twelve (12) months. In calculating the required twelve (12) months, all state employment will be counted and it need not be continuous.

   2.2. Worked at least 1250 hours during the preceding twelve (12) months. The 1250 hours refers to hours actually worked and does include paid time off.

3. **Qualifying Events**: Eligible employees are entitled to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for one (1) or more of the of the following:

   3.1. For incapacity due to pregnancy, prenatal medical care or child birth;

   3.2. To care for the employee‘s child after birth, or placement for adoption or foster care;

   3.3. To care for the employee‘s spouse, son or daughter, or parent, who has a serious health condition; or

   3.4. For a serious health condition that makes the employee unable to perform the employee‘s job.

4. **Military Family Leave Entitlements:** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12- week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending port deployment reintegration briefings.

   FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has serious injury or illness incurred in the list of duty on active duty that may render the service member medically unfit to perform his or her

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[75] Texas Government Code §661.909; State Auditor‘s Leave Interpretation Letter No. 97-01; Texas Human Resources Management Statutes Inventory (2006-2007 Biennium); Family Medical Leave Act, 1993, 29CFR825

duties for which the service member is undergoing medical treatment, recuperation, therapy or is in outpatient status, or is on the temporary disability retired list.

5. **Administration**: Lamar Institute of Technology will calculate the twelve (12) month period of leave usage by a roll forward method.

5.1. Eligible employees must utilize all available applicable leave when taking family medical leave (FML). After all paid leave is utilized; the State will pay for the State paid portion of the employee's coverage under the group health plan for any remaining calendar months of leave without pay which may be taken under FML.

5.1.1. **FMLA is Unpaid**: FMLA is unpaid although the employee may be eligible for short- or long-term disability payments and/or workers' compensation benefits under those insurance plans. If the employee requests leave because of a birth, adoption or foster care placement of a child, any accrued paid vacation and compensatory leave or applicable sick leave first will be substituted for any unpaid FML. If the employee requests leave because of his/her own serious health condition, any accrued sick leave, paid vacation, or compensatory leave, will be substituted first for any unpaid FML. However, federal (FLSA) compensatory time cannot be used concurrently with FML. If an employee elects to use FLSA comp time while on FML, that time is not counted toward the 12- week FML entitlement.

5.1.2. Medical and Other Benefits: Health care coverage will cease if premium payment for dependent coverage is more than thirty (30) days late. If the employee elects not to return to work at the end of the leave period, he/she will be required to reimburse the State for the cost of the premiums paid to maintain coverage during leave, unless he/she cannot return to work because of a serious health condition or other circumstances beyond his/her control.

5.1.3. Sick leave may be used in conjunction with FML when a child under the age of three is adopted, regardless of whether the child is ill at the time of adoption. Conversely, a state employee who is the father of a child may use sick leave only if the child is ill due to childbirth or to care for his spouse while she is recovering from labor and delivery.

5.1.4. If FML is used in one continuous block, a business closing will count against the employee‘s entitlement. The exception to this is a closing of a week or more.

5.2. An employee on FML shall not earn state service credit, vacation leave, or sick leave for any full calendar months of leave without pay (LWOP). Further, any full calendar months of LWOP shall not be included in the calculation of six (6) continuous months of employment for vacation purposes.

5.3. Notice of Leave: If need for FML is foreseeable, employees must give Lamar Institute of Technology thirty (30) days prior written notice. If that is not possible, notice should be given at least as soon as practicable (within 1 to 2 business days of learning of that need for leave). Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, notification must be given within 1 to 2 working days of learning of need for leave, except in extraordinary circumstances. Requests for FML shall be made by the employee through the Office of Human

Resources. Supervisors are responsible for notifying the Office of Human Resources of situations which may qualify an employee for FML coverage.

5.4. Medical Certification: If requesting leave because of an employee's or a covered relation‘s serious health condition or military caregiver‘s leave, the employee must provide appropriate medical certification. Medical certification forms are available from the Human Resources Department. Failure to provide requested medical certification in a timely manner may result in denial of leave

5.5. Reporting While on Leave: The employee must contact the Human Resources Office regarding the status of his/her condition and intention to return to work.

5.6. Intermittent and Reduced Schedule Leave: Leave because of a serious health condition, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, Lamar Institute of Technology will reduce the employee's salary based on the amount of time actually worked. In addition, while he/she is on an intermittent or reduced schedule leave, Lamar Institute of Technology may temporarily transfer the employee to an alternative position which better accommodates the recurring leave and which has equivalent pay and benefits.

5.6.1. Employees requesting intermittent leave to care for a child that is newborn, during adoption, or during foster care must get supervisor approval for the intermittent leave.

5.7. **Returning from Leave**: If leave is taken because of employee's serious health condition, he/she will be required to provide medical certification to resume work. Return to work forms may be obtained from the Office of Human Resources Leave Coordinator. Employees failing to provide the return to work form or a doctor's release will not be permitted to resume work until it is provided. Employees must provide the Office of Human Resources and the supervisor a copy of the release form prior to returning to their work station.

5.8. **Extended Leave for Serious Health Condition**: Leave taken because of an employee's own serious health condition may be extended additional weeks with approval (see Leave Without Pay Policy). If an employee does not return to work on the originally scheduled return date nor requests in advance an extension of the agreed upon leave with appropriate documentation, he/she will be deemed to have voluntarily terminated employment with Lamar Institute of Technology.

6. **Definitions**: For the purposes of this policy, the following definitions apply:

6.1. "Spouse" is defined in accordance with applicable State law.

6.2. "Parent" includes biological parents and individuals who acted as parents, but does not include parents-in-law.

6.3. "Son" or "daughter" includes biological, adopted, foster children, stepchildren, legal

wards, and other persons for whom the employee acts in the capacity of a parent and who is under 18 years of age, or over 18 years of age but incapable of caring for themselves.

6.4. "Serious health condition" means any illness, injury, impairment, or physical or mental condition that involves: (1) any incapacity or treatment in connection with inpatient care; (2) an incapacity requiring absence of more than three calendar days and continuing treatment by a health care provider; or (3) continuing treatment by a health care provider of a chronic or long term condition that is incurable or will likely result in incapacity of more than three (3) days if not treated.

6.5. Continuing treatment" means: (1) two or more treatments by a health care provider; (2) two or more treatments by a provider of health care services (e.g., physical therapist) on referral by or under orders of a health care provider; (3) at least one treatment by a health care provider which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a program of medication or therapy); or (4) under the supervision of, although not actively treated by, a health care provider for a serious long- term or chronic condition or disability which cannot be cured (e.g., Alzheimer's or severe stroke).

6.6. "Health Care Provider" includes: licensed MD's and OD's, podiatrists, dentists, clinical psychologist, optometrist, chiropractors authorized to practice in the State, nurse practitioners and nurse-mid-wives authorized under the State law, and Christian Science practitioners.

6.7. "Needed to care for" a family member encompasses: (1) physical and psychological care, and (2) where the employee is needed to fill in for others providing care or to arrange for third party to care for the family member.

6.8. The phrase "unable to perform the functions of his/her job" means an employee is: (1) unable to work at all; or (2) unable to perform any of the essential functions of his/her position. The term "essential functions" is borrowed from the Americans with Disabilities Act ("ADA") to mean "the fundamental job duties of the employment

POLICY 6.7 PARENTAL LEAVE [76]

SCOPE: FACULTY AND STAFF

1. **Policy**: Regular faculty and staff employees not eligible for Family Medical Leave (FMLA) are entitled to a parental leave of absence, not to exceed 12 weeks (480 hrs.), for the birth of a natural child or the adoption or foster care placement of a child under three (3) years of age. This leave shall be deemed to have met the provisions of the Family Medical Leave Act for those employees covered under FMLA.

2. **Parental Leave**: Parental leave eligibility begins with the birth of a child or the first day of formal placement. Parental leave must be taken during the 12 weeks beginning on the date of the birth of a natural child by the employee or the adoption or foster care placement with the employee. Employees must use all available applicable paid leaves (sick leave, within the restrictions of the Sick Leave Policy, vacation leave, and compensatory time off) with the remainder of the leave unpaid.

   2.1. Sick leave usage must be limited to those situations falling within the definition of sick leave as contained in the Sick Leave Policy. Sick leave may be used prior to the birth of the child if there is a medical necessity for the absence. After the birth sick leave is available only for the postpartum recovery period defined by the physician or any illness or medical needs of the child.

   2.2. Requests for parental leave must be recorded on the Request for Leave Form (F3.6A) as parental leave and appropriate paid leave.

   2.3. Availability of parental leave will conclude within 12 months of the birth or adoption of a child.

   2.4. An extension for a reasonable period of time may be granted under the provisions of the Leave Without Pay Policy.

   2.5. A pregnant woman, without regard to marital status, shall be entitled to the same rights given other employees absent from work due to disability. The adoption of a child less than three (3) years of age shall be treated as any other temporary disability.

   2.6. Sick leave may be used when a child under the age of three is adopted regardless of whether the child is actually sick at the time of adoption.

3. **Combining Family Medical and Parental Leave**: Family Medical Leave is only available to employees with more than 12 months of state service and may be used for reasons inclusive of parental leave. Since eligibility time requirements for the two types of leave are different, an employee would meet the requirements of either parental leave (less than 12 months of state service) or family medical leave (12 months [1,250 hours] or more of state service), not both, so the two types of leave could not be taken back to back for the same event.

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[76] Texas Government Code §661.909; State Auditor's Leave Interpretation Letter No. 97-01; Texas Human Resources Management Statutes Inventory (2006-2007 Biennium); Family Medical Leave Act, 1993, 29CFR825

4. **Use of Sick Leave**: The State Auditor's Office has advised that sick leave may be used in conjunction with FMLA leave when a child under the age of three is adopted regardless of whether the child is actually sick at the time of adoption. The Auditor's Office also advised than an employee who is the father of a child may use sick leave in conjunction with the child's birth only if the child is ill or to care for his spouse if she is recovering from labor and delivery.

POLICY 6.8 OVERTIME/COMPENSATORY LEAVE [77]

SCOPE: FACULTY AND STAFF

1. Policy: It is the policy of Lamar Institute of Technology that work activities will be completed within the standard work week. If need should cause for non-exempt employees to work in excess of the standard work week, the employees will receive compensatory time in accordance with the Fair Labor Standards Act (FLSA) or the General Appropriations Act.

2. Approval: All overtime worked must be approved in advance by the department official who has the authority to approve overtime. Administrative officials may arrange schedules in order to prevent overtime.

3. FLSA Overtime/Compensatory Leave: Non-Exempt Employees

   3.1. A non-exempt employee who is required to work in excess of forty (40) hours in a work week is entitled to compensation for the excess hours either by compensatory time off at the rate of one and one-half (1 1/2) hours off for each hour of overtime; or at the discretion of the supervisor, in cases when granting compensatory time off is impractical, the employee will receive pay for overtime at the rate equal to one and one-half (1 1/2) times the employee's regular rate of pay.

   Note: To convert straight-time hours to overtime hours, multiply the total number of straight-time hours by 1.5. To convert overtime hours to straight- time hours, divide the total number of overtime hours by 1.5.

   3.2. Any paid leave or holidays taken are not counted as hours worked in determining overtime hours.

   3.3. Each non-exempt employee may accumulate no more than 240 hours of overtime credit except for employees engaged in public safety, emergency response, or a seasonal activity who may accumulate no more than 480 hours of overtime credit.

   Employees must be paid for overtime in excess of the limit on accumulation, at the rate of one and one-half (1 1/2) times the employees' regular rate of pay. The hourly rate shall be calculated as 2080 hours divided into the total annual salary.

   3.4. The employee is paid for any accrued FLSA time upon leaving Institute employment. The compensatory rate will be calculated at the employee‘s current rate of pay, regardless of when the hours were earned. The estate of any non-exempt employee will be paid for the accrued FLSA time.

   3.5. Non-exempt part-time employees must be paid at their regular rate of pay for hours worked over their designated hours; they may not accrue state compensatory time. Non- exempt part-time employees must be paid FLSA overtime for all hours worked in excess of 40 in the work week.

   3.6. A full-time employee of an institution of higher education who has appointments to

[77] Texas Human Resources Management Statutes Inventory 2006-2007 Biennium; Fair Labor Standards Act, 1938; Texas Government Code §659.015; Texas Government Code §659.016; Texas Government Code §659.02

more than one position within the same institution may receive pay for working more than 40 hours a week if the institution determines that pay in lieu of compensatory time is in the best interest of the institution. (77th State Legislature)

4. **State Overtime/Compensatory Leave**:

4.1. In the event an employee **has not** worked more than forty (40) hours in a work week, but the total hours worked and paid leave or paid holidays exceed forty (40) hours, the employee shall be allowed compensatory time off equal to the number of hours in excess of forty (40).

4.2. In the event an employee **has worked** more than forty (40) hours in a work week and the total hours worked and hours of paid leave or paid holidays exceed forty (40) hours the employee shall be allowed both FLSA and State Compensatory time.

4.3. The employee leaving Institute employment (resignation, termination, or retirement) or transferring to another State agency will not be paid for any earned State Compensatory time nor allowed to transfer any unused State Compensatory time. The estate of a deceased employee may not be paid for any unused State Compensatory time.

4.4. Employees of institutions of higher education or employees engaged in a public safety activity may be paid for State Compensatory time hours (non- FLSA overtime) on a straight time basis when taking the compensatory time off would be disruptive to normal teaching research, or other critical functions.

5. **Employees Exempt from Overtime Provisions**:

5.1. Executive, administrative and professional jobs are exempt from the wage and hour provisions of the FLSA and do not accrue compensatory time or overtime pay.

5.2. At the discretion of the agency, exempt employees may be allowed compensatory time off for hours in excess of forty (40) hours in a work week, if there is an institutional policy which grants such compensatory leave.

5.3. An employee who is exempt " shall receive a full salary for any week in which work is performed without regard to the number of days or hours worked" (FLSA, Section213(a)(1). This is subject to the general rule that an employee need not be paid for any workweek in which the employee performs no work. The following exceptions also apply:

5.3.1. Deductions may be made for full day absences for personal reasons other than sickness or accident, jury duty, attendance as a witness at a judicial action, or temporary military leave.

5.3.2. Deductions may also be made for full day absences for sickness or disability if the deduction is made after exhaustion of paid sick leave or workers' compensation benefits.

5.3.3. Deductions may be made for absences of less than one day for personal reasons or because of injury or illness when accrued leave is not used by the employee for one of the following reasons: Permission to use accrued leave

was not sought or was denied; accrued leave has been exhausted, or the employee chose to use leave without pay.

5.3.4. Deductions may also be made for penalties imposed due to infractions of significant safety rules relating to the prevention of serious danger in the work place or to other employees.

5.3.5. Deductions may be made to pay for weeks in which an exempt employee takes unpaid leave under the Family Medical Leave Act (FMLA).

6. **Prohibition on Compensatory Time for Telecommuting**: Additional information can be found in Policy 6.1, Section 6, Place of Work

6.1. No employee may accrue state compensatory time for work performed at any location other than the employee‘s regular place of employment or duty point.

6.2. For State compensatory time purposes, the employee‘s personal residence may not be considered to be their regular place of employment or duty point.

7. **Use of Compensatory Time Before Lapsing**:

7.1. Both FLSA and State Compensatory time should be taken within sixty (60) days when possible. State Compensatory time must be taken during the twelve (12) month period following the workweek earned or it will be lapsed. Unused FLSA compensatory time does not lapse and is paid to the retiring or exiting worker.

7.2. Department heads should encourage their staff to take their compensatory time as soon after it is earned whenever possible. The use of all compensatory time must be scheduled so as not to disrupt work in the department. The employing supervisor is encouraged to reasonably accommodate the employee‘s use of accrued compensatory time.

7.3. If an employee submits a written request to use accrued compensatory time not later than the 90th day before the date on which the accrued compensatory time will lapse, the employer shall approve in writing the employee‘s request or provide an alternate date on which the employee may use the leave time.

7.4. Supervisors may require non-exempt employees who have requested leave to exhaust their FLSA compensatory time balances before using annual (Vacation) leave. Employees should be allowed to manage their own State compensatory time and annual leave (determine which to use).

8. **Negative compensatory balances**:

8.1. Per an interpretation by the State Auditor‘s Office an employee cannot carry a negative compensatory time balance.

POLICY 6.9 VACATION LEAVE

SCOPE: FACULTY AND STAFF

1. **Policy and Eligibility**: Regular staff members and faculty who work the staff work schedule of Lamar Institute of Technology are entitled to a vacation leave allowance within the standards of the Texas Government Code. The purpose of vacation leave is to provide income protection to the employee while allowing for a period of recreational leave or other absences from work not covered by other leaves. Employees are encouraged to use the majority of their earned vacation leave each year. It is important that employees have time to rest and relax each year in order to maintain maximum productivity. Vacation leave also allows employees to take care of a variety of personal matters when it is not possible to do so outside normal working hours.

2. **Rate of Accrual and Accrual Computations**: Vacation entitlement accrues as follows:

   2.1. Vacation leave entitlement accrues from the first day of employment and terminates on the last day of employment.

   2.2. Vacation with pay may not be taken until the staff member has been continuously employed with the state for six months.[78] Continuous employment means that no leave without pay (i.e., for a full calendar month which does not count as state service credit) has been taken.* The six-month eligibility requirement means that once an employee has completed six months or more of continuous state employment and then leaves state employment, that person is eligible to take vacation leave as it is earned upon reemployment, or be paid for it on termination following such reemployment.2 An employee who separates from one state agency will not be paid for his or her unused vacation time if they are reemployed by another state agency that grants vacation time within 30 days of leaving his or her previous job.[79]

   2.3. Full time employees will accrue vacation leave in accordance with the following schedule.[80]

Length of State Employment:	Hours Accrued Per Month	Max Hours to Carry Forward Year to Year
Less than 2 years	8	180
2 but less than 5 years	9	244
5 but less than 10 years	10	268
10 but less than 15 years	11	292
15 but less than 20 years	13	340
20 but less than 25 years	15	388
25 but less than 30 years	17	436
30 but less than 35 years	19	484
35 years or more	21	532

[78] Texas Government Code §661.152
[79] Ibid §661.062
[80] Ibid §661.152

2.4. Part-time employees accrue vacation leave on a proportionate basis [81] For example; a fifty (50) percent staff member with less than two (2) years of total State employment will earn four hours monthly (.50 X 8 = 4).

2.5. Vacation leave entitlement will continue to accrue during periods when the employee is on an approved leave with pay; however, this leave accrual will not be credited until the date of the employee's return to duty. [82] Vacation leave entitlement will be credited to an individual for time in a leave without pay status if he/she has any fraction of paid employment in that month.[83]

2.6. State service is defined to include all eligible service to the State of Texas including part- time, faculty, or legislative service. Time need not be continuous. All previous State service must be verified by Human Resources. Credit for the higher rate of accrual as shown on the chart shall be given if the anniversary date falls on the first calendar day of the month; otherwise the increase will occur on the first calendar day of the following month. If an employee begins working in a position that accrues vacation leave on the first work day of the month, the employee is deemed to have begun working on the first calendar day of the month for the purpose of this subsection. [84]

Service in a public independent school system of Texas or a Community College is not considered State service.[85]

Employees who return to State employment following an extended military leave of absence without pay are entitled to have their time on active duty credited toward total State employment for vacation leave earning purposes.

3. **Vacation Leave Utilized**: Vacation leave taken must be recorded in hours. When charging for time less than an hour, vacation leave taken must be rounded off to quarter hours, i.e., fifteen (15) minutes = 0.25 hrs., thirty (30) minutes = 0.5 hrs., forty- five (45) minutes = .75 hrs., etc.

   In computing vacation time taken, holidays falling during an individual's vacation period will not be charged against vacation leave. Illness occurring during a vacation period will be charged against sick leave and will not be charged against vacation leave if the staff member presents a physician's statement or other acceptable verification.

4. **Maximum Accrual**: Normally, supervisors should encourage staff members to take vacation leave during the fiscal year in which it is earned. An employee may carry forward from one fiscal year to the next fiscal year an amount not to exceed the applicable maximum rate as cited in Section 2.3 of this policy. The maximum carry over for part time employees will be proportional to the number of hours of their regular schedule. For example, a fifty percent staff member could carry over half the amount that a full-time employee can carry over. Any

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[81] Ibid
[82] State Auditors Office Leave Interpretations No.91-05 (5/8/91)
[83] Texas Government Code §661.152
[84] Texas Government Code §661.152
[85] Attorney General Opinion No. WW1443

vacation leave balance which exceeds the maximum carryover will be rolled into the employee's sick leave.[86] Maximum allowable carry-over is indicated in the accrual chart.

5. **Scheduling of Leave**: Directors, Deans, Department Chairs, and Supervisors shall schedule vacations in accordance with department needs and to insure the presence of an effective work force at all times. Employee preferences should be given as much consideration as possible.

6. **Vacation Leave Approval**: Vacation leave must be requested in advance and approved by the designated department official. Prior to taking vacation leave, the employee must complete a Request for Leave Form (F3.6A) and submit it to the department official with the designated authority to approve leave. The department official who has the authority to approve leave will be the head of the department unless otherwise directed by the President. The employee is responsible for recording vacation leave taken on the Departmental Vacation/Sick Leave Record (F3.6) and the Department shall verify its accuracy. All vacation leave taken by an employee during the month must be reported on the Vacation/Sick Leave Record (F3.6) and the record must be forwarded to the Office of Human Resources.

7. **Transfers**: An employee who transfers to Lamar Institute of Technology from another agency of the State of Texas will be given credit by the Institute for any unused balance of accumulated vacation leave, provided there is no interruption in service, i.e., the individual is placed on the payroll of the Institute on the first working day succeeding the day separated from the previous agency or department. [87]This provision also applies to individuals transferring to and from grant accounts. Request for verification of past employment shall be presented to the Office of Human Resources immediately upon employment.

8. **Vacation Leave on Separation**: An employee who resigns, is dismissed, or is separated from the Institute after six (6) months of continuous state employment, is entitled to be paid for all vacation time. However, when an employee is a direct transfer to another state agency or institution without a break in service, vacation leave transfers to the new employer.[88]

   8.1. Payment for all vacation time duly accrued as of the separation will be made by a "lump sum payment". Any questions concerning "lump sum payment" procedures should be directed to Payroll Services. A lump sum payment to an individual for accrued vacation time constitutes wages and is subject to Social Security and Federal Withholding Tax. A terminating or retiring employee is not entitled to receive longevity or hazardous duty pay when he/she is compensated for his accrued vacation leave in a lump sum.

   8.2. Upon the recommendation of the department and approval of the Director of Human Resources, the terminating employee may be paid for accrued vacation leave by allowing the employee to remain on the payroll while drawing the terminal vacation time. Sick leave may not be used when the employee has been allowed to use vacation time in this manner, but the employee may continue to receive longevity

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[86] Texas Government Code §661.152
[87] Texas Government Code §661.153
[88] Texas Government Code §661.062

and/or hazardous duty pay while remaining on the payroll. The employee on terminal leave will not accrue further vacation or sick leave. [89]

8.3. Employees separated during their first six (6) months of state service will not be paid for any accrued vacation time.

9. **Status Change**: An eligible employee whose status changes to a position not eligible for vacation leave entitlement shall expend accrued vacation entitlement or receive payment for that leave prior to changing status, or the President may grant an individual permission to freeze the accrued balance at the time of status change. For example, such an exception might be made if the change of status is expected to be temporary and it is planned that the individual will return to an eligible status within a reasonable period of time. However, if the individual separates from the Institute instead of returning to an eligible status, the lump sum payment will be based on the rate of pay the individual was earning at the time of freezing.

9.1. Vacation leave time which is not expended prior to the assumption of the non- vacation accruing position will be frozen for the duration of the employment in a non-accruing position. Lump sum payment for the frozen leave will only be made at the time of separation from the Institute, provided that the employee is not transferring to a vacation accruing position in another State agency or institution. Should the employee return to a vacation accruing position within the Institute, the employee will be eligible to use the accrued vacation as well as accrue in the future.

9.2. Advanced Vacation: Advanced vacation leave in excess of an employee's actual total accrued (unused) vacation balance is not permissible. For example, an individual cannot take a week (40 hours) off for vacation until he/she has actually accrued 40 hours of vacation leave entitlement. Exceptions shall be made only by the President.

[89] Texas Government Code §661.067

POLICY 6.10 SICK LEAVE

SCOPE: FACULTY AND STAFF

1. Policy and Eligibility: Regular faculty and staff members of Lamar Institute of Technology are entitled to sick leave allowance within the provisions of the Texas Government Code. Sick leave provides each regular faculty or staff member with a leave allowance to cover periods of actual personal illness or injury, or illness or injury of immediate family member which require the employee to be absent from work. It is also designed to protect other employees from being exposed to contagious diseases. All employees are expected to work if their health permits or to remain at home or in a medical facility if it does not.

2. Rate of Accrual and Accrual Computations: Sick leave entitlement accrues as follows:

   2.1. Sick leave entitlement accrues from the first day of employment and terminates on the last duty day. [90]

      2.1.1. Sick leave accruals are posted on the first day of the month only when an employee is physically on duty.

   2.2. Regular full-time faculty or staff shall earn sick leave entitlement at the rate of eight (8) hours for each month or fraction of a month of paid employment. [91] Regular part-time faculty or staff members shall earn sick leave entitlement at their percentage of time employed times eight (8) hours for each month or fraction of a month of paid employment. [92] For example, an individual employment for seventy-five (75) percent time will accrue six (6) hours monthly (.75 x 8 = 6).

   2.3. Sick leave entitlement will continue to accrue during periods when the staff member is on approved leave with pay. This will not be credited to the employee until his/her return to duty. [93] Sick leave entitlement will be credited to an employee for time in a leave without pay status only if the individual has any fraction of paid employment in that month.4 There will be no accrual during months with only leave without pay status.

3. **Sick Leave Utilized**: Sick leave taken must be recorded in hours or quarter hours. When charging for time less than an hour, sick leave taken must be rounded off to a fraction of an hour, i.e., fifteen (15) minutes = 0.25 hrs., thirty (30) minutes = 0.50 hrs., forty-five (45) minutes = 0.75 hrs.

4. **Maximum Accrual**: Effective September 1, 1973, accruals of sick leave may be carried forward from one fiscal year to another with no limit to the number of sick days that may be accrued.

5. **Use of Accrued Leave**: An employee is entitled to use sick leave with pay for the following reasons:

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[90] Texas Government Code §661.202
[91] Ibid
[92] Attorney General Opinion No. H684, (9/8/75)
[93] State Auditor's Office Leave Interpretation No. 91-02 (5/8/91)

5.1. Sick leave with pay may be taken when sickness, injury, pregnancy or confinement prevents the employee from performing his/her duties, or when the Institute employee is needed to care for and assist a member of the employee's immediate family who is ill. For purposes relating to the use of sick leave, the immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption, marriage, as well as a foster child certified by the Department of Protective and Regulatory Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for the purposes of regular sick leave. (Section 661.202, Texas Government Code).

5.1.1. If a family member does not live within the employee's household, an employee's use of sick leave is strictly limited to the time necessary to provide care and assistance to a spouse, child or parent of the employee who needs such care and assistance as a direct result of a documented medical condition. (Section 661.202, Texas Government Code.)

5.1.2. This provision for taking sick leave does not extend to an employee‘s parent-in- law if they do not live in the same household. (SAO Leave Interpretation No. 97-04 {10/29/96}).

5.2. In exceptional cases involving close family members who do not meet the above criteria, the President may grant sick leave based on the merits of each case.

5.3. For maternity leave or for complications relating to pregnancy and or delivery. [94]

5.4. For medical and dental appointments, examinations or treatments by medically recognized care givers when these appointments cannot be scheduled outside normal working hours.

5.5. Sick leave may not be used when an employee has chosen to use terminal vacation leave rather than being paid in lump sum for accrued vacation.

5.6. Faculty members must submit prescribed leave forms for requesting and reporting all sick leave. Sick leave use must reflect the normal workday for regular employees not the class hours missed. Sick leave must be utilized even though no classes were missed if the absence occurred during a normal workday for regular employees.

5.7. Faculty members may use sick leave for qualifying events only during instructional days for which they are under appointment. During summer semesters the faculty member must be under appointment to use accrued sick leave. (SAO Leave Interpretation No. 97-08 {6/16/97}).

5.8. Absences of more than three days are to be reported to the Leave Coordinator in the Office of Human Resources for review of application of Family Medical Leave. If approved, FML will run concurrent with accrued sick leave.

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[94] Attorney General Opinion No. M1222 (9/21/72)

6. **Supervisor Notification and Sick Leave Approval**: To be eligible for sick leave with pay, a staff member must promptly notify the supervisor or department official of the reason for the absence. If unable to personally notify the supervisor, the employee may cause a responsible party to notify the supervisor. The staff member must also keep the supervisor or department official informed of his condition if the absence continues for more than one (1) day. The frequency of the reports is to be determined by the departmental supervisor. Employees must provide supervisors with an anticipated return date if possible, and notify the supervisor of any variation. [95]

   Upon return to duty the faculty or staff member must, without delay, complete a Request for Leave Form (F3.6A) and submit it to the department official with the designated authority to approve leave. The department official who has the authority to approve leave will be the head of the department unless otherwise directed by the President. The employee is responsible for recording sick leave taken on the monthly Vacation/Sick Leave Form (F3.6) and for recording it accurately. The supervisor is responsible for the verification of the accuracy of the report.

7. **Physician's Statement**: To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee who has been absent must provide a physician's statement showing the cause or nature of the illness, or some written statement of the facts concerning the illness, which is acceptable to the department official. [96]

8. **Sick Leave Extended**: When an employee has exhausted all sick leave, further absence will be charged against accrued vacation leave. When accrued sick leave and vacation leave have been exhausted, the employee may be eligible for benefits from the sick leave pool, or leave without pay (see Leave Without Pay Policy, Sick Leave Pool Policy, and Family Medical Leave Policy).

   When all leave entitlements have been exhausted and if a leave without pay is not granted, the department official may terminate the staff member from the Institute. When the individual is capable of returning to working status, the individual may request re-employment with the Institute through the Office of Human Resources.

9. **Extended Sick Leave With Pay**: In exceptional cases, when a faculty or staff member has exhausted all accrued sick leave, vacation leave, compensatory leave, Sick Pool Leave, and Family Medical Leave, the individual may be granted extended sick leave with pay on approval by the President. Such extensions will be authorized on an individual basis after a review of the particular case. Extreme diligence should be used in granting such leave privileges. [97]

   9.1. A copy of the statement authorizing extended sick leave for an individual must be attached to the Institute's duplicate payroll voucher for the payroll period affected, and must be maintained by the institution in the personnel files. [98] An F3.2 and documentation must be submitted to the Human Resources office.

   9.2. Vacation and sick eligibility leave will continue to accrue during extended sick leave.

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[95] Texas Government Code §661.202
[96] Texas Government Code §661.202
[97] Ibid
[98] Ibid

10. **Transfers**: An employee who transfers to Lamar Institute of Technology from another State agency, will be given credit by the Institute for any unused balance of accumulated sick leave, provided there is no interruption of service, i.e., the individual is placed on the payroll of the Institute on the first working day succeeding the day separated from the old agency. [99] It is the individual's responsibility to report prior credits from his/her former employers. Such information shall be presented to Human Resources immediately upon employment.

11. **Abuse of Sick Leave Privileges**: Malingering and abuse of sick leave privileges may be grounds for discipline up to and including termination. Sick leave should be held as a privilege to be used only in appropriate situations as defined within this policy.

12. **Sick Leave Payment to Estate of Deceased Employee**: The estate of a deceased employee will be paid one half of the individual's accumulated sick leave, or 336 hours of sick leave, whichever is less, provided that such employee had continuing employment for at least six months at the time of death. [100] The payment made to the estate of the deceased employee for unused sick leave is not wages and is not subject to Social Security deductions.

    12.1. The amount paid to the estate will be the state employee's compensation rate at the time of his/her death. [101]

    12.2. Any employment in-lieu of base pay must be included in the compensation rate if the employee was eligible for the enrollment on the last day of employment. [102]

    12.3. Neither longevity pay nor hazardous duty pay may be included in the compensation rate. [103]

13. **Sick Leave and Workers' Compensation**: An employee may elect to utilize sick leave until it is exhausted before receiving Workers' Compensation. However, an employee may not receive both Workers' Compensation and sick leave.

14. **Sick Leave at Termination**: Sick leave provides a leave allowance to cover only periods of actual personal illness which affects the employee‘s ability to perform his/her duty. Thus, unused sick leave at termination is forfeited.

    14.1. A terminating employee may, with the agreement of the Institute, be allowed to remain on the payroll after the last day worked to utilize vacation leave in-lieu of being paid in a lump sum, but that employee will not be eligible to use paid sick leave prior to final separation from employment.

    14.2. An employee separated from employment with the State under a formal reduction in force policy shall have his/her sick leave balance restored if reemployed the State within twelve (12) months of termination. The Institute must honor and restore sick leave of employees from this or other State agencies or institutions who meet the criteria discussed in this section. [104]

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[99] Texas Government Code §661.204
[100] Texas Government Code §661.033
[101] Texas Government Code §661.034
[102] Texas Government Code §661.034
[103] Ibid
[104] Texas Government Code §661.205

14.3. Employees who are separated from State service for reasons other than reduction in force must have their sick leave restored if they are reemployed by the Institute within twelve (12) months of their termination, provided these employees have had a break in service of at least one month since their date of termination, [105] or an or an employee who is reemployed by a different state agency or institution of higher education within 12 months after the end of the month in which the employee separates from state employment is entitled to have their sick leave balance restored. [106]

14.4. Employees Retirement System retirees who return to state employment will not have their sick leave balances restored. [107]

15. **Return from Military Service**: An employee who is restored to employment following active military service under the veteran's employment restoration provision is generally considered to be on furlough or leave of absence, and as such entitled to crediting of sick leave accrued, but unused, prior to such military service. [108]

16. **Negative Sick Leave Time Balances Prohibited**: The State Auditor‘s Office has advised that a state agency or institution of higher education must not allow an employee to carry a negative sick leave balance. [109]

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[105] Ibid
[106] Ibid
[107] State Auditors Technical Update Letter No. 01-02 (2000)
[108] Texas Government Code §661.904
[109] State Auditors Office Leave Interpretation No. 97-03 (10/22/96)

POLICY 6.11 MILITARY LEAVE OF ABSENCE/EMPLOYMENT RESTORATION

SCOPE: FACULTY AND STAFF

1. **Policy**: It shall be the policy of Lamar Institute of Technology to honor commitments of its employees to the fulfillment of military duty as provided by the Legislature of the State of Texas.

2. **Military Leave of Absence**: A leave of absence shall be granted to regular staff personnel and faculty for fulfillment of the following duties: (1) authorized training or duties for members of the state military forces and members of any reserve components of the United States Armed Forces; (2) call to National Guard active duty by the Governor; and (3) national emergency active duty for a member of a reserve branch of United States armed forces.

3. **Authorized Training or Duty**: State employees who are members of the state military forces or members of any of the reserve components of the United States armed forces engaged in authorized training or duty are entitled to leaves of absence from their respective duties without loss of time, efficiency rating, vacation time, or salary for all days on which they are engaged in authorized training or duty not to exceed fifteen (15) days in a federal fiscal year (October 1 –September 30). [110]

   3.1. The fifteen (15) days need not be consecutive and members of the state military forces or members of reserve components of the armed forces who are ordered to duty by proper authority on nonconsecutive days are entitled to 15 days total. This same opinion also held the fifteen (15) days refers to working days, and not calendar days. [111]

   3.2. After exhausting the fifteen (15) days of military leave, the employee may use accrued vacation leave to the extent available or be placed in a leave without pay status (or a combination of the two) for the remainder of the active duty period. [112]

4. **Call to National Guard Active Duty by the Governor** : A state employee who is a member of the National Guard called to active duty by the governor because of a state emergency is entitled to receive emergency leave without loss of military or annual leave. [113] Such leave shall be provided with full pay. [114]

5. **Call to National Emergency Duty, U.S. Armed Forces Reserve Branch:** An employee called to active duty during a national emergency by a reserve branch of the U.S. Armed Forces is entitled to an unpaid leave of absence. The employee shall accrue state service credit while on such leave but does not accrue vacation or sick leave. [115] The employee may retain any accrued vacation or sick leave and is entitled to be credited with those

   balances on return to state employment from military duty. Leave earned while on unpaid

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[110] Texas Government Code §431.005
[111] Attorney General Opinion No. C-679, (5/9/66)
[112] State Auditor's Office Leave Interpretation No. 79-01 (7/2/79)
[113] Texas Government Code §661.903
[114] Ibid
[115] Texas Government Code §661.904

leave of absence during military duty described in this section will be credited to the employee‘s balance when the employee returns to active state employment.

6. **Extended Leave/Office Procedures**: If an employee is expected to be on military leave for an extended or indefinite period of time the employee must meet with his/her supervisor and the Office of Human Resources personnel to make arrangements for personal items to remain at the Institute, Institute property assigned to the employee, and the possible need for continued health insurance coverage.

7. **Differential Pay**: This applies only to state employees called to active duty in support of the Homeland Security mission under United States Code Title 10 or Title 32. Employees shall be granted emergency leave to provide a pay differential if an employee‘s military pay is less than the employee‘s state gross pay. The combination of military pay and emergency leave may not exceed the employee‘s actual state gross pay. Pay received while assigned to a combat zone, hardship duty pay, and family separation pay is excluded when computing military differential pay.

8. **Restoration of Employment**: An employee restored to a position upon returning from military service is considered to have been on furlough. The employee is entitled to participate in all benefits to which State employees are entitled. To be eligible for restoration the returning employee must have been honorably discharged no later than the fifth year of the date of induction, enlistment, or call to active military service and be physically and mentally capable of performing the duties of the job.

POLICY 6.12 EMERGENCY/ADMINISTRATIVE AND OTHER RELATED LEAVE

SCOPE: FACULTY AND STAFF

1. **Bereavement Leave or Emergency Leave**: A faculty or staff member may be granted emergency leave without the loss of regular pay for reason of death in the family. Under the State Governmental Code for emergency leave purposes, "family is defined as the employee's spouse or the employee or spouse's parents, brothers, sisters, grandparents, children and grandchildren". [116]

   1.1. The amount of time granted shall normally not exceed three (3) days. Requests for leave in excess of three days may be approved, based on the facts and circumstances of each case. A full three (3) days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time necessary for travel, funeral arrangements, funeral services, and being with other family members during the immediate period of bereavement.

   1.2. Requests for such leave must be submitted to the employee's manager, who has the authority to approve leave.

   1.3. Requests for emergency leave for reason of death of a family member not mentioned above and/or requests for leave of more than three (3) days must be approved by the President.

2. **Administrative Leave or Emergency Leave**: The President may consider other requests for administrative or emergency leave which do not meet the criteria above. Such leave will be designated as administrative leave. The President may grant administrative leave when, in his determination, the employee shows good cause for such leave.[117] Administrative leave is normally limited to cases involving unusual or emergency situations, e.g., a death in the family, employment disability, or other emergencies or administrative requirements.

   The maximum administrative leave time granted in conjunction with a Long-Term Disability Claim will not exceed ninety (90) calendar days.

3. **Administrative Leave for Outstanding Performance**: Administrative leave with pay may be granted by the President of the Institute as a reward for outstanding performance as documented by the employee performance appraisals. The total amount of such administrative leave granted may not exceed 32 hours during any fiscal year. (Texas Government Code Ann., subsection 661.911; State Auditor's Interpretation Letter 98- 03).

4. **General**:

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[116] Texas Govt. Code §661.902
[117] Ibid

4.1. Leave approved as emergency or administrative leave is not charged against vacation or sick leave balances.

4.2. Administrative leave will not be granted if the faculty or staff member is entitled to other appropriate leave with pay related to the circumstances, e.g., sick leave, military leave, compensatory time, sick pool time, etc.

4.3. Vacation and sick leave credits continue to accrue during paid emergency and administrative leave.

4.4. Emergency or administrative leave should be requested in advance if possible, or as soon as the faculty or staff member knows he/she will be absent. The Request for Leave Form (F3.6A) must be submitted to the department official who has authority to approve leave. This authority must endorse the request and be forwarded to the President. Administrative leave requests must be approved by the President.

4.5. Emergency/administrative leave utilized should be recorded on the F3.6A and the F3.6 form.

5. **Leave for Assistance Dog Training**: A State employee who is blind is entitled to a leave of absence with full pay for the purpose of attending a training program to acquaint the employee with a seeing-eye dog to be used by the employee. The leave of absence provided by this subsection may not exceed ten (10) working days in a fiscal year. The leave of absence provided by this subsection is in addition to other leave to which an employee is entitled, and an employee continues to accrue vacation and sick leave while on leave as provided by this subsection. For purposes of this subsection, "blind" has the meaning assigned by Section 121.002, Human Resources Code. [118]

6. **Volunteer Fire Fighter and Emergency Medical Services Training Leave**: Volunteer fire fighters and emergency medical services volunteers will be granted a paid leave of absence not to exceed five working days each fiscal year for attending training schools conducted by state agencies. This leave is not charged against the employee‘s accrued leave balance. Employees requesting such leave should provide their supervisor with support documentation verifying the training.

   Volunteer firefighters or emergency medical services volunteers responding to emergency fire or medical situations may be granted paid leave not to exceed five (5) days. Each situation will be reviewed by the supervisor and recommended to the appropriate Vice President for approval. [119]

7. **Foster Parent Leave**: A regular employee who is a foster parent to a child under the conservatorship of the Department of Family and Protective Services (DFPS), is entitled to a leave of absence with full pay for the purpose of attending staffing meetings held by the

   Department of Family and Protective Services regarding the child under the foster care of

[118] Texas Govt. Code §661.910
[119] Texas Govt. Code §661.905

the employee, or to attend the admission, review and dismissal meetings held by a school district regarding the child under the foster care of the employee. [120]

8. **Disaster Service Volunteer/Certified Red Cross Activities Leave:** Any State employee, who is a certified disaster service volunteer of the American Red Cross or who is in training to become such a volunteer, with the authorization of his/her supervisor, may be granted a leave not to exceed ten (10) days each fiscal year to participate in specialized disaster relief services. The employee must have supervisory authorization in addition to a request from the American Red Cross and approval of Governor's office. If the above conditions are met, the employee will not lose pay, vacation time, sick leave, earned overtime and/or compensatory time during such leave. [121]

9. **Jury Duty**:

   9.1. Any staff member who is called to serve on a jury shall be granted the time off with no deduction from pay or accrued leave. Any compensation for jury service need not be accounted to the state by the employee. [122]

      9.1.1. The employee is excused from his/her work assignment for that period of time which is required to perform this duty. Should an employee be released from duty for that day and a reasonable amount of the work day be left, the employee is expected to return to the duty station.

      9.1.2. The employee shall supply the supervisor with a copy of the call to jury duty and a copy of the release for all duty certificates. The certification should be maintained to support the filing of jury duty leave time.

   9.2. An employee called to appear in an official capacity in any judicial action or legislative investigation is not entitled to any witness fees. If the appearance is not in an official capacity but is for the purpose of testifying from personal knowledge, an employee may accept any customary witness fees. In this latter case, the appearance must be made on the employee‘s own time. [123]

10. **Parent/Teacher Conference Leave**: An employee may use up to eight hours of sick leave each fiscal year to attend parent-teacher conference sessions for the employee‘s children who are in pre-kindergarten through 12th grade. Employees must give reasonable notice of intention to use sick leave to attend such conferences. [124] Part-time employees receive this leave on a proportionate basis.

11. **Leave for Organ or Bone Marrow Donors**: The employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence provided by this section may not exceed: Five working days in a fiscal year to serve as a bone marrow donor; or 30 working days in a fiscal year to serve as an organ donor. [125]

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[120] Texas Govt. Code §661.906
[121] Texas Govt. Code §661.905
[122] Texas Govt. Code §661.005
[123] Texas Govt. Code §661.005
[124] Texas Govt. Code §661.913
[125] Texas Govt. Code §661.916

12. **Donation of Blood**: The institution shall allow each employee sufficient time off, without a deduction in salary or accrued leave, to donate blood. An employee may not receive time off under this section unless the employee obtains approval from his or her supervisor before taking time off. Upon returning to work after taking time off under this section, an employee shall provide his or her supervisor with proof that the employee donated blood during the time off. If an employee fails to provide proof that the employee donated blood during the time off, the state agency shall deduct the period for which the employee was granted time off from the employee's salary or accrued leave, whichever the employee chooses. An employee may receive time off under this section not more than four times in a fiscal year.[126]

13. **Time Off To Vote**: The Institute shall allow each employee sufficient time off, without a deduction in salary or accrued leave, to vote in each national, state, or local election. An employee may not receive time off under this section unless the employee obtains approval from his or her supervisor before taking time off. [127]

14. Inclement Weather Closing: The Institute has the discretionary authority to determine how to post time when the Institute closes because of inclement weather.

    14.1. If an employee is on sick or vacation leave and the Institute closes due to inclement weather, the employee should receive administrative leave for the absence.

    14.2. An employee who has already completed his or her scheduled hours when the Institute closes would not receive any compensatory time or administrative time off because the agency was not closed while the employee was scheduled to work.

    14.3. An employee who has not completed his or her scheduled hours when the Institute closes should receive administrative leave time because the Institute was closed while the employee was scheduled to work.

    14.4. When an employee is temporarily working in the same metropolitan area (for example, presenting or attending training) and the Institute closes, the employee should receive compensatory time for working.

    14.5. When an employee is temporarily working in another metropolitan area (for example, presenting or attending training) and the Institute closes, the employee should not receive compensatory time for working.

15. Court Appointed Special Advocate (CASA) Volunteers: Court Appointed Special Advocates (CASA) are volunteers selected by the state's judicial system to, among other duties, provide detail information a court may need to ensure a child's best interest is served where residency or other matters are concerned. Employees who are CASA volunteers are eligible for paid leave not to exceed five (5) hours each month to participate in mandatory training or

    to perform volunteer services for CASA. [128] This leave is provided to an employee without a

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[126] Texas Govt. Code §661.917
[127] Texas Govt. Code §661.914
[128] Texas Govt. Code §661.921

deduction in salary or loss of vacation time, sick leave, earned overtime, or state compensatory leave. An employee may be required to provide documentation of his/her CASA volunteer status to his/her supervisor before the leave is approved.

Created:
Reviewed:
Revised: October, 2023

POLICY 6.13 PERFORMANCE EXCELLENCE LEAVE [129]

SCOPE: FACULTY AND STAFF

Policy: The Performance Excellence Leave is to recognize an individual employee who has accomplished a significant duty or job in an exemplary manner and by so doing there has been a major effect on the department and a benefit to the Institute. This may be by doing a major function of the employee's primary job function in an exemplary manner, completing a major project outside the normal function of the employee's job, or accepting additional responsibilities for an extended period of time.

Procedure:

1. The direct supervisor of the employee must write a memo of request which will be forwarded through all levels of supervision to the Vice President who together with the President will approve or deny the request. This memo should contain:

    1.1. A complete description of the project, exemplary performance, or additional job responsibilities accepted by the employee. Examples or documentation may be included.

    1.2. An explanation why the performance is to be considered exceptional.

    1.3. An explanation of the impact on the function of the department and/or the benefit to the Institute.

    1.4. A statement regarding the overall performance of the individual and his/her attendance.

    1.5. A request for a specific number of hours.

2. The memo of request and justification shall be taken by the Vice President to the President for final approval.

3. The employee will receive a certificate of appreciation signed by the President and the Vice President. The certificate shall note the accomplishment and the awarded performance leave.

4. With the supervisor's approval, employees may use the awarded time any time during the twelve (12) months immediately following the award. The use of this time will be noted on the F3.6 as administrative leave and a copy of the approval memo will be attached to the F3.6.

5. **Eligibility**

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[129] Texas Government Code, §661.991; State Auditor's Leave Interpretation Letter No. 98.02 (1997)

5.1. Employee receiving the recognition must have at least one year of service with the Institute.

5.2. Employee must have received a performance evaluation in the last year which indicates the employee meets or exceeds expectations.

5.3. Employee must not have received formal disciplinary action in the last twelve (12) months.

5.4. The award is available to all classified and unclassified staff employees.

6. The State of Texas Governmental code Chapter 661.911 limits these awards to 32 hours during a fiscal year.

POLICY 6.14 ABSENCE TO ATTEND PROFESSIONAL DEVELOPMENT

SCOPE: FACULTY AND STAFF

1. **Policy**: It is the policy of Lamar Institute of Technology to grant permission to members of the faculty and staff to attend conferences and professional meetings when it is determined that such attendance will enhance the prestige of the Institute and will contribute to the professional development of the individual and to the advancement of knowledge within his/her professional field.

2. **Approval**: Requests for such permission should be initiated by the faculty or staff member at the departmental level by completing a request to travel or a request to be absent from assigned schedule. If approved by the head of his/her department or division, such requests shall be forwarded through normal administrative channels to the appropriate Vice President for action.

3. **Types of Absence**: Absence from the employee's designed headquarters under these conditions is not considered as a leave of absence, but rather as a part of the individual's job-related duties. Such time shall be recorded on the departmental time records as time worked.

4. **Travel Reimbursement**: The policy and procedure for approval of travel requests and reimbursement of travel expenses incurred in attending conferences and professional meetings is stated in the Lamar Institute of Technology Finance Office Procedures Manual and as directed by the State of Texas.

POLICY 6.15 SICK LEAVE POOL

SCOPE: FACULTY AND STAFF

1. **Policy**: Lamar Institute of Technology has established a Sick Leave Pool to help regular employees and their immediate families who face catastrophic illness or injury. This policy also allows for voluntary contributions to the Sick Leave Pool.

2. **Definitions**:

   2.1. A regular employee is defined as one who is employed to work at least twenty (20) hours per week for a period of at least four and one-half (4 l/2) months. Excluded are students employed in situations which require student status as a condition for employment, elected officers, and appointed officers.

   2.2. A catastrophic injury or illness is defined by the Employees Retirement System of Texas as:

   "A severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the State for the employee.

   Licensed practitioner means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

   Immediate family is defined as those individuals related by kinship, adoption, marriage or foster children who are so certified by the Texas Department of Human Services who are living in the same household or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis."

   2.3. A prolonged period of time is defined as 160 hours.

3. **Eligibility**:

   3.1. All regular employees as defined may apply to use sick leave from the Pool.

   3.2. Employees may use sick leave from the Pool for their own or their immediate family member's catastrophic illness or injury, as defined.

   3.3. Only those employees who have been employed as a regular employee for one year are eligible to apply for leave from the Pool.

3.4. Employees must be absent from work for a period of at least 160 hours due to a catastrophic illness or injury before using leave from the Pool. Part time employees must be absent from work for a period that is proportional to full- time employees. For example, a fifty (50) percent employee would have an eighty (80) hour waiting period.

3.4.1. If the combination of sick leave, vacation, and compensatory time does not cover the 160-hour requirement, then the employee will be placed on leave without pay until the balance of the 160-hour requirement is met.

3.4.2. Once the eligible employee has satisfied the 160-hour requirement and all vacation, sick leave, and compensatory time is exhausted, the employee may receive hours from the pool.

3.5. Employees who are off work due to a job-related illness or injury are not eligible.

3.6. Sick leave pool hours are not intended to extend employment when it is determined that the employee will be unable to return. Employees who are approved for disability insurance payments or who are approved for regular or disability retirement are not eligible.

4. **Contributions to the Pool**:

4.1. Contributions are strictly voluntary. Employees contributing to the Pool may not stipulate who is to receive the contribution.

4.2. An employee with accrued sick leave may contribute one (1) to three (3) days (8 to 24 hours) of sick leave in eight (8) hour increments each fiscal year.

4.3. The Pool will be credited with the amount of time contributed by that employee and a corresponding amount of time will be deducted from that employee's sick leave balance, as if that employee had used the time personally.

4.5. Retiring employees are encouraged to donate the remainder of available sick leave after consideration for TRS buy back has been deducted.

4.6. Employees who contribute to the Pool and then exhaust their sick leave in the same fiscal year may reclaim the same number of hours they contributed even though they do not suffer a catastrophic illness or injury.

5. **Withdrawal from the Pool**:

5.1. If granted, Pool leave requests will not exceed the lesser of ninety (90) days/720 hours or one-third (1/3) of the Pool balance.

5.2. An employee may receive up to 720 hours per forward rolling calendar year. Part time employees are eligible to receive pool leave on a proportionate basis. For example, a fifty (50) percent employee is eligible for a total of 360 sick leave pool hours.

5.3. Employees who use leave from the Pool are not required to reimburse the Pool.

5.4. Employees with catastrophic illnesses or injuries are not required to contribute to the Pool before requesting Pool leave.

5.5. Any unused Pool leave granted to an employee will be returned to the Pool.

5.6. The Estate of a deceased employee is not entitled to payment for unused Pool leave granted from the Pool.

5.7. Employees on sick leave pool will accrue paid leave for that month provided they return to work following the leave.

6. **Administration**:

6.1. The Pool Administrator will be the Director of Human Resources.

6.2. The Pool Administrator is responsible for developing and implementing a system of management of Sick Leave Pool activity and certifying eligibility for use of leave from the Pool.

6.3. One Sick Leave Pool will be administered for all regular faculty and staff employees of Lamar Institute of Technology.

7. **Procedures**:

7.1. **For Contribution to the Pool**:

7.1.1. Employees contributing to the Pool must complete a Contribution to Sick Leave Pool form and submit it to the Pool Administrator.

7.2. **For Withdrawal from the Pool**:

7.2.1. Employees requesting leave from the Pool must complete a Sick Leave Pool Withdrawal Request Form and submit to the Human Resources Leave Coordinator. Written confirmation from a licensed practitioner providing a description of the condition, prognosis and expected date of return must be attached to the Sick Leave Withdrawal Request form.

7.2.2. Requests for leave from the Pool must be made as soon as possible before the leave is to take effect. If, because of the catastrophic illness or injury, the employee is unable to make a request for withdrawal from the Pool, the employee's immediate supervisor may initiate the request.

7.2.3. Requests will be considered in the order in which they are received.

7.2.4. The Pool Administrator will forward the request to a three or more member committee appointed by the President of Lamar Institute of Technology. The Committee will meet monthly to review requests. The committee will make a recommendation to approve or deny requests based on a review of:

- receipt of Sick Leave Pool Withdrawal Request
- receipt of a doctor's statement
- verification of the employee's depletion of all available leave
- verification of eligibility
- availability of hours in the Pool
- verification that the illness or injury is classified as catastrophic. (Defined by the trustee of the State Employee Uniform Group Insurance Benefits Program established under the Texas Employees Uniform Group Insurance Benefits Act (Article 3.50- 2, Vernon's Texas Insurance Code as set forth in SB 357.)

7.2.5. The administrator will notify the employee of the Committee's decision. If approved for pool leave, the department will be notified and instructed to prepare an F3.2 placing the employee on leave with pay and, if qualified, on family medical leave.

7.2.6. A denied request may be appealed in writing to the Associate Vice President for Human Resources. The Associate Vice President‘s decision is final and not subject to appeal.

POLICY 6.16 LEAVE WITHOUT PAY (LWOP)

SCOPE: ADMINISTRATION, FACULTY AND STAFF

1. Leave Without Pay: Leave without pay (LWOP) can only be granted according to the following provisions:

   1.1. Must be approved by the supervisor and the appropriate Vice President.

   1.2. Except for disciplinary and worker's compensation situations, all accumulated paid leave entitlement must be exhausted before such LWOP can be granted. Sick leave must be exhausted only in those allowable cases as provided in the sick leave provisions. All such leave will be limited to twelve (12) months.

   Although approval of such leaves constitutes a guarantee of employment for a specified period of time, such a guarantee is subject to fiscal constraints. The Institute does not assure that the employee returning from Extended LWOP will be returned to the same position but only that he/she will be returned to a similar position for which his/her qualifications are accepted by the supervisor of an available vacant position.

   The President may waive these limitations for such reasons as interagency agreements or for educational purposes.

   1.3. Except in the case of an employee returning to State employment from military LWOP, any full calendar month in which an employee is on LWOP will not be counted in the calculation of total State service for the purpose of vacation or longevity pay entitlement. Any such full calendar month of LWOP shall not constitute a break in the continuity of State employment, but shall not be considered in the calculation of six (6) months continuous service under vacation leave provisions.

   1.4. When an employee is placed on LWOP, compensation for that particular pay period shall be reduced at the equivalent hourly rate of pay times the number of work hours of LWOP.

   1.5. Placing an employee on LWOP involves additional administrative expenses and creates an additional workload for co-workers and therefore, frequent or lengthy LWOP status may subject the employee to corrective actions up to and including termination.

   1.6. A full-time employee or regular or part-time employee who is subject to FLSA and is on leave without pay will have his or her compensation reduced for that particular pay period at the equivalent hourly rate of pay times the number of work hours lost by leave without pay. FLSA exempt employees may also be subject to salary reduction in the same manner, in accordance with provisions set forth in the overtime provisions of 29 C.F.R. Section 541.188 and Policy No. 6.7. FLSA exempt employees who are absent from work for less than one day for personal reasons or sickness or disability under certain conditions may be subject to a salary reduction.

POLICY 6.17 EXTENDED LEAVE WITHOUT PAY

SCOPE: FACULTY AND STAFF

1. **Policy**: To the extent reasonably possible, Lamar Institute of Technology will assist employees temporarily restricted from performing their regularly assigned duties by modifying work assignments or duties for a set time; after which it is hoped that the employee will be able to resume regular duties. In addition, whenever feasible, Lamar Institute of Technology will assist employees unable to resume their regular duties in transferring to positions at Lamar Institute of Technology better suited to their capabilities.

2. **Scope**: This policy applies to all Lamar Institute of Technology employees. This modified duty program can be utilized only by an employee during his/her tenure of employment with Lamar Institute of Technology. After the end of three months of light duty, the employee will not be eligible for light duty until the completion of 12 months of service.

3. **Purpose**: This policy establishes guidelines by which Lamar Institute of Technology provides modified work duties for employees with injuries or illness, in order that the employee may return to work before receiving a full release from the attending physician.

4. **Procedure**:

   4.1. Duration: a period not to exceed three (3) months.

   4.2. Documentation by Employee's Physician: The employee's physician shall determine and document in writing to Lamar Institute of Technology temporary restrictions to the employee's work duties and prognosis of return to full duty.

   4.3. Coordination with Employee's Physician: Upon receipt of written documentation from the employee's physician requiring temporary work restrictions, the Worker‘s Compensation Coordinator or the Safety Officer may contact the employee's physician regarding Lamar Institute of Technology's commitment to rehabilitation and will provide information regarding Lamar Institute of Technology's return-to- work procedures and the employee's job description.

   4.4. Lamar Institute of Technology Evaluation of Employee and Placement Opportunities:

      4.4.1. When the physician notifies the Worker‘s Compensation Coordinator that the employee is able to return to work in a modified capacity, the Worker‘s Compensation Coordinator will work with the supervisor in the home department to attempt to establish a light duty assignment, if possible.

      4.4.2. If the employee's home department is unable to accommodate the work limitations or the employee performing modified duties on a temporary basis, the Worker‘s Compensation Coordinator will notify the Safety Officer and request exploration outside the home department. The Safety Officer, to the extent feasible, will attempt to place the employee in another Lamar Institute

of Technology department in a position consistent with the employee's capabilities and qualifications.

4.4.3. Whenever the home department cannot accommodate the employee performing modified duties and the Human Resources Office places the employee in another department, the employee's wages will either be paid from the vacant line in the acquiring department or the Safety Officer will work with Human Resources on funding.

5. **Work Document**:

5.1 Once alternative duty has been established by the employee's department (either home or new) the department offering this work must create a Work Document specifying the following:

5.1.1. A short description of the job.

5.1.2. A description of the physical requirements to perform the required tasks (e.g., lifting weight (pounds), amount of sitting, walking, bending, stooping, etc.)

5.2 Before the employee can return to work, the employee, the employee's supervisor, and the Lamar Safety Officer must agree in writing to the requirements of the temporary modified work assignment. The employee's physician may be asked to review and initial the work document before the employee may return to work. The Work Document is valid for the stated period not to exceed three (3) months.

6. **Employee Responsibilities**:

6.1 The employee must be briefed regarding the kind of work which he/she will be required to perform.

6.2 After receiving such a briefing, the employee must be willing to give the alternative duty full attention and best effort.

Any employee who exhibits unsatisfactory work habits (see paragraphs 3 and 4, Policy Number 5.5) will be treated identically to any other employee. The supervisor will follow the guidelines as established in Policy Number 5.5 to discipline the employee on the Return-to-Work program. The employee may be terminated from employment should she/he fail to respond to the corrective disciplinary actions as outlined in paragraph 6, Policy Number 5.5.

7. **Return to Work**: When released by the attending physician to return to regular duties, the employee will return to his/her regular position in the home department.

8. **Extended/Permanent Disability**:

8.1. If the modified duty assignment ends and the employee is not released by the attending physician to return to his/her regular duties, the employee may request Extended Leave Without Pay while other options such as Long-Term Disability or Disability Retirement are explored. The Office of Human Resources will assist the employee with these options.

8.2. If the employee's disability is determined to be permanent, where possible the Institute will provide reasonable accommodation to that disability consistent with the Americans with Disabilities Act.

POLICY 6.18 RETURN TO WORK [130]

SCOPE: FACULTY AND STAFF

1. **Return to Work Policy Statement**:

   It is the policy of Lamar Institute of Technology to provide a return to work program as the means to return employees to meaningful, productive employment following injury or illness.

   The return to work program provides opportunities for any employee of Lamar Institute of Technology who sustains a compensable injury during the course and scope of employment, a disability as defined by the American with Disabilities Act (ADA), and/or a serious health condition as defined by the Family Medical Leave Act (FML) to return to work at full duty. If the employee is not physically capable of returning to full duty, the return to work program provides opportunities when available for the employee to perform a temporary assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform an alternate duty position.

   This return to work program shall not be construed as recognition by Lamar Institute of Technology, its management, or its employees that any employee who participates in the program has a disability as defined by the Americans with Disabilities Act of 1990. If an employee sustains an injury or illness that results in a disability under the ADA, it is the employee's responsibility to inform his or her supervisor and Lamar Institute of Technology's Office of Human Resources and the Safety Officer when a disability under the ADA exists and that a reasonable accommodation is necessary to perform the essential functions of his or her job.

2. **Return to Work Procedures**:

   Definitions: The following definitions apply to this procedure:

   2.1. Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves:
   - inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or
   - continued treatment by a health care provider, including a period of incapacity.

   2.2. FML Leave: Federal leave entitlement of up to 12 weeks of unpaid leave when an eligible employee is unable to work because of a serious health condition. The absence from work must be a period of incapacity of more than three consecutive calendar days. The leave is normally continuous, but may be taken intermittently or on a reduced leave schedule.

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[130] Risk Management for Texas State Agencies, Volume III, Section One

2.3. Lost Time: Time spent away from work at the direction of the treating doctor as a result of compensable injury sustained in the course and scope of employment. The term does not include time worked in a temporary assignment.

2.4. Full Duty: Performance of all duties and tasks of the position for which the employee is employed. Full duty entails performing all essential and non- essential functions of the employee's regular job.

2.5. Temporary Assignment: Performance of a temporary job assignment that is intended to return an injured employee to work at less than his or her full duties when a compensable injury or serious medical condition prevents the employee from working full duty. Two types of temporary assignments are modified duty and alternate duty.

2.6. Modified Duty: Performance of all of the essential functions, but only a portion of the non-essential functions and tasks of the regular job duties for which the employee is employed. Modified duty allows the employee to return to current employment in his or her regular job, and perform those duties and tasks that are within the capabilities of the employee, given the restrictions to duty imposed by the treating physician. Modified duty is a temporary arrangement until the injured employee can resume full duty. If the employee is a qualified individual with a disability as defined under the Americans with Disabilities Act, then modified duty may become a permanent arrangement as a reasonable accommodation, if the accommodation does not create an undue hardship on Lamar Institute of Technology.

2.7. Alternate Duty: Performance of the essential functions of a job or position other than the position for which the employee is employed. Alternate duty allows the employee to temporarily perform other duties and tasks that are within the restrictions to duty imposed by the treating doctor. Such alternate duty may be physically located in the same facility or in some other facility. Alternate duty is a temporary arrangement until the injured employee can resume full activities of his/her regular job. If the employee is a qualified individual with a disability as defined under the American with Disabilities Act, then alternate duty may become a permanent arrangement as a reasonable accommodation, if the accommodation does not create an undue hardship on Lamar Institute of Technology.

3. Prohibited Actions: This return to work policy and procedure shall not be applied to any situation or circumstance in a manner that discriminates on the basis of race, color, sex, sexual orientation, gender identity or expression, national origin, religion, or disability.

It is a violation of the return to work policy, procedures and state or federal law for any employee, supervisor or manager of Lamar Institute of Technology to:

3.1. Discharge or in any other manner discriminate against an employee of Lamar Institute of Technology because the employee:

3.1.1. Files a workers' compensation claim in good faith;

3.1.2. Hires a lawyer to represent the employee in a workers' compensation claim;

3.1.3. Institutes or causes to be instituted in good faith a proceeding under the Texas Workers' Compensation Act; or

3.1.4. Testifies in or is about to testify in a proceeding under the Texas Workers' Compensation Act.

3.2. Discharge or in any other manner discriminate against an employee of Lamar Institute of Technology because the employee:

3.2.1. Opposes any practice made unlawful by the FML or ADA; or

3.2.2. Has filed any charge, or has instituted or caused to be instituted any proceeding under or related to the FML;

3.2.3. Has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under the FML; or

3.2.4. Has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under the FML.

3.3. Interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided by the Family Medical Leave Act (FML);

3.4. Discriminate on the basis of disability against an employee of Lamar Institute of Technology who is a qualified individual with a disability under the Americans with Disabilities Act (ADA) in regard to:

3.4.1. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

3.4.2. Leaves of absence, sick leave, or any other leave;

3.4.3. Upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

3.4.4. Rates of pay or any other form of compensation, changes in compensation, and fringe benefits available;

3.4.5. Selection and financial support for training; or

3.4.6. Social and recreational activities.

3.5. Limit, segregate, or classify a job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability.

3.6. Require a medical examination of an employee who is disabled as defined under the ADA unless the medical examination is job related and consistent with business necessity.

3.7. Make inquiries as to whether an employee is an individual with a disability or as to the nature or severity of such disability.

4. **Position Descriptions of All Positions**: All supervisors and managers are responsible for identifying, documenting and maintaining the essential and non- essential functions in a position description for all positions for which they are responsible. The physical requirements of the positions should be included in all position descriptions as either an essential or non-essential functions. All position descriptions shall be reviewed at least annually, and must be submitted for approval to the human resources manager.

5. **Designated Return to Work Coordinator**: A return to work coordinator has been appointed in the Human Resources office. The return to work coordinator shall be responsible for coordinating all activities associated with the return to work program, unless specific duties are otherwise assigned to another person or position.

6. **Employee Participation in Return to Work Program**: In order for an employee of Lamar Institute of Technology to be eligible to participate in this return to work program, the employee must have:

6.1. sustained a compensable injury as defined in the Texas Workers' Compensation Act that results in lost time away from work;

6.2. a serious health condition as defined by the Family and Medical Leave Act; and/or

6.3. a disability as defined by the Americans with Disabilities Act.

An employee who meets the above criteria shall be encouraged to participate in the program; however, participation by the employee in the program is voluntary and the employee cannot be forced to participate.

7. **Notification of Injury or Illness**: An employee who sustains an injury or illness off the job is expected to notify his/or her supervisor, or a person in a management position, that an injury or serious health condition exists. Such notification should occur at the earliest possible time after occurrence of injury or knowledge that a serious health condition exists. Such notification should ideally occur within 24 hours of the injury or when the serious health condition first manifests itself.

An employee who sustains an injury or illness on the job is expected to notify his/or supervisor and Human Resources, that an injury or serious health condition exists. Such notification should occur at the earliest possible time after occurrence of injury or knowledge that a serious health condition exists. Such notification should ideally occur within 24 hours of the injury or when the serious health condition first manifests itself. In order to receive workers' compensation benefits, an employee must give notice of an injury within 30 days.

8. **Authorization for Leave and Lost Time**: An employee who must miss work due to a compensable injury and/or a serious health condition must be certified or authorized by a health care provider to be off work. It is the employee's responsibility to obtain such certification from the health care provider and to return the certification to his/her supervisor in a timely manner. If an employee is disabled as defined under the ADA, the request must be job-related, consistent with business necessity and cannot inquire as to the nature or severity of the injury.

   In general, the treating health care provider's certification should be provided by the employee to the supervisor according to the following timelines:

   8.1. When the employee knows in advance that FML is necessary, the certification form should be provided to the supervisor a minimum of three work days prior to the time when leave will commence.

   8.2. When the employee cannot know in advance that leave is necessary, the certification form should be provided to the supervisor within a maximum of three calendar days after initial visit to the health care provider.

   The employee's supervisor shall provide a copy of the employee's position description to employee to take to the health care provider to assist the health care provider in determining whether the employee can perform the essential functions of the job.

9. **Substitution of Paid Leave for Unpaid Leave**: If an employee is injured off the job, the current General Appropriations Act requires the employee's accrued annual leave and accrued sick leave must be utilized before unpaid leave is taken. If a compensable work-related injury or illness is involved, the employee is not required to use all accrued annual or sick leave. The employee may elect to use, but may not be required to use, accrued sick leave before receiving workers' compensation temporary income benefits. However, if the employee elects to use sick leave, all accrued sick leave must be exhausted before the employee is entitled to workers' compensation temporary income benefits.

10. **Periodic Status Reports**: If an employee is certified by a health care provider to be off work, the employee is required to submit periodic status reports to his/her supervisor to report the employee's status and intention to return to work. Such status reports are required at the time of each scheduled visit with the treating health care provider and are due immediately following the visit. The status report should be provided to the supervisor within 24 hours of the scheduled visit, or if a weekend or holiday is involved, before close of business on the next scheduled workday.

    If an employee has returned to work in a temporary assignment, and follow-up health care provider appointments are necessary, the employee shall schedule the appointments to minimize time away from the job. Time away from work for these health care provider appointments shall be counted against FML leave, if designated by the employer.

11. **Communications with the Employee:** At the time of first communication with the employee, the return to work coordinator shall provide information to the employee that contains the following, as appropriate:

    11.1. Lamar Institute of Technology's return to work Policies and Procedures and appropriate forms.

    11.2. If job-related injury or occupational disease occurs:

        11.2.1. Notification that the State of Texas provides workers' compensation benefits to employees who sustain compensable job-related injuries and/or occupational diseases;

        11.2.2. How medical expenses and income payments are made;

        11.2.3. How employee health benefits are continued;

        11.2.4. The name, location and telephone number of the local Texas Department of Insurance (TDI) Workers‘ Compensation Division field office and the name of the TWCC ombudsman at that office. The notice should state that the employee has a right to information and assistance from the TDI ombudsman with his/her claim; and

        11.2.5. The rights available to the employee under the Texas Workers' Compensation Act.

    11.3. For FML leave:

        11.3.1. Information regarding the employee's FML entitlement;

        11.3.2. How employee health benefits are continued; and

        11.3.3. Required certifications from the health care provider.

12. **Communications with the Texas Department of Insurance (TDI) Workers' Compensation Division**: The claims coordinator is responsible for timely submission to the TDI Workers‘ Compensation Division, all required reports and other important documents in Lamar Institute of Technology's possession regarding a workers' compensation claim, including the "Certification of Physician or Practitioner" form and "Return to Work Status" form. Timely submission of reports and forms is necessary in order to promptly initiate workers' compensation benefits, or cease payment of benefits when the employee returns to work. All reports and forms shall be submitted in a timely manner in accordance with the requirements of the Texas Workers' Compensation Act.

13. **Temporary Assignment Positions**: In cases involving on-the-job injuries, if an employee is certified by the health care provider to return to work, but in less than full duty, Lamar Institute of Technology may provide a temporary assignment position to the employee.

Directors and managers are responsible for identifying temporary assignment positions to facilitate a return to work based on the business necessity of filling the employee position, the employee's entitlement to FMLA leave, the availability of temporary assignments, and other appropriate factors. These temporary assignments shall be coordinated with the Safety Officer and/or Human Resource Director. The maximum length of time that a temporary assignment may last must be based on relevant factors including the business necessity of the employee's original position being filled. Temporary assignment positions shall be identified, assigned and managed on a case by case basis based upon the business necessity of Lamar Institute of Technology. The temporary assignment position shall be documented in a "bona fide offer of employment" letter to the employee.

14. **Bona Fide Offer of Employment**: The bona fide offer of employment letter shall include the following information:

    14.1. The type of position offered and the specific duties;

    14.2. A statement that Lamar University is aware of and will abide by any physical limitations under which the treating doctor has authorized the employee to return to work;

    14.3. The maximum physical requirements of the job;

    14.4. The wage rate of the job;

    14.5. The location of the temporary assignment;

    14.6. The consequences of not accepting a temporary assignment, in terms of duration and amount of temporary income benefits payable under the Texas Workers' Compensation Act, and if the leave has not been designated by Lamar University as FMLA leave, the appropriate administrative penalties/disciplinary measures by Lamar University as specified in the human resources procedures.

    14.7. The person to contact if the employee has questions regarding the temporary assignment, job modifications, or questions regarding the FMLA or ADA.

    The employee may accept or reject this bona fide offer of employment. The employee should be informed that rejection to the bona fide offer of employment may result in workers' compensation temporary income benefits (if applicable) being stopped by the TDI Workers' Compensation Division as the state's insurance carrier. If the employee accepts the bona fide offer of employment, then the employee shall perform the duties of the temporary assignment position for the term of the assignment or until the employee is able to return to full duty, whichever is sooner. If the employee rejects the bona fide offer of employment, then the employee remains off work until the end of the FML leave entitlement period or until the employee is certified by the health care provider to return to full duty.

If the employee is unable to return to full duty by the end of the temporary assignment period and/or by the end of the employee's FML leave entitlement period, then the employee's continued employment with Lamar Institute of Technology shall be considered based upon the business necessity of having the employee's position filled and whether any reasonable accommodation is required under the ADA.

POLICY 6.19 MODIFIED DUTY DUE TO INJURY/ILLNESS

SCOPE: FACULTY AND STAFF

1. **Policy**: To the extent reasonably possible, Lamar Institute of Technology will assist employees temporarily restricted from performing their regularly assigned duties by modifying work assignments or duties for a set time; after which it is hoped that the employee will be able to resume regular duties. In addition, whenever feasible, Lamar Institute of Technology will assist employees unable to resume their regular duties in transferring to positions at Lamar Institute of Technology better suited to their capabilities.

2. **Scope**: This policy applies to all Lamar Institute of Technology employees. This modified duty program can be utilized only by an employee during his/her tenure of employment with Lamar Institute of Technology. After the end of three months of light duty, the employee will not be eligible for light duty until the completion of 12 months of service.

3. **Purpose**: This policy establishes guidelines by which Lamar Institute of Technology provides modified work duties for employees with injuries or illness, in order that the employee may return to work before receiving a full release from the attending physician.

4. **Procedure**

   4.1. Duration: a period not to exceed three (3) months.

   4.2. Documentation by Employee's Physician: The employee's physician shall determine and document in writing to Lamar Institute of Technology temporary restrictions to the employee's work duties and prognosis of return to full duty.

   4.3. In cases involving on-the-job injuries, Sections 4.3-7 apply. Upon receipt of written documentation from the employee's physician requiring temporary work restrictions, the Worker‘s Compensation Coordinator or the Safety Officer may contact the employee's physician regarding Lamar Institute of Technology's commitment to rehabilitation and will provide information regarding Lamar Institute of Technology's return-to-work procedures and the employee's job description.

   4.4. Lamar Institute of Technology Evaluation of Employee and Placement Opportunities:

      4.4.1. When the physician notifies the Worker‘s Compensation Coordinator that the employee is able to return to work in a modified capacity, the Worker‘s Compensation Coordinator will work with the supervisor in the home department to attempt to establish a light duty assignment, if possible.

      4.4.2. If the employee's home department is unable to accommodate the work limitations or the employee performing modified duties on a temporary basis, the Worker‘s Compensation Coordinator will notify the Safety Officer and request exploration outside the home department. The Safety Officer, to the extent feasible, will attempt to place the employee in another Lamar

Institute of Technology department in a position consistent with the employee's capabilities and qualifications.

4.4.3. Whenever the home department cannot accommodate the employee performing modified duties and the Human Resources Office places the employee in another department, the employee‘s wages will either be paid from the vacant line in the acquiring department or the Safety Officer will work with Human Resources on funding.

5. **Work Document**

5.1. Once alternative duty has been established by the employee's department (either home or new) the department offering this work must create a Work Document specifying the following:

5.1.1. A short description of the job.

5.1.2. A description of the physical requirements to perform the required tasks (e.g., lifting weight (pounds), amount of sitting, walking, bending, stooping, etc.)

5.2. Before the employee can return to work, the employee, the employee's supervisor, and the Lamar Safety Officer must agree in writing to the requirements of the temporary modified work assignment. The employee's physician may be asked to review and initial the work document before the employee may return to work. The Work Document is valid for the stated period not to exceed three (3) months.

6. **Employee Responsibilities**

6.1. The employee must be briefed regarding the kind of work which he/she will be required to perform.

6.2. After receiving such a briefing, the employee must be willing to give the alternative duty full attention and best effort.

Any employee who exhibits unsatisfactory work habits (see paragraphs 3 and 4, Policy Number 5.4) will be treated identically to any other employee. The supervisor will follow the guidelines as established in Policy Number 5.5 to discipline the employee on the Return-to-Work program. The employee may be terminated from employment should she/he fail to respond to the corrective disciplinary actions as outlined in paragraph 6, Policy Number 5.4.

7. **Return to Work**: When released by the attending physician to return to regular duties, the employee will return to his/her regular position in the home department.

8. **Extended/Permanent Disability**

8.1. If the modified duty assignment ends and the employee is not released by the attending physician to return to his/her regular duties, the employee may request Extended Leave Without Pay while other options such as Long-Term Disability or Disability Retirement are explored. The Office of Human Resources will assist the employee with these options.

8.2. If the employee's disability is determined to be permanent, where possible the Institute will provide reasonable accommodation to that disability consistent with the Americans with Disabilities Act.

POLICY 6.20 REEMPLOYMENT OF RETIREES

SCOPE: FACULTY AND STAFF

1. **Purpose**: It shall be the intent of the Institute to reemploy retired members of the faculty and staff when such employment is beneficial to the goals of the Institute.

2. **Procedures**

   2.1. **Resumption of work by Faculty members**: All reemployment of retired faculty members shall be consistent with the procedures established in the LIT Policies and Procedures Manual.

   2.2 **Resumption of Work by Teacher Retirement members without suspension of retiree benefits**: Reemployment of Teacher Retirement System retirees shall be within the restrictions established by the Teacher Retirement System unless the retiree is willing to end retirement benefits. Employment beyond the limitations in this section must be reported to the Teacher Retirement System of Texas. Care should be taken by departments and the retirees to preserve their retirement status.

      2.2.1 Teacher Retirement System return to work restrictions must be explored by the returning retiree. TRS has established time limits before retirees may return. Retirees must be off the payroll system for one entire calendar month.

      2.2.2 Once approved by TRS to return to work, a retired employee may work no more than 6 months in a full-time capacity per year in a staff position if that work occurs after the effective date of retirement and the retiree notifies TRS of the employment.

      2.2.3 A retired employee may work in a non-benefit eligible, part time capacity for two long semesters.[131]

3. **Annual Leave Accruals for RTW Retirees**: Vacation accruals for return-to-work retirees are based on retirement and rehire dates. Return-to-work retirees are not required to re-establish the six-month continuous service requirement in order to take vacation with pay. See Vacation Leave Policy 6.8, Number 11 for more information on vacation accruals for retirees (Senate Bill 11 1863) [132]

4. **Optional Retirement Retirees**: The ORP retiree does not face the same restrictions as TRS retirees and may return to work whenever there is a need and a desire. ORP retirees must have a minimum one month break in service to be begin retirement distributions.

5. **Retirement Contributions /Health Insurance**: Returning Retirees may elect to continue

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[131] TRS Laws and Rules, §824.601-.602
[132] Texas Government Code, §661.152(1)

coverage for which they are eligible as a retiree or may elect coverage as an active employee. [133]The returning retiree will have no contributions to TRS or ORP unless the TRS retiree has returned to work in excess of the time allowed and has established the return with TRS. [134]

[133] Chapter 25, Coordinating Board of Higher Education, Optional Retirement Rules
[134] Employee Retirement System Rules

SECTION 7: SECURITY OF INFORMATION RESOURCES

POLICY 7.1 INFORMATION RESOURCES

SCOPE: FACULTY, STAFF, STUDENTS, AND GUESTS

1. **POLICY STATEMENTS**

1.1. LIT's information resources are vital academic and administrative assets which require appropriate safeguards in order to avoid compromising their confidentiality, integrity, and availability. As a public higher institution of education, LIT is subject to various federal, state, and industry regulations that provide requirements and guidance for achieving this goal.

1.2. The purpose of this policy is to establish the framework on which LIT's information resources policies, standards, guidelines, and procedures are created and maintained.

2. **DEFINITIONS**

2.1. Accessible – Describes an electronic and information resource that can be used in a variety of ways and (the use of which) does not depend on a single sense or ability. [1 TAC 213.1(1)]

2.2. Account – The representation of a user's relationship to one or more information resources. Accounts are identified by a unique user name.

2.3. Alternate formats – Alternate formats usable by people with disabilities may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats that comply with this chapter. [1 TAC 213.1(2)]

2.4. Alternate methods – Different means of providing information, including product documentation, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text- to-speech synthesis, and audio description. [1 TAC 213.1(3)]

2.5. Assistive technology – Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities. [1 TAC 213.1(4)]

2.6. Authentication – The process of verifying the identity of an account holder.

2.7. Confidential - Information that typically is excepted from the Public Information Act or data whose pubic release may result in adverse consequences to the organization. This includes but is not limited to attorney-client communications, computer vulnerability reports, protected draft communications, student education records as defined under FERPA, personally-identifiable medical records, passport information, crime victim information, library transactions (e.g.,) circulation records), court sealed

records, and access control credentials (e.g., PINs and passwords). Confidential information also includes any of the following when combined with other personally-identifying information: social security number, driver license number, date of birth, payment cardholder information, or financial account information.

2.8. Data Owner – See Information Owner.

2.9. Device – Any hardware component involved with the processing, storage, or forwarding of information making use of the institutional information technology infrastructure or attached to the institutional network. These devices include, but are not limited to, laptop computers, desktop computers, servers, and network devices such as routers, switches, wireless access points, and printers. [TSUS IT.03.03]

2.10. Electronic and information resources (EIR) – Includes information technology and any equipment or interconnected system or subsystem of equipment used to create, convert, duplicate, or deliver data or information. EIR includes telecommunications products (such as telephones), information kiosks and transaction machines, web sites, multimedia, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, thermostats or temperature control devices, and medical equipment that contain information technology that is integral to its operation, are not information technology. If the embedded information technology has an externally available web or computer interface, that interface is considered EIR. Other terms such as, but not limited to, Information and Communications Technology (ICT), Electronic Information Technology (EIT), etc. can be considered interchangeable terms with EIR for purposes of applicability or compliance. [1 TAC 213.1(6)]

2.11. Guideline – Recommendations or instructions designed to achieve policy objectives by providing direction for implementing compliant procedures.

2.12. Federal Tax Information (FTI) – Includes tax return or return information received directly from the IRS or obtained through an authorized secondary source. FTI includes any information created by the recipient that is derived from federal return or return information received from the IRS or obtained through a secondary source. [IRS Publication 1075]

2.13. Home page – The initial page that serves as the front door or entry point to a state website. [1 TAC 206.1(12)]

2.14. Information Custodian – An entity, including a department, agency, or third-party service provider responsible for implementing the information owner-defined controls and access to an information resource. [1 TAC 202.1(17)]

2.15. Information Owner – A person with statutory or operational authority for information or information resources. [1 TAC 202.1(18)]

2.16. Information Resources – the procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors. [Section 2054.003(7) Texas Government Code]

2.17. Information Security Program – The policies, standards, procedures, elements, structure, strategies, objectives, plans, metrics, reports, services, and resources that establish an information resources security function within an institution of higher education. [1 TAC 202.1(21)]

2.18. Information System – An interconnected set of information resources under the same direct management control that shares common functionality. An Information System normally includes, but is not limited to, hardware, software, network Infrastructure, information, applications, communications and people. [1 TAC 202.1(22)]

2.19. Information Technology (IT) – Any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term includes computers (including desktop and laptop computers), ancillary equipment, desktop software, client-server software, mainframe software, web application software and other types of software, firmware and similar procedures, services (including support services), and related resources. [[1 TAC 213.1(9)]]

2.20. Information Technology Resources – Any of the following that are owned, operated or supplied by the TSUS or one of its component institutions: computer accounts, hardware, software, communication networks and devices connected thereto, electronic storage media, related documentation in all forms, and professional and technical support services. Also included are data files resident on hardware or media owned or supplied by the TSUS or a component, regardless of their size, source, author, or type of recording media, including e- mail messages, system logs, web pages and software. [TSUS IT.03.03]

2.21. Institutional Network – The data transport and communications infrastructure at the institution. It includes the campus backbone, local area networks, and all equipment connected to those networks (independent of ownership). [TSUS IT.03.03]

2.22. Key public entry point – A web page on a state website that is frequently accessed directly by members of the public, which a state agency or institution of higher education has specifically designed to enable direct access to official agency or institution of higher education information. [1 TAC 213.1]

2.23. Login Credentials – A means of identification, usually a User ID and password, which provides evidence of a user’s identity and allows access to that user’s account.

2.24. Major Information Resource Project – (A) any information resources technology project identified in a state agency's biennial operating plan whose development costs exceed $1 million and that: (i) requires one year or longer to reach operations status; (ii) involves more than one state agency; or (iii) substantially alters work methods of state agency personnel or the delivery of services to clients; and (B) any information resources technology project designated by the legislature in the General Appropriations Act as a major information resources project. [Texas Government Code §2054.003(10)]

2.25. Network Address – A unique number associated with a device's network connection used for the routing of traffic across the Internet or another network. Also known as Internet Protocol Address or IP Address. [TSUS IT.03.03]

2.26. Patch – A change or update to software that eliminates a vulnerability.

2.27. Personally Identifying Information (PII) – Information that alone or in conjunction with other information identifies an individual, including an individual's name, social security number, date of birth, or government-issued identification number; mother's maiden name; unique biometric data, including the individual's fingerprint, voice print, and retina or iris image; unique electronic identification number, address, or routing code; and telecommunication access device as defined by Section 32.51, Penal Code. [Business and Commerce Code 521.002(a)(1)]

2.28. Policy – Formal, high level documents that require compliance and focus on desired results, not on means of implementation.

2.29. Procedure – A description of a process, either text-based or diagrammed, that represents and implementation of policy.

2.30. Public – Information that is freely and without reservation made available to the public. Examples include but are not limited to college publications, press releases, and public web postings.

2.31. Regulated - Information that is controlled by a state or federal regulation or other 3rd party agreement. This includes but is not limited Sensitive Personal Information as defined under the Texas Business and Commerce Code 521.002(a)(1) and 521.002(a)(2), data subject to regulation by the Payment Card Industry Data Security Standards, and Federal tax information.

2.32. Risk Assessment – The process of identifying, evaluating, and documenting the level of impact on an organization's mission, functions, image, reputation, assets, or individuals that may result from the operation of information systems. Risk Assessment incorporates threat and vulnerability analyses and considers mitigations provided by planned or in-place security controls. [1 TAC 202.1(32)]

2.33. Risk Management – The process of aligning information resources risk exposure with the organization's risk tolerance by either accepting, transferring, or mitigating risk exposures. [1 TAC 202.1(33)]

2.34. Self-Contained, Closed Products – Products that generally have embedded software and are commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These products include, but are not limited to, information kiosks and information transaction machines, copiers, printers, calculators, fax machines, and other similar products. [1 TAC 213.1(14)]

2.35. Sensitive – Information that could be subject to release under an open records requests, but should be controlled to protect third parties. This includes data that meets the definition of Personally Identifiable information under the Texas Business and Commerce Code §521.002(a)(1) and §521.002(a)(2), such as employee records and gross salary information. Other examples include but are not limited to emails, voicemails, instant messages, internal communications, and departmental procedures that might reveal otherwise protected information.

2.36. Sensitive Personal Information (SPI) – (A) An individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted: social security number; driver's license number or government-issued identification number; or account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account; or (B) information that identifies an individual and relates to the physical or mental health or condition of the individual; the provision of health care to the individual; or payment for the provision of health care to the individual. [Business and Commerce Code 521.002(a)(2)]

2.37. Service Account – An account used to communicate between devices, between applications or services, or between applications or services and devices.

2.38. Server – A physical or virtual device that provides a specific type of service on behalf of another computer or computer user (i.e.; client). Examples of services provided by servers include, but are not limited to, file storage, web site hosting, database, and email.

2.39. Standard – A mandatory specification designed to support and conform to policy.

2.40. User – An individual, process, or automated application authorized to access an information resource in accordance with federal and state law, agency policy, and the information owner's procedures and rules. [1 TAC 202.1(38)]

2.41. User ID – The unique user name associated with an account.

2.42. Voluntary Product Accessibility Template (VPAT) – A vendor-supplied form for a commercial Electronic and Information Resource used to document its compliance with technical accessibility standards and specifications. [1 TAC 213.1(19)]

3. GENERAL

3.1. Documentation for LIT's information resources policy framework is separated into four (4) categories of documentation: policies, standards, guidelines, and procedures.

3.2. Information resources policies shall be managed formally as described in Section 5.

3.3. If standards, guidelines, or procedures are included in policy documents, they are also subject to the same policy management process.

3.4. Standards, guidelines, or procedures referenced by policies but not directly included in policy shall be managed as described in Section 6.

4. INFORMATION TECHNOLOGY (IT) STEERING COMMITTEE

4.1. The IT Steering Committee assists the IRM in ensuring that LIT's policies and IT projects support the strategic mission and goals of the institution.

4.2. Members of the IT Steering Committee are appointed by the President. The IT Steering Committee operates as per its charter.

5. INFORMATION RESOURCES POLICY MANAGEMENT

5.1. The Information Resource Manager (IRM) is responsible for maintaining information resources policies.

5.2. New and revised information resources policies shall originate from the IRM, the Information Security Officer (ISO), or a designated committee.

5.3. The approval process shall be as follows:

5.3.1. The new or revised draft policy is routed to the IT Steering Committee for review and approval.

5.3.2. LIT has the option to forward the new or revised policy to general counsel, human resources, or other appropriate entities for review.

5.3.3. LIT's executive management grant final approval.

5.4. Minor revisions to existing information resources policies shall originate from the IRM or the ISO. Minor revisions include changes to the numbering sequence, minor grammatical edits, formatting changes, and updates to hyperlinks. These changes do not require approval.

5.5. Information resources policies shall be reviewed and updated every 3 years at a minimum. Review of policies may also be triggered by changes to Texas State University System policies, federal and state laws, and other regulatory requirements.

5.6. Unit procedures derived from information resources policies shall be reviewed annually and revised as necessary.

6. INFORMATION RESOURCES STANDARDS, GUIDELINES, AND PROCEDURES MANAGEMENT

6.1. LIT Information Technology is responsible for maintaining information resources standards, guidelines, and procedures.

6.2. New and revised standards, guidelines, and procedures shall originate from the IRM, the ISO, or LIT Information Technology.

6.3. New and revised standards, guidelines, or procedures that impact only the LIT Information Technology unit require only the IRM's approval.

6.4. New and revised standards, guidelines, or procedures that impact other units or the institution as a whole require the timely approval of the IT Steering Committee.

6.5. Minor revisions to existing standards, guidelines, and procedures require approval from the IRM. Minor revisions include changes to the numbering sequence, minor grammatical edits, formatting changes, and updates to hyperlinks.

6.6. Standards, guidelines, and procedures shall be reviewed by LIT Information Technology annually and revised as necessary.

7. AUTHORITY AND RESPONSIBILITY

Questions related to this policy should be addressed to the IRM at irm@lit.edu.

8. RELATED POLICIES

8.1. IRS Publication 1075

8.2. Texas Administrative Code Chapter 202 Information Security Standards

8.3. Texas Administrative Code Chapter 213 Electronic and Information Resources

8.4. Texas Administrative Code Chapter 216 Project Management Practices

8.5. Texas Business and Commerce Code Chapter 521 Unauthorized Use of Identifying Information

8.6. Texas Government Code Chapter 2054 Information Resources

8.7. Texas State University System Policy Guideline: Information Security Policy

POLICY 7.2 APPROPRIATE USE OF INFORMATION TECHNOLOGY

SCOPE: FACULTY, STAFF, STUDENTS, AND GUESTS

See Policy 2.11 Appropriate Use of Information Technology

POLICY 7.3 ELECTRONIC INFORMATION RESOURCES ACCESSIBILITY

SCOPE: FACULTY, STAFF, STUDENTS, AND GUESTS

1. **POLICY STATEMENTS**

Lamar Institute of Technology (LIT) strives to provide everyone equal access. The use of electronic and information resources (EIR) supports the overall operation and mission of LIT. Ensuring these resources are accessible is required by state and federal laws.

2. **GENERAL GUIDELINES AND PRINCIPLES**

2.1. Applicability

2.1.1. This policy applies to EIR products and services (including web pages) developed, procured, or materially changed by a LIT employee or third party acting as an agent of or on behalf of LIT, through a procured services contract, or through hosted or managed service contracts.

2.1.2. This policy does not apply to the following:

2.1.2.1. EIR that have been exempted by the Texas Department of Information Resources (DIR). A list of exempt EIR are posted under the Accessibility section of the Texas DIR website.

2.1.2.2. Products that contain embedded information resources that are used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of information, including thermostats or temperature control devices or other heating, ventilation, and air conditioning equipment.

2.1.2.3. Medical equipment in which EIR is integral to its operation.

2.1.3. Some of all of this policy may not apply to EIR that have received an exception pursuant to the exception process referenced in this policy.

2.2. Roles and Responsibilities

2.2.1. Institution of Higher Education President – The LIT President has the following responsibilities, which may be delegated unless otherwise indicated:

2.2.1.1. Designate an EIR Accessibility Coordinator

2.2.1.2. Inform the Texas DIR within 30 days whenever the EIR Accessibility Coordinator position is vacant, or a new/replacement EIR Accessibility Coordinator is designated.

2.2.1.3. Approve exception requests, following the process described in

this policy. This responsibility may not be delegated.

2.2.1.4. Ensure appropriate staff receives training necessary to meet EIR accessibility-related requirements.

2.2.2. EIR Accessibility Coordinator (EIRAC) – The Director of Information Technology is LIT's EIRAC. The EIRAC is the central point of contact concerning accessibility issues and solutions for LIT's EIR. The EIRAC serves in a coordinating and facilitating role, with responsibilities that include the following:

2.2.2.1. Develop, support, and maintain EIR accessibility policies, standards, and procedures.

2.2.2.2. Facilitate a response to concerns, complaints, reported issues, and Texas DIR surveys.

2.2.2.3. Process EIR accessibility exception requests and maintain records of approved exceptions.

2.2.2.4. Develop and support a plan by which EIR (including websites) will be brought into compliance. The plan shall include a process for corrective actions to remediate non-compliant items.

2.2.2.5. Establish goals for making its EIR accessible, which includes progress measurements towards meeting those goals.

2.2.2.6. Maintain a listing of LIT's Key Public Entry Points.

2.2.2.7. Provide or arrange consulting services on matters related to accessibility.

2.2.2.8. Facilitate the development or acquisition of training solutions necessary to meet EIR accessibility-related requirements.

2.2.2.9. Work with staff in colleges and business areas responsible for LIT's EIR.

2.2.3. Unit Head – Each administrative and academic unit head is responsible for the following:

2.2.3.1. Designation of an EIR Accessibility Liaison.

2.2.3.2. Ensuring that EIR owned and/or operationally supported by the unit comply with this policy. Operational responsibility for compliance with this policy may be delegated to the appropriate personnel within the unit.

2.2.4. EIR Accessibility Liaison

2.2.4.1. Collaborate with the EIRAC as needed.

2.2.4.2. Help appropriate staff in their area develop and maintain the knowledge and skills necessary to comply with EIR accessibility requirements.

2.2.5. Webmaster

2.2.5.1. Perform periodic (at least quarterly) website scanning with an appropriate validation tool.

2.2.5.2. Distribute validation reports to unit heads that indicate the accessibility level of pages for which they have responsibility for design and/or content. Copies of reports shall also be provided to the EIRAC.

2.3. Accessibility Standards – LIT maintains a list of Accessibility Standards compliant with 1 TAC 213 in Appendix A. These standards encompass the following topics:

2.3.1. Software Applications and Operating Systems

2.3.2. Telecommunications Products

2.3.3. Video and Multimedia Products

2.3.4. Self-Contained, Closed Products

2.3.5. Desktop and Portable Computers

2.3.6. Functional Performance Criteria

2.3.7. Information, Documentation, and Support

2.3.8. Web-Based Intranet and Internet Information Applications

2.4. Exceptions

2.4.1. An exception from this policy may be granted under certain circumstances, including significant difficulty or expense. Exception requests for EIR and websites that do not comply with accessibility requirements shall be submitted to the EIRAC by the Unit Head that owns or operationally supports the EIR. Exception requests shall contain the following information:

2.4.1.1. a date of expiration or duration of the exception;

2.4.1.2. a plan for alternate means of access for persons with disabilities;

2.4.1.3. justification for the exception including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and

2.4.2. Approval – Exception requests must be approved in writing. LIT shall retain documentation for approved exceptions. Documentation shall consist of the exception request and documentation of how the institution of higher

education considered all institution resources available to the program or

program component for which the product is being developed, procured, maintained, or used.

2.5. Procurement

2.5.1. Procurement of all EIR shall be coordinated with the EIRAC.

2.5.2. LIT personnel who acquire EIR shall require vendors to provide accessibility information for EIR products or services through one of the following methods:

2.5.2.1. Voluntary Product Accessibility Template (VPAT) or equivalent reporting template.

2.5.2.2. Credible evidence of the vendor’s capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results.

2.5.3. VPATs and/or other documented evidence of accessibility shall be retained by the procurement office.

2.6. Accessibility Testing and Validation

2.6.1. Accessibility testing shall be coordinated with the EIRAC.

2.6.2. Accessibility testing validation procedures and results shall be documented and a copy provided to the EIRAC in a timely manner.

2.7. Web Accessibility

2.7.1. All new or modified Web pages must comply with the requirements of this policy.

2.7.2. All Web pages shall avoid vendor specific, “non-standard” extensions and shall comply with applicable internet standards.

2.7.3. New and modified Web pages are to be tested by the Web page owners using one or more Section 508, or equivalent, validation tools in conjunction with manual procedures to validate compliance with accessibility requirements.

2.7.4. An alternative version page, with equivalent information or functionality, must be provided when compliance cannot be accomplished in any other way. The content of the alternative page must be updated whenever the primary page changes.

2.8. The LIT home page and all LIT key public entry points must include an Accessibility

link to a web page that contains LIT's accessibility policy, site validation standard, contact information for LIT's web accessibility coordinator, and a link to the Governor's Committee on People with Disabilities web site

3. AUTHORITY AND RESPONSIBILITY

Questions related to this policy should be addressed to the IRM at irm@lit.edu.

4. RELATED POLICIES

4.1. 1 TAC 206.70 – Institution of Higher Education Websites – Accessibility

4.2. 1 TAC 213 – Electronic and Information Resources - Accessibility Standards for Institutions of Higher Education

4.3. Texas Government Code § 2054.457, Access to Electronic and Information Resources by Other Individuals with Disabilities

4.4. Texas Government Code § 2054.460, Exception for Significant Difficulty or Expense; Alternate Methods

4.5. Section 508 Standards for Electronic and Information Technology

POLICY 7.4 INFORMATION SECURITY PROGRAM

SCOPE: FACULTY, STAFF, AND STUDENTS

1. **POLICY STATEMENTS**

1.1. Title 1, Part 10, Chapter 202, Texas Administrative Code, commonly known as TAC 202, requires the institution head of each Texas state agency and public institution of higher education to protect their institution's information resources by establishing an information security program consistent with the TAC 202 standards. In compliance with TAC 202, this policy statement and its references reflect the policies, procedures, standards and guidelines comprising LIT's information security program.

1.2. The purpose of this policy is to articulate a framework for LIT's information security program.

2. **ROLES AND RESPONSIBILITIES**

2.1. Information Resources Manager (IRM)

2.1.1. The IRM's responsibilities include

a) Preparing a biennial operating plan in accordance with 2054 Texas Government Code.
b) Overseeing the implementation of LIT's project management practices.
c) Overseeing the acquisition and use of information technology for LIT.
d) Approving of all information technology-related purchases, with the exception of computing hardware devices and components used strictly for hands on teaching purposes.

2.1.2. The IRM shall receive continuing professional education in accordance with the guidelines established by the Texas Department of Information Resources.

2.1.3. The Director of Information Technology is the designated IRM for LIT.

2.2. Information Security Officer (ISO)

2.2.1. The ISO has authority over information security for LIT.

2.2.2. The ISO must possess the appropriate training and experience required to administer the functions described in this section.

2.2.3. The ISO's responsibilities include

a) Developing and recommending policies and establishing procedures and practices, in cooperation with the IRM, information

owners, and information custodians, necessary to ensure the security of information and information resources against unauthorized or accidental modification, destruction, or disclosure

b) Developing, documenting, implementing, and maintaining a security incident response plan to ensure that security events are thoroughly investigated, documented, and reported, that damage is minimized, that risks are mitigated, and that remedial actions are taken to prevent recurrence.

c) Developing, documenting, and maintaining all aspects of LIT's Information Security Program.

d) Serving as the LIT internal and external point of contact for information security matters.

e) Monitoring the effectiveness of strategies, activities, measures, and controls designed to protect LIT information resources.

f) Providing guidance and training to institution officials, information owners, information custodians, and end users concerning their security-related responsibilities as part of LIT's information security awareness program.

g) Providing consulting and technical support services to information owners and custodians to define and deploy cost-effective security controls and protections that address all applicable security requirements and LIT's information security risks.

h) Informing appropriate parties of LIT's security requirements in the event of non-compliance

i) Coordinating and overseeing LIT's annual security risk assessment process.

j) Coordinating the review of the data security requirements, specifications, and, if applicable, third-party risk assessment of any new computer applications or services that receive, maintain, and/or share confidential or sensitive data.

k) Verifying that security requirements are identified and risk mitigation plans are developed and contractually agreed and obligated prior to the purchase of information technology hardware, software, and systems development services for any new high impact computer applications or computer applications that receive, maintain, and/or share confidential or sensitive data.

2.2.4. The ISO, with the approval of the state institution of higher education head, may issue exceptions to required information security controls. Any such exceptions shall be justified, documented and communicated as part of the risk assessment process.

2.2.5. The ISO reports directly to the IRM. If there is no other LIT employee that currently holds the role of ISO, that role shall be assigned to the IRM.

2.3. All members of the LIT community share responsibility for protecting LIT's information

resources and, as such, are essential components of LIT's information security organization. LIT has defined and assigns three generic roles with respect to the security of information resources. owner, custodian, and user. Each individual assumes one or more of these roles with respect to each information resource they use, and as a result, are accountable for the responsibilities attendant to their roles. Responsibilities associated with each role are noted throughout this and other LIT information resources policies.

3. GENERAL

3.1. LIT's information security program is positioned within the Information Technology unit and is administered by the Information Security Officer (ISO). LIT Information Technology implements the information security program in collaboration with all LIT constituents that use and support LIT's information resources.

3.2. The program shall contain risk-based administrative, technical, and physical safeguards to protect the confidentiality, integrity, and availability of LIT information resources.

3.3. The program shall be informed by relevant federal and state legislative requirements, Texas State University System policies, regulatory requirements, and industry standards.

3.4. All units with operational responsibility for various aspect of information security (e.g., physical security, personnel security, technical security controls) shall contribute to program creation, maintenance, and implementation.

3.5. The program will be monitored regularly and the ISO will provide executive management with periodic reports.

3.6. The program and associated plans and procedures shall be reviewed and updated on an annual basis. Additional review and updates shall be triggered by any changes that impact information security, security risk assessments, and implementation issues.

3.7. Program, plan, and procedure documentation, including security-related plans identified in this and other LIT information resources policies, shall be protected from unauthorized disclosure or modification.

3.8. The program shall ensure that adequate separation of duties exists for tasks that are susceptible to fraudulent activity.

4. INFORMATION SECURITY RISK MANAGEMENT

4.1. The ISO shall annually complete or commission completion of a risk assessment with the assistance of relevant owners and custodians. The assessment must include a classification of their information according to its need for security protection (i.e., its need for confidentiality, integrity, and availability) (see 7.4 Information Asset

Management).

4.2. Where possible and practical, the assessment must also include the following elements:

4.2.1. Reasonable, foreseeable, internal, and external risks to the security, confidentiality, integrity, and availability of those resources.

4.2.2. Assessment of the sufficiency of safeguards in place to control these risks and document their level of risk acceptance (i.e., the exposure remaining after implementing appropriate protective measures, if any).

4.2.3. Consideration of employee training and management, information systems architecture and processes, business continuity planning and prevention, detection and response to intrusion and attack.

4.3. The assessment results shall be documented in a written report, protected from unauthorized disclosure, modification, or destruction, and retained until superseded by a subsequent documented assessment, plus one year.

4.4. The ISO and owners shall identify remedial actions to correct weaknesses or deficiencies noted during the risk assessment process. These actions shall be documented in a plan of action and milestones, which is updated based on findings from subsequent risk assessments, security impact analyses, and monitoring activities.

4.5. The IRM shall commission periodic reviews of LIT's information security program for compliance with TAC 202 standards. Reviews will be conducted at least biennially by individuals independent of the information security program and will be based on business risk management decisions.

5. INFORMATION SECURITY AWARENESS

5.1. All new employees shall complete basic security training within 45 days of hire.

5.2. Where applicable and appropriate, employees shall complete information system-specific security training before being authorized to access said information system.

5.3. As part of general security awareness, the ISO shall

5.3.1. Provide notification of security threats via email and other appropriate communication media.

5.3.2. Maintain a security awareness web site with content suitable for employees and students.

5.4. All security awareness educational materials will be reviewed and updated on an

annual basis and when triggered by relevant events such as information system changes that impact security, updates to security-related policies, and security incidents.

5.5. Unit heads are authorized to assign security training to their employees.

5.6. Completion of security training shall be documented and documentation retained as per records retention requirements.

6. INFORMATION SECURITY EXCEPTIONS

6.1. Exceptions may be granted to address circumstances or business needs.

6.2. Requests for exceptions must be initiated by the information resource owner (as the accountable party) and submitted to LIT Information Technology.

6.3. Requests must contain the following information:

a) The policy for which the exception is sought.
b) The information resources and the data included in the exception.
c) The reason for the exception (e.g.; why compliance with the policy is not feasible).
d) Workarounds, compensating security controls, or other mitigation activities in place.
e) Risk management rationale

6.4. Each request will be reviewed by the ISO and IRM. After any questions or concerns are addressed, the ISO will accept or reject the exception with the concurrence of the IRM and the approval of the LIT President and executive management.

6.5. Approvals may be contingent upon the application of compensating security controls to reduce risk resulting from the exception. All approvals with have an expiration date no longer than two (2) years from the request date.

6.6. A record of all requests and their disposition shall be maintained by the LIT Information Technology department.

7. INFORMATION SECURITY REPORTING

7.1. The ISO shall report to the LIT President and executive management at least annually on the following topics:

a) The adequacy and effectiveness of LIT's information security policies, procedures, and practices, as determined by risk assessment.
b) Compliance with information security requirements.
c) Changes to information security requirements that may impact LIT information security and privacy policies, procedures, and practices.
d) The effectiveness of the current information security program and the

status of key initiatives.

e) Security-related requests, such as security exceptions and requests for resources.

7.2. The ISO shall comply with the following Texas Department of Information Resources reporting requirements:

a) Prompt reporting of security incidents involving criminal violations, disclosure or modification of confidential information or sensitive personal information, other state-owned systems, or those requiring public notification.
b) Monthly reporting of security-related events no later than nine (9) calendar days after the end of the month.
c) Biennial reporting of LIT's Information Security Plan, in accordance with 2054.133 Texas Government Code.

8. INFORMATION SYSTEM SECURITY

8.1. Information systems that store, process, or transmit regulated information shall have a security plan on file with the office of the ISO that address security requirements for regulatory compliance.

8.2. Information system security plans shall be approved by the ISO and appropriate information owners.

8.3. Information system security plans shall include the following elements, as appropriate:

a) Operational context of the information system in terms of mission and business processes.
b) Classification of data stored, processed, or transmitted by the system.
c) Overview of the security requirements for the system, including applicable legislative or regulatory requirements.
d) Security controls in place or planned for meeting identified requirements.
e) Operating environment for the information system and relationships with or connections to other information systems.

9. INFORMATION SECURITY INCIDENT RESPONSE

9.1. LIT Information Technology shall act as an incident response support resource for users of LIT information resources in all phases of the incident handling process.

9.2. Detection and Notification

9.2.1. LIT personnel shall report suspected security incidents to LIT Information Technology immediately upon discovery, or as soon thereafter as is practical.

9.2.2. LIT Information Technology shall report all suspected and confirmed security

incidents to the ISO and IRM in a timely manner.

9.2.3. The ISO shall notify executive management and relevant information owners in a timely manner.

9.3. Analysis and Containment

9.3.1. Appropriate measures shall be taken to contain the incident. This includes but is not limited to removal of computing devices from the LIT network, disabling affected accounts, or limiting available services.

9.3.2. If it is possible that unauthorized access to confidential or sensitive information occurred during the incident, LIT Information Technology must determine whether or not unauthorized disclosure occurred or is reasonably believed to have occurred.

9.3.3. If it is determined that unauthorized disclosure did occur, the ISO will work with all appropriate personnel and offices, including LUPD where appropriate, to ensure that all required information is identified and all persons whose information may have been subject to unauthorized disclosure are notified in accordance with applicable laws.

9.4. Incidents shall be tracked and documentation shall be maintained by the ISO as per records retention requirements

10. **AUTHORITY AND RESPONSIBILITY**

Questions related to this policy should be addressed to the IRM at irm@lit.edu.

POLICY 7.5 INFORMATION ASSET MANAGEMENT

SCOPE: FACULTY, STAFF, STUDENTS, AND GUESTS

1. **POLICY STATEMENTS**

1.1. Information that is sensitive or confidential must be protected from unauthorized access or modification. Data that is essential to critical university functions must be protected from loss, contamination, or destruction.

1.2. Information must be identified and assigned the appropriate data classification in order to be protected appropriately.

1.3. Appropriate roles and responsibilities must be identified to facilitate data protection.

2. **ROLES AND RESPONSIBILITIES**

2.1. Information Owner (Owner)

2.1.1. LIT (and consequently the state of Texas) is the legal owner of all the institutional information assets. As a practical matter, specific ownership responsibilities are delegated to those with day-to-day oversight of the information asset. Ownership of data, information, and records (all hereinafter referred to as information) maintained in the manual and automated information and records systems of LIT is identified in the following table.

Information Type	**Information Owner**
Employment Records	Human Resources
Faculty Records	Vice President of Student & Academic Success
Current and Former Student Information	Registrar
Financial Information	Chief Business Officer
Donor Information	Executive Director of Development
Prospective Student Information	Vice President of Student & Academic Success
Student Financial Aid Information	Director of Financial Aid
Information Security	Information Security Officer
Unit Administrative Information	Unit Head
Other	President

2.1.2. Ownership responsibility for network, hardware, and software assets is assigned to the party accountable for the assets, as documented in LIT inventory, procurement, and licensing records.

2.1.3. Owners are required to classify information under their authority, with the concurrence of the IRM, in accordance with this policy.

2.1.4. Owners are required to coordinate data security control requirements with the ISO and convey said requirements to information custodians.

2.2. Information Custodian

2.2.1. The LIT Information Technology department is, by default, the custodian of all information resources for which it has system administration responsibilities. LIT Information Technology has the authority to implement required security controls.

2.2.2. In consultation with the IRM and ISO, custodians are specifically responsible for:

a) Implementing required security controls specified by the owner or as specified by LIT's policies, procedures, and standards.
b) Providing owners with information to facilitate the evaluation of the cost-effectiveness of controls and monitoring.
c) Adhering to monitoring techniques and procedures, approved by the ISO, for detecting, reporting, and investigating incidents.
d) Providing information necessary to support appropriate employee information security training.
e) Ensuring information is recoverable in accordance with risk management decisions.

2.3. Users

2.3.1. Users of information resource shall use them only for their specified purpose. Users must comply with LIT policies, procedures, security bulletins, and alerts issued by LIT Information Technology to prevent unauthorized or accidental disclosure, modification, or destruction of information.

2.3.2. Employee users are responsible for ensuring the privacy and security of the information they access in the normal course of their work. They are also responsible for the security of any computing equipment used in the normal course of work.

2.3.3. Employee users are authorized to use only those information resources that are appropriate and consistent with their job functions and must not violate or compromise the privacy or security of any data or systems accessible via LIT's computer network. See 7.1 Appropriate Use for additional information.

3. GENERAL

3.1. All information stored, processed, or transmitted using LIT's information systems shall be identified and assigned the appropriate classification of Public, Sensitive, or Confidential.

3.2. Information that meets the criteria for Regulated shall be assigned that classification as well.

3.3. Assigned classifications shall be included in an information asset inventory maintained

by LIT Information Technology.

3.4. All information must be reviewed and classified prior to prior to being posted on a publicly accessible information system (e.g., public website) to ensure nonpublic information is not included.

4. STANDARDS FOR HANDLING CONFIDENTIAL AND SENSITIVE INFORMATION

4.1. Confidential information must not be disclosed to the public under any circumstances other than those specifically authorized by law.

4.2. Social security numbers, driver's license numbers, and other widely used government-issued identification numbers shall not be captured, stored, or used as a personal identifier unless such use is required by an external, governmental, or regulatory system that is authorized for use at LIT. The LIT ID number should be used in lieu of such prohibited identifiers in situations where personal names or other identifiers do not assure uniqueness. Where use of such numbers is required and authorized, owners, custodians, and users shall store these numbers only in authorized locations.

4.3. No data subject to PCI Data Security Standards (i.e., payment cardholder data) shall be stored on any device connected to the campus network unless that device has been specifically authorized by both the CFO and the IRM to be used for processing payment transactions. Authorized devices shall store data for no longer than is necessary to authorize a transaction using that information.

4.4. Confidential or sensitive information shall be retained only as long as the information is needed to conduct LIT business. It is the responsibility of owners, custodians, and users to perform periodic reviews to ensure confidential and sensitive information stored on LIT information resources is removed when no longer needed, subject to records retention requirements.

4.5. Confidential and sensitive information shall not be shared, exposed or transmitted via any peer-to-peer (P2P) file sharing software.

4.6. Confidential information shall not be transmitted over public networks (i.e.; Internet) without encryption.

4.7. Confidential information shall be encrypted when accessed from outside the institutional network. Acceptable methods of encryption include SSL, TLS, SSH, sFTP, and VPN.

4.8. Confidential information shall be stored only in authorized locations. It shall not be stored:

4.8.1. In any location external to the campus network except those that have been authorized by the IRM.

4.8.2. On portable devices without encryption or other compensating controls

approved by the ISO.

4.8.3. On removable media without encryption. Removal media includes, but is not limited to, USB flash drives, portable/external hard drives, tapes, and CDs/DVDs.

4.9. Confidential information should not be stored on personally-owned devices or media. If such storage is required, the confidential information must be encrypted or protected by other compensating controls with the advice and authorization of the ISO.

4.10. Unauthorized or accidental disclosure of confidential information shall be reported to the ISO and appropriate supervisory personnel immediately upon discovery.

4.11. When confidential information from another institution of higher education or state agency is received by LIT in connection with the transaction of official business, LIT shall maintain the confidentiality of the information in accordance with the conditions imposed by the providing agency or institution.

4.12. Encryption requirements for information storage and transmission, as well as for portable devices, removable media, and encryption key management, shall be based on documented risk management decisions.

5. TRANSFER, DISPOSAL, OR DESTRUCTION OF INFORMATION ASSETS

5.1. LIT Information Technology is responsible for disposal of all electronic storage media (e.g., hard drives, DVDs, CDs, USB drives, backup tapes) or devices containing electronic media (e.g., computers, portable devices, printers, copiers, medical equipment, processing equipment).

5.2. Units that purchase or maintain their own electronic storage media or devices containing electronic media shall coordinate disposal with LIT Information Technology.

5.3. Prior to the sale, transfer or disposal of old, obsolete, damaged, non-functional, or otherwise unneeded electronic storage media or devices containing electronic media, the following actions must be taken:

5.4. Data must be permanently removed using an approved method commensurate with the security classification of the data.

5.5. Electronic state records shall be destroyed in accordance with §441.185 Government Code.

6. AUTHORITY AND RESPONSIBILITY

Questions related to this policy should be addressed to the IRM at irm@lit.edu.

POLICY 7.6 ACCOUNT MANAGEMENT

SCOPE: FACULTY, STAFF, STUDENTS, AND GUESTS

1. **POLICY STATEMENTS**

1.1. Information resources residing at or administered by LIT are strategic and vital assets belonging to the people of Texas. Title 1, Part 10, Chapter 202, Texas Administrative Code, commonly known as TAC 202, requires LIT to appropriately manage access to these information resources.

1.2. LIT shall afford an individual access to these resources in a manner consistent with the individual's institutional affiliations and roles. Individuals shall access these resources only as necessary to fulfill their institutional roles and always in compliance with established laws, regulations, policies, and controls.

2. **USER RESPONSIBILITIES**

2.1. Users are responsible for the security of any computer account issued to them and are accountable for any activity that takes place in their account.

2.2. Users who discover or suspect that the security of their account has been compromised must immediately change their password and report the incident to LIT Information Technology. LIT Information Technology shall escalate the incident to the ISO if the compromise may increase the risk to other institutional information resources. Any suspected or attempted violation of system security should be reported immediately to the ISO or LIT Information Technology.

3. **GENERAL**

3.1. Each information system that uses login credentials shall have a designated account manager. Unless specifically indicated via contract, software license agreement, or other formal assignation, LIT Information Technology shall serve as the account manager.

3.2. Identification and Authentication

3.2.1. The identity of authorized users shall be authenticated before access to LIT information resources is granted. To facilitate authentication, each authorized user will be assigned an account with a unique logon ID (e.g., UserID, Banner ID number).

3.2.2. Initial authentication shall be performed as part of the account creation process. Authorized users will be prompted to authenticate prior to each subsequent access to LIT information resources unless pass-through authentication from authorized systems has been implemented (e.g., Single Sign On).

3.2.3. Shared User Accounts

3.2.3.1. Shared user accounts are to be used in very limited situations and must provide individual accountability when used to access mission critical or confidential information.

3.2.3.2. Shared user accounts must be approved by the ISO.

3.3. Authorization and Access

3.3.1. Access shall not be granted to information resources without authorization from appropriate information owners. Authorization shall be based on mission/business functions and intended system use.

3.3.2. Where possible and practical, group and role membership shall be utilized to assign privileges to users.

3.3.3 For business functions in which separation of duties are required, access authorizations shall support this requirement. This may require the creation of additional groups or roles.

3.3.4. LIT access control is based on the principle of least privilege, in which access is authorized only as necessary to accomplishes assigned tasks in accordance with LIT's mission and business functions.

3.3.5. Access controls shall be modified appropriately as a user's employment or job responsibilities change. Information owners shall notify account managers under the following conditions:

3.3.5.1. An account is no longer necessary.

3.3.5.2. A user's employment status or affiliation changes.

3.3.5.3. A user's job responsibilities or need-to-know changes.

3.3.6. A user's account shall be deactivated whenever their affiliation with LIT no longer qualifies them to possess an active account.

3.3.6.1. Staff and full-time faculty accounts are deactivated as part of the HR exit process.

3.3.6.2. Student accounts will remain active for two long semesters after their last semester of enrollment to facilitate communication and re-enrollment. After two long semesters, accounts shall be deactivated and removed.

3.3.6.3. Adjunct faculty accounts are deactivated during semesters in which the faculty are not teaching classes and shall be removed after being deactivated for two long semesters.

3.3.7. Where possible and practical, logon IDs associated with deactivated accounts shall be prevented from being reused for no less than 180 days.

3.3.8. Computing accounts will be reviewed for compliance with this policy and business requirements by the information owner on an annual basis each fall semester and periodically thereafter based on risk assessment. As part of this review,

3.3.8.1. Information owners shall notify account managers of any changes in a timely manner. These notifications shall be documented.

3.3.8.2. Information owners shall document the annual review and maintain the documentation as per record retention requirements.

3.4. System Administrator, Special Access, and Service Accounts

3.4.1. Under circumstance in which it is necessary for authorized custodians or system administrators to share an administrator or special access account to perform their duties, there shall be a process to provide individual accountability when accessing confidential information or critical systems. Access to administrator or special access accounts shall be documented and reviewed at least annually.

3.4.2. Access to service accounts used for interaction between devices, applications, or services shall be documented and reviewed at least annually.

3.4.3. In cases in which a system has only one administrator, there shall be a password escrow procedure in place to allow an appropriate individual other than that system administrator to gain access to the administrator account in an emergency situation.

3.4.4. Passwords for shared system administrator/special access and service accounts shall change when an individual knowing the password is no longer employed with LIT or no longer performs functions requiring access to those accounts.

3.5. Non-LIT Users

3.5.1. Non-LIT users, such as vendors, auditors, or other third parties, are eligible for LIT computing accounts provided that there is a documented business need.

3.5.2. The request for account for a non-LIT user must come from the sponsoring unit.

3.5.3. Where possible, non-LIT user accounts shall be identified as such and created with an expiration date.

3.6. Audit trails and/or transaction logging shall be implemented where appropriate, based upon risk assessment, in order to provide individual accountability for changes to mission critical information, software, and automated security or access rules.

4. REQUIRED DOCUMENTATION

4.1. Requests for access and associated authorizations must be documented using approved institutional forms or through approved electronic means.

4.2. Notification of access changes must be submitted to account managers through approved electronic means.

4.3. Annual account reviews must be documented.

4.4. Documentation shall be retained as per appropriate records retention requirements.

5. EXCEPTIONS

5.1. Information resources designed for use by the general public in which only public information is disseminated do not require unique identification and authorization. This includes, but may not be limited to, LIT's public web site and the guest wireless network.

5.2. Temporary passwords that are transmitted for the sole purpose of establishing a new password or changing a password can be excepted from the requirement to encrypt provided it is a one-time transmission and the user must also change the password upon first logon.

6. AUTHORITY AND RESPONSIBILITY

Questions related to this policy should be addressed to the IRM at irm@lit.edu.

POLICY 7.7 PASSWORDS AND OTHER AUTHENTICATION

SCOPE: FACULTY, STAFF, STUDENTS, AND GUESTS

1. **POLICY STATEMENTS**

1.1. Information resources residing at or administered by LIT are strategic and vital assets belonging to the people of Texas. Title 1, Part 10, Chapter 202, Texas Administrative Code, commonly known as TAC 202, requires LIT to appropriately manage access to these information resources.

1.2. LIT shall afford an individual access to these resources in a manner consistent with the individual's institutional affiliations and roles. Individuals shall access these resources only as necessary to fulfill their institutional roles and always in compliance with established laws, regulations, policies, and controls.

2. **SCOPE**

2.1. This policy applies to all LIT information resources and to all individuals whose affiliation with LIT requires or permits their access to those resources, without regard to the manner, form, or location of access.

3. **GENERAL**

3.1. In general, information systems at LIT require the use of passwords or PINs for authentication of identity. Other authenticators, such as smart cards or biometrics, may also be used upon approval of the ISO.

3.2. Passwords and other authenticators shall be treated as confidential.

3.2.1. If there is any indication that the confidentiality of a password or PIN may not have been maintained, it shall be changed immediately.

3.2.2. Compromised passwords or other authenticators shall be reported to LIT Information Technology immediately upon discovery.

3.3. Initial passwords and other authenticators shall be distributed in a secure manner.

3.4. Where possible, information systems shall be configured to require a change of initial passwords or PIN at first logon.

3.5. Password repositories must utilize a one-way encryption.

3.6. Lost passwords or PINs shall be replaced with temporary ones which are required to be changed upon first login.

3.7. The identity of the account holder shall be verified prior to replacing or changing a

password or other authenticator.

3.8. Passwords and other authentication credentials shall be encrypted in storage and transit. Temporary passwords for the purpose of creating a new password or changing a password are excepted from this requirement provided they are single- use passwords.

3.9. Based on risk assessment, certain information resources that contain sensitive or confidential information may require the use of two-factor authentication in which one factor is provided by a device separate from the computer gaining access.

3.10. Password change logs shall be maintained by custodians that issue passwords. The log entries should reflect the date and time of the password change, the User ID, and the information system associated with the changed password.

4. PASSWORD REQUIREMENTS – USER ACCOUNTS

All LIT information systems that require passwords shall be configured to enforce the minimum requirements in this section for user accounts.

4.1. Passwords must be case-sensitive.

4.2. Passwords must be at least eight (8) characters in length; longer passwords and passphrases are strongly encouraged.

4.3. Passwords must include at least one character from at least three (3) of the following character sets:

- Uppercase characters (A...Z)
- Lowercase characters (a…z)
- Numeric characters (0…9)

4.4. Special characters or symbols (e.g.; !, @, #, $, %, ^, -, _)

4.5. Passwords may not include the associated User ID or the user’s first or last name.

4.6. Passwords cannot have been used previously with the associated User ID.

4.7. Passwords must be changed every 180 days. Systems administrators and custodians may require more frequent password changes, based on risk assessment.

4.8. Information systems shall be configured to enforce password expiration.

4.9. In the event that a legacy or administrative system is incapable of meeting all requirements for user passwords, alternative mitigating security controls shall be implemented in place of these requirements with approval from the ISO.

5. PASSWORD REQUIREMENTS – SERVICE ACCOUNTS

All LIT information systems that use service accounts with passwords shall be configured to enforce the minimum requirements in this section.

5.1. Passwords must be randomly generated.

5.2. Passwords must be at least 20 characters in length.

5.3. Passwords must include at least one character from at least three (3) of the following character sets:
- Uppercase characters (A...Z)
- Lowercase characters (a…z)
- Numeric characters (0…9)

5.4. Passwords meeting the requirements in this section do not expire unless the confidentiality of the password is in question or an individual knowing the password no longer has job duties requiring knowledge of the password.

5.5. In the event that the information system is incapable of meeting these requirements, they must meet the requirements for user passwords in Section 4. These passwords must expire after no more than one year.

6. AUTHORITY AND RESPONSIBILITY

Questions related to this policy should be addressed to the IRM at irm@lit.edu.

POLICY 7.8 NETWORK MANAGEMENT

SCOPE: FACULTY, STAFF, STUDENTS, AND GUESTS

1. **ROLES AND RESPONSIBILITIES**

    1.1. The purpose of this policy is to assure the reliability, security, integrity, and availability of LIT's telecommunications network infrastructure.

    1.2. The LIT institutional network is a state information resource that exists to achieve the mission, goals, and objectives of the institution. Utilization of the institutional network must be consistent with and in support of institutional initiatives.

2. **GENERAL**

    2.1. Responsibility for administration and maintenance of all layers of the institutional network is assigned to LIT Information Technology. All other personnel are prohibited from making modifications to or removing network devices or cables or connecting/removing network devices (e.g., routers, switches, wireless access points) to the institutional network without prior authorization from the IRM.

    2.2. The institutional network shall be configured, managed, and monitored as per the LIT Networking Management Standards (Appendix A).

    2.3. All network names and addresses belong to LIT. Requests for static IP addresses or network names (e.g., www.lit.edu) shall be sent to LIT Information Technology.

    2.4. Individuals that control right-to-use privileges for systems attached to the institutional network will ensure that only authorized persons are granted access.

    2.5. Users and custodians of network-connected devices may be held accountable for damage or harm to network operations or performance, or to other network- connected devices should that damage or harm occur due to device use or management that is not in compliance with LIT policies and procedures.

3. **WIRELESS NETWORKING**

    3.1. LIT may choose to provide a secure wireless network to provide a protected connectivity to LIT internal resources for authorized users in areas where a wired solution is not feasible.

        3.1.1. A valid LIT account shall be required to authenticate to the secure wireless network. All faculty and staff are authorized to access the secure wireless network using their LIT account credentials.

3.1.2. Non-LIT personnel may be authorized to access the secure wireless network. Requests for access must come from the sponsoring unit and will be handled on a case by case basis.

3.2. LIT may choose to provide a guest wireless network to provide a convenient Internet connection for the LIT community. Users of the guest wireless network shall not have access to LIT resources other than those available to the general public.

3.2.1. LIT personnel may not conduct LIT business using the guest wireless network.

3.2.2. The guest wireless network shall be segregated from the internal network.

3.2.3. The guest wireless network shall be considered a public network for the purpose of LIT's information security policies.

3.2.4. Users of guest wireless are required to accept LIT's Acceptable Use policy prior to being granted access.

3.3. Any wireless network other than guest or secure shall be considered an ad hoc wireless networks. No ad hoc wireless networking will be permitted on the LIT institutional network without authorization from the ISO. The following are exceptions to this requirement:

3.3.1. Mobile hotspots using cellular data.

3.3.2. Ad hoc wireless networks managed by LIT faculty created for academic purposes, provided those networks are not attached to the institutional network.

3.4. Wireless access on peripheral devices managed by LIT faculty and used for academic purposes, provided those devices are not attached to the institutional network.

4. AUTHORITY AND RESPONSIBILITY

Questions related to this policy should be addressed to the IRM at irm@lit.edu.

Appendix A – Network Management Standards

1. **Asset and Configuration Management**

    1.1. All devices acting in the role of a server (regardless of their specific function, hardware, or software) that connect to the institutional network must be registered in a network device registry administered by LIT Information Technology.

2. **Network Services**

    2.1. Domain Name Service (DNS) shall be fault-tolerant and implement internal/external role separation.

    2.2. DHCP is the standard and preferred method for assigning IP addresses to campus devices.

3. **Network Security**

    3.1. The ISO shall coordinate with unit that handle confidential or regulated data to determine if portions of their networks should utilize network layer security precautions such as firewalls, access control lists, or VPNs.

    3.2. Publicly accessible information resources shall be separated from internal network resources through physical or logical (e.g., VLANs) separation.

    3.3. Appropriate interface, boundary and perimeter protection mechanisms shall be implemented to provide protection and monitoring capabilities against threats to LIT's information resources attached to its institutional network.

    3.4. Network equipment shall be physically secured in controlled spaces. Additional access controls shall be implemented, based on risk assessment, to prevent unauthorized devices from attaching to the wired network.

4. **Monitoring**

    4.1. Where possible and practical, networking logs shall be retained for a minimum of 30 days.

5. **Wireless**

    5.1. Wireless access shall remain disabled on peripheral devices such as printers and projectors unless activated by LIT Information Technology.

POLICY 7.9 SERVER MANAGEMENT

SCOPE: FACULTY AND STAFF

1. **POLICY STATEMENT**

   1.1. This policy promotes the appropriate management of LIT servers to achieve consistency, increase availability and security, facilitate disaster-recovery, coordinate technical operations and apply sound information technology management practices consistently throughout LIT.

2. **GENERAL**

   2.1. LIT Information Technology shall administer all servers with the exception of those described in Section 4 of this policy and those maintained on- or off-site by third party vendors as per contract or agreement.

   2.2. Users shall be provided with the minimum amount of access required to perform job duties. Additional privileges may be added with appropriate authorization.

   2.3. Security controls must be implemented in such a way as to meet the confidentiality, integrity, and availability requirements of the data stored, processed, and/or transmitted by the platform.

   2.4. All servers shall be configured, managed, and monitored as per LIT's Server Management Standards (Appendix A). This includes those maintained on- or off-site by third party vendors as per contract or agreement. Departmental servers, as described in Section 4, may be excepted from this requirement when used for academic purposes.

   2.5. Backup and Recovery

      2.5.1. Backups shall be completed regularly based on a risk assessment of the data and services provided. Restoration of software and data from backups should be tested on a regular basis to assure viability in the event of a service disruption. If backup media contains confidential data, the data on the backup media or the media itself must be encrypted.

      2.5.2. Physical access to the server and backup media shall be restricted to persons with a legitimate need for such access.

3. **SERVERS MAINTAINED BY DEPARTMENTS**

   3.1. Departments may be authorized to maintain servers, provided they are used solely for teaching purposes. To be considered as a server used for teaching purposes, it must meet one or more of the following criteria:

3.1.1. Embedded servers in technology used by academic and other educational programs.

3.1.2. Servers used by departments solely for the purpose of teaching computing courses.

3.2. No confidential or mission critical information may be stored on departmental servers.

3.3. Departmental servers must run licensed software operating systems and applications.

3.4. Departmental servers found to be taking malicious action against hosts on the institutional network (e.g.; spreading viruses) will be reported to the ISO.

3.4.1. In emergency circumstances, the ISO will attempt to notify the unit head or server administrator whenever it has been determined that a departmental server has become an imminent threat to LIT's information resources, such as when a server's integrity is compromised, when it places other network users at risk, or when its defenses against compromise are seriously inadequate for the purpose it serves.

3.4.2. If the ISO cannot contact the unit head or server administrator or the unit head or server administrator does not respond in a timely manner, the ISO is authorized to isolate the offending server from the network until the risk is mitigated.

3.5. LIT Information Technology must be informed of all departmental servers in use.

3.6. Departments will provide the appropriate level of access to LIT Information Technology personnel to allow said personnel to perform security reviews.

4. AUTHORITY AND RESPONSIBILITY

Questions related to this policy should be addressed to the IRM at irm@lit.edu.

Appendix A – Server Management Standards

1. Server administrators shall make every effort to adhere to the latest applicable security configuration benchmarks published by the Center for Internet Security (CIS).

2. Servers shall be located in designated information resources facilities.

3. Prior to being placed on the institutional network, the following tasks shall be performed:

    3.1. Unnecessary software, system services, and drivers must be removed.

    3.2. Appropriate security features in vendor-supplied systems must be enabled.

    3.3. Default passwords must be changed.

    3.4. Unnecessary user and support accounts must be disabled.

    3.5. Anti-malware software must be installed on susceptible platforms.

4. Vendor-supplied patches must be acquired, tested prior to implementation where practical, and installed promptly based on risk management decisions.

5. Servers shall be tested for known vulnerabilities, including application vulnerabilities, periodically and as needed.

6. A server must not be used for multiple purposes that would put its security or performance at risk.

7. To the extent possible, the system administrator must configure the server operating system and resident applications, if applicable, to display a log-on banner to anyone requesting a connection to the server or application.

8. Access to the server from outside the institutional network should not be provisioned unless absolutely necessary. If remote access is necessary, remote access sessions must be encrypted using SSH, VPN, or similar technologies.

9. Monitoring

    9.1. The server must capture and archive critical user, network, system, and security event logs to enable review of system data for forensic and recovery purposes.

    9.2. Server administrators shall review logs for malicious activity on a regular basis and retain them for a period sufficient to address business requirements, document changes to access permissions, and provide an adequate history of transactions for audit requirements. The minimum retention period for server logs is 30 days.

9.3. Based upon risk assessment, server logs should:

9.3.1. Provide the means for authorized personnel to audit and establish individual accountability for any action that can potentially cause access to, generation of, modification of, or result in the release of confidential information.

9.3.2. Maintain audit trails to establish accountability for updates to mission critical information, hardware and software, and automated security or access rules.

9.3.3. Maintain a sufficiently complete history of transactions to permit an audit of the server by logging and tracing the activities of individuals through the system.

POLICY 7.10 CHANGE MANAGEMENT

SCOPE: FACULTY AND STAFF

1. **POLICY STATEMENTS**

   1.1. Change management is used to minimize any negative impact to information resources users as a result of changes and minimize unwanted reductions in security.

   1.2. This policy provides the requirements for the appropriate management of changes to information resources.

2. **CHANGE MANAGEMENT**

   2.1. A consistent process shall be used for the implementation of changes to information resources. The degree to which change management activities and processes are employed is dependent upon the projected inherent risk of the change and the complexity of the information systems involved.

   2.2. Changes to LIT information resources shall be made as per LIT Change Management Standards and Guidelines (Appendix A).

   2.3. Potential impacts to security shall be considered during all phases of change management.

   2.4. Notification shall be provided to appropriate personnel in a timely manner. The method of notification should be appropriate to the environment and the user base.

   2.5. Changes to information systems supporting critical business processes shall be documented. Documentation shall include, at a minimum, the date and time of the change, the nature of the change, an indication of successful or unsuccessful completion of the change, and any relevant documentation from the review and approval process.

3. **AUTHORITY AND RESPONSIBILITY**

   Questions related to this policy should be addressed to the IRM at irm@lit.edu.

Appendix A – Change Management Standards and Guidelines

Change Preparation

Change Preparation consists of steps that are conducted prior to all but Emergency Changes. With regard to Standard Changes, this occurs as part of the pre-approval for types or categories of low-risk changes. This process includes the following elements, where appropriate (based on factors such as risk level) or specifically required by LIT policy.

1. Identification of hardware, applications, and business processes that are affected.

2. Identification of technical and business personnel that will be involved in implementation.

3. Description of the change, including the reason for the change.

4. Development or confirmation of change procedures (e.g., installation process), to include pre-implementation backups where appropriate.

5. A review of prior changes.

6. Analysis of any potential security issues during and after implementation.

7. Determination of Risk Level and/or in-depth risk assessment/impact analysis.

8. Concurrence of the information resource owner that the change should occur.

9. Development of a backout plan and identification of the backout window.

10. Determination of when the change should occur based on urgency and assessment of potential conflicts with business needs. Questions to ask include:
    a. Can the change wait until the next scheduled maintenance window?
    b. Can the change take place during normal business hours, such as during a low-utilization period?
    c. How much staffing is required to implement the change?
    d. Does the change need to be scheduled with a vendor's technical support staff, possibly in a different time zone?

11. How much time will be needed to review and test the change?

12. Determination of the length of time required to implement the change.

13. Identification of training needs for technical staff and end users.

Change Review/Approval

Change Review begins with a request for change and ends with a final approval or rejection. The level of controls involved in the change review process depends upon factors such as the

information resource's levels of risk and complexity and the results of the risk assessment. Although types or categories of Standard Changes should be approved through this process initially, each individual Standard Change should follow a Standard Change Implementation Process.

The Change Review Process includes the following elements, where appropriate or specifically required by relevant LIT policies.

All Levels of Risk

1. For code revision changes developed in-house, a review of the code shall be performed by someone other than the developer.

2. Code revision changes must be approved by someone other than the developer(s).

3. Review of documentation for previous changes.

Elements Based on Risk Level

<u>Low, Non-Standard Change</u>
1. Custodian submits a request for change to the IRM.

2. The IRM identifies relevant stakeholders and data owners and determines the appropriate level of approval required.

3. Code review, if necessary, as specified above.

4. Approval or rejection.

<u>Moderate</u>
1. Custodian submits a request for change to the IRM.

2. The IRM identifies relevant stakeholders and data owners and determines the appropriate level of approval required.

3. Code review, if necessary, as specified above.

4. Implementation in a test environment, if available.

5. Analysis of test implementation.

6. Approval or rejection.

<u>High</u>
1. Custodian submits a request for change to the IRM.

2. The IRM identifies relevant stakeholders and data owners and determines the appropriate level of approval required.

3. Code review, if necessary, as specified above.

4. Consultation with additional subject matter experts, if possible and practical.

5. Walkthroughs and tabletop testing.

6. Implementation in a test environment, if available.

7. Analysis of test implementation, including tabletop testing.

8. Approval or rejection.

Notification

Prior to implementation, notification must be given to users in a timely manner, including relevant details that would not negatively impact the security of the information resource. Notification should be given far enough in advance that there is time to reschedule. The best time to implement the change should have already been determined in the Preparation stage.

The methods of notification used should be appropriate to the environment and the user base. Methods include:

- Email notification.
- Announcement posted on internal web sites.
- Announcement posted on the public web site.

Implementation

Prior to implementation, changes must be approved. After approval, the changes should be implemented as stated in the request for change, in accordance with any restrictions or limitations set forth as part of the approval process, and with adequate separation of duties for tasks that are susceptible to fraudulent activity. Any deviations, along with the reason, should be identified in the Post-Implementation Review and documented.

EXCEPTIONS:

There are only two instances in which changes to information resources may be made without a per-change approval:

1. Standard Change - A pre-approved change that is well known, low-risk, follows established procedures and is an accepted response to particular requirements or events. Examples may include: hardware failure fixed by vendor, download and installation of virus DAT files, installation of approved software, replacement of a desktop computer based on approved replacement cycle, or application of tested operating system patches.
   NOTE: Changes requiring code revision should NOT be considered Standard Changes.

2. Emergency Change - A change that requires immediate unscheduled implementation to correct an existing or prevent an imminent service outage or disruption.

Emergency Change Implementation

This process must be flexible, as emergency changes are typically time sensitive, and should contain the following elements, where appropriate:

1. Notification of appropriate personnel.

2. Immediate approval, if possible, or prior approval to make emergency changes.

3. Disaster recovery plan implementation.

4. A backout plan.

5. Ensuring adequate technical staff is available for an appropriate time period following the change in the event of problems.

6. In a timely manner (within 48 hours is recommended), submit all appropriate documentation to the appropriate personnel for review. The level of documentation should be appropriate to the level of risk and should include everything that would normally have been submitted with the request for change.

Standard Change Implementation

All standard change implementation processes should have the following elements:

1. A backout plan.

2. Scheduling, either during pre-approved time periods or after consulting with the appropriate personnel.

3. Notification of appropriate personnel. Notification should be given far enough in advance that there is time to reschedule.

4. Ensuring adequate technical staff is available for an appropriate time period following the change in the event of problems.

Post-Implementation Review

This process is conducted after implementation in order to test and verify the change, identify and resolve any issues, and determine whether to initiate the backout plan. The following elements are included where appropriate or specifically required by relevant LIT policies:

1. Verification that the change occurred.

2. Testing of the system post-change.

3. Resolution of any problems, if possible.

4. Decision on whether to initiate backout plan.

5. Analysis and "lessons learned" (corrective or preventative actions) from any issues or complications.

Documentation

1. Post-implementation, change details are documented in order to provide a record of the change (audit trail) that can be used in preparation for future changes or in future problem or incident handling. The specific manner in which changes are logged (e.g., spreadsheet, database, paper files, problem/helpdesk software, etc.) can be decided upon by the information resource owners or custodians; however, the following elements should be included where appropriate or specifically required by relevant LIT policies:

    a. Date/time of change implementation.
    b. Any relevant Post-Implementation Review details, such as complications, changes to testing procedures, or problem resolution.
    c. Issues that arose during implementation.
    d. Individuals that performed the implementation.
    e. An indication of successful or unsuccessful completion of the change.
    f. Updates to documentation such as disaster recovery plans, operational documentation, or change management databases.
    g. Archiving of request for change documentation.
    h. Submission of additional documentation or reports (e.g., post-implementation analysis) to appropriate personnel.

2. Updates to relevant operational documentation shall be made in a timely manner.

3. Analysis and corrective/preventative actions shall be documented for changes that deviated from the plan unexpectedly, resulted in an unplanned disruption in services, or unexpectedly reduced the security of the information resources.

POLICY 7.11 PHYSICAL AND ENVIRONMENTAL SECURITY

SCOPE: FACULTY, STAFF, STUDENTS, AND GUESTS

1. **POLICY STATEMENT**

   1.1. This policy establishes physical security requirements for mission critical information resources facilities and facilities containing critical telecommunications infrastructure, regardless of location.

   1.2. This policy also establishes general physical security requirements for information resources.

2. **GENERAL**

   2.1. The responsibility for securing departmentally administered computer facilities or equipment from unauthorized physical access ultimately rests with the designated owner and designated custodian of the facility or equipment.

   2.2. Computers, workstations, mobile devices (e.g., tablets, portable storage devices, smart phones, etc.), communication switches, network components, and other devices outside the LIT data center shall receive the level of protection necessary to ensure the integrity and confidentiality of the institutional information accessible through them. The required protection may be achieved by physical or logical controls, or a combination thereof.

   2.3. The creator of an authenticated work session (i.e., a session in which the user's identity has been authenticated and authorization has been granted) is responsible for any activity that occurs while logged in under his or her account.

   2.4. No authenticated work session shall be left unattended on any devices unless appropriate measures have been taken to prevent unauthorized use. Examples of appropriate measures include: activation of password-protected keyboard or device locking; automatic activation of a password-protected screensaver after a brief inactivity period (15 minutes or less, based upon risk assessment); or, location or placement of the device in a locked enclosure preventing access to the device by unauthorized parties.

   2.5. Employees and information resources shall be protected from the environmental hazards posed by information resources facilities. Emergency procedures shall be developed, documented, and regularly tested in collaboration with the Facilities department.

3. **MISSION CRITICAL INFORMATION RESOURCES FACILITIES**

3.1. Physical access to mission critical information resources facilities shall be managed and documented by the facility's custodian. The facilities must be protected by physical and environmental controls appropriate for the size and complexity of the operations and the criticality or sensitivity of the systems operated within those facilities.

3.2. Physical security measures must be reviewed annually in conjunction with each facility's risk assessment and whenever facilities or security procedures are significantly modified.

3.3. Physical access to mission critical information resources facilities administered by LIT Information Technology is restricted to individuals having prior authorization from the IRM or ISO.

3.4. Physical access to facilities containing critical telecommunications infrastructure is restricted to individuals having prior authorization from the IRM, ISO, or Facilities Director.

3.5. LIT Information Technology will maintain an access log for the LIT data center.

4. AUTHORITY AND RESPONSIBILITY

Questions related to this policy should be addressed to the IRM at irm@lit.edu.

POLICY 7.12 INFORMATION SECURITY

SCOPE: FACULTY AND STAFF

1. POLICY STATEMENTS

1.1. Title 1, Part 10, Chapter 202, Texas Administrative Code, commonly known as TAC 202, requires the chief executive of each Texas state agency and public institution of higher education to protect their institution‘s information resources by establishing an Information Security Program consistent with the TAC 202 standards. In compliance with TAC 202, this policy statement reflects the policies, procedures, standards and guidelines comprising the Information Security Program of Lamar Institute of Technology (LIT). The terms and phrases in this policy statement shall have the meanings ascribed to them in TAC 202.1 unless otherwise provided herein.

2. **INFORMATION SYSTEMS ACQUISITION, DEVELOPMENT, AND MAINTENANCE**

2.1. Test functions shall be kept either physically or logically separate from production functions. Copies of production data shall not be used for testing unless all personnel involved in testing are authorized access to the production data or all confidential information has been removed from the test copy.[TAC 202.75(6)(A)]

2.2. Appropriate information security and audit controls shall be incorporated into new systems. Each phase of systems acquisition or development shall incorporate corresponding development or assurances of security controls. The movement of system components through various lifecycle phases shall be tracked and more specifically, the movement of any software component into production shall be logged. [TAC 202.75(6)(B)]

2.3. After a new system has been placed into production, all program changes shall be authorized and accepted by the system owner (or the owner‘s designee) prior to implementation.[TAC 202.75(6)(C)]

2.4. To the extent practicable, the principle of separation of duties shall be applied to the system development and acquisition lifecycle. The developer/maintainer of a component should not also have the ability to place the component into production.

2.5. Modifications to production data by custodians or developers shall be authorized in advance by the data owner. If advance authorization is not possible in a real or perceived emergency, the owner shall be notified as soon as possible after the fact and the notification logged. The notification log entry shall contain the notification date and time, a description of the data modified the justification for the modification, and the identities of the owner and the custodian.

3. BUSINESS CONTINUITY MANAGEMENT

3.1. Administrative supervisors responsible for delivering mission critical LIT services should maintain written Business Continuity Plans (BCP) that provide for continuation or restoration of such services following a disruption in critical information systems, communication systems, utility systems, or similar required support systems.

3.2. The BCP should incorporate:

3.2.1. A Business Impact Analysis that addresses the maximum possible downtime for components of electronic information and communication systems (e.g., voice and data network, hardware, and software), and vital electronic and hard copy records and materials;

3.2.2. To the extent practicable, alternate methods and procedures for accomplishing its program objectives in the absence of one or more of the critical service delivery components;

3.2.3. A Security Risk Assessment to weigh the cost of implementing preventive measures against the risk of loss from not taking preventive action;

3.2.4. A Recovery Strategy Assessment that documents realistic recovery alternatives and their estimated costs; and

3.2.5. Reference to a Disaster Recovery Plan that provides for the continuation or restoration of electronic information and communication systems as described later in this section.

3.2.6. Key aspects of the BCP should be tested or exercised at least annually and updated as necessary to assure the plan‘s continued viability. [TAC 202.74]

3.3. LIT Information Technology shall prepare and maintain a written and cost- effective Disaster Recovery Plan that addresses key infrastructure components in its custody. The plan should provide for the prompt and effective continuation or restoration of critical LIT information systems and processes if a disaster were to occur that might otherwise severely disrupt these systems and processes. The plan should provide for the scheduled backup of mission critical information and for the off-site storage of that backup in a secure, environmentally safe, and locked facility accessible only to authorized LIT Information Technology staff. The plan should also identify other key continuation and recovery strategies, required resources, alternate sources of required resources, as well as measures employed to minimize harmful impacts. LIT Information Technology shall exercise or test key aspects of the Disaster Recovery Plan and make periodic updates as necessary to assure its viability.[TAC 202.74(a)(5)]

SECTION 8: STUDENT AND ACADEMIC AFFAIRS

POLICY 8.1 SCHEDULE CHANGES

SCOPE: STUDENTS

1. All section changes, adds, and drops should be approved by the department chair of the student's major field.

    1.1. All schedule changes are initiated by the completion of the proper forms.

        1.1.1. Forms are available to students in the departmental office.

    1.2. Usually, a course may not be added after the first two days of the semester.

    1.3. Schedule changes made without departmental approval may result in a student being dropped from other courses.

2. Overloads: The Provost/Vice President for Instruction or their designee must approve all course loads in excess of 18 semester hours during fall or spring semesters and in excess of 7 semester hours in each summer session. In general, the student must demonstrate the capability of maintaining a high-performance level in all classes.

3. Dropping Courses: After consultation with their advisor and/or department chair, students may drop a course and receive a grade of "Q" during the first six weeks (two weeks in the summer session) of the semester.

    3.1. For drops after this penalty-free period, grades are recorded as "Q" or "F" indicating the student was passing or failing at the time of the drop.

        3.1.1. A grade of "Q" may not be assigned unless an official drop has been processed through the Records Office or telephone Voice Response Registration System.

    3.2. A student may not drop a course within 15 class days of the beginning of final examinations or five class days before the end of the summer term.

        3.2.1. Students should check the published schedule for specific dates.

        3.2.2. A written petition to the Provost/Vice President for Instruction is required of students wishing to drop a course after the official drop date.

4. Withdrawals: Students wishing to withdraw during a regular semester or summer term should fill out a Withdrawal Petition available in the departmental office.

    4.1. Students must clear all financial obligations and return all uniforms, books, laboratory equipment, and other materials to the point of original issue.

        4.1.1. If the student is unable at the time of withdrawal to clear financial obligations to the Institute and files an affidavit of inability to pay, the student will be permitted to withdraw with the acknowledgement that transcripts will be
        4.1.2. withheld and re-entry as a student will not be permitted until all financial

obligations are cleared.

4.1.3. The student must present copies of the withdrawal form signed by the student and by the department chair. The student will receive a receipt.

4.1.4. The Finance Office, on application before the end of the regular semester or summer session, will return such fees as are returnable according to the schedule shown under the "Fees" section of this catalog.

4.1.5. If a withdrawal is made before the end of the sixth week (second week of a summer term) or if the student is passing at the time of withdrawal after the sixth week, a grade of "W" is issued for each course affected.

4.1.5.1. A grade of "F" may be issued for all courses not being passed at the time of withdrawal after the penalty-free period.

4.1.6. A student may not withdraw within 15 class days of the beginning of final examinations during a regular semester or five class days before the end of a summer term.

4.1.7. A student who leaves without withdrawing officially will receive a grade of "F" in all courses and forfeit all returnable fees.

4.1.7.1. Students should check the published schedule for specific dates for withdrawals.

4.1.8. Students wishing to withdraw after the official withdrawal date because of illness may review the issue with the Vice President for Academic Affairs.

5. Enforced Withdrawal Due to Illness: Lamar Institute of Technology (LIT), on the advice of competent medical personnel, may require withdrawal or deny admission of a student for health reasons (mental or physical).

Reviewed: September 2023
Revised:

POLICY 8.2 ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES

SCOPE: STUDENTS

1. Any officially registered, full-time student not on disciplinary or scholastic probation is eligible to become a candidate and/or to hold student office or to represent the Institute in an extracurricular activity.

    1.1. An extracurricular activity is an activity representing the student body, any student organization, any department or division organization or any general activity representing Lamar Institute of Technology.

    1.2. The student must have a grade point average of at least 2.0 for both total college work completed at the Institute and from the preceding semester.

        1.2.1. For the purpose of establishing eligibility, two six-week summer terms may count as one semester.
        1.2.2. Transfer students have the same eligibility as freshmen students until completion of one semester.

Reviewed: September 2023
Revised:

POLICY 8.3 STUDENT CODE OF CONDUCT AND DISCIPLINARY POLICY

SCOPE: STUDENTS

1. The Student Code of Conduct applies to every student enrolled at Lamar Institute of Technology. The Code is adopted according to authority granted by the Board of Regents of The Texas State University System. Each student is expected to be fully acquainted with this policy.

1.1. **Applicability:** This Code of Student Conduct, hereafter also referred to as this code, is applicable to any student currently enrolled; enrolled in the previous semester/session and eligible to enroll in the next consecutive semester/ session; or newly or re-admitted and eligible to enroll in the next semester/session. A student who withdraws from school is subject to disciplinary action for any conduct that occurred while the student met the aforementioned criteria. Students involved in misconduct that would subject them to disciplinary action while not enrolled may be required to appear before the Associate Vice President of Student Services or designee before being readmitted to the college.
This code is adopted pursuant to authority granted by The Texas State University System Board of Regents. This code is printed annually in the LIT Catalog and Student Handbook. The catalog/handbook is also available online at www.lit.edu. When this code is updated between printed editions, the most updated version, generally the online version, shall prevail.

1.2. **Definitions:**

1.2.1. "Disciplinary action" means proceedings under section III of this code.

1.2.2. "Hazing" means those activities defined in sections 37.151-37.157 of the Texas Education Code.

1.2.3. "Hearing Officer" means that person appointed by the Associate Vice President of Student Services to conduct hearings under 3.5.1.

1.2.4. "Notice" means correspondence:

1.2.4.1. Sent by mail, addressed to the addressee at the local address and/ or permanent address, as shown on college records; or
1.2.4.2. Personally, delivered to the addressee; or
1.2.4.3. Sent electronically from a LIT e-mail account to the student's LIT e-mail account.

1.2.5. "Preponderance of the evidence" means the greater weight of credible evidence. It means the strongest evidence, however slight the difference might be.

1.2.6. "Published college policy" means a written rule or policy from:

1.2.6.1. the Board of Regents, Texas State University System;
1.2.6.2. a college policy and procedure statement;
1.2.6.3. a college division; or

1.2.6.4. A faculty, staff, or student handbook.

1.2.7. "College" means Lamar Institute of Technology (LIT).

1.2.8. "College official" means a person in an official college capacity, including regents, officers, faculty and administrative staff.

1.2.9. "College property" means property owned, controlled, used, or occupied by the college, including property physically removed from LIT.

1.3. **Awareness of Policies**: Each student is expected to be fully acquainted with all published college policies, copies of which are available to each student for review online at www.lit.edu or in person in the Office of Student Services. The college will hold each student responsible for compliance with these published policies. A violation occurring off campus while participating in a college-sponsored program may be treated as if the violation occurred on campus. Students also are expected to comply with all federal, state and local laws. Any student who violates any provision of those laws is subject to disciplinary action, notwithstanding any action taken by civil authorities. This principle extends to conduct off campus that is likely to have an adverse effect on the college or the educational process.

2. **Responsibilities of Students**

2.1. **Conduct Required:** Students shall conduct themselves in a manner consistent with the college's mission as an educational institution. Students who conduct themselves in a manner that violates this Code of Student Conduct may be subject to disciplinary penalties.

2.2. **Conduct Prohibited:** Specific examples of conduct which are violations of this Code of Student Conduct include, but are not limited to, committing or attempting to commit the following:

2.2.1. committing an act that would constitute a criminal offense under state, federal or municipal law;

2.2.2. violating any published college policy, including its policy against excessive parking violations;

2.2.3. failing to comply with a directive from a college official, including a summons to the office of an administrative officer at a designated time;

2.2.4. furnishing false information to the college or giving false testimony or evidence at a disciplinary or other administrative proceeding;

2.2.5. issuing a check to the college without sufficient funds or otherwise failing to meet financial obligations to the college;

2.2.6. endangering the health or safety of other persons, including, for example, throwing an object, without authorization, in or from college facilities;

2.2.7. misusing fire extinguishers or other safety equipment on college owned or controlled property;

2.2.8. interfering or disrupting college teaching, research or other activity, including administrative, disciplinary or public service activities;

2.2.9. endangering the physical or mental health or safety of any person or intentionally or recklessly causing injury to any person;

2.2.10. possession of or use of college keys without authorization;

2.2.11. engaging in or submitting to hazing;

2.2.12. violating published college policies on the possession or use of alcoholic beverages;

2.2.13. gambling on college property;

2.2.14. possessing, using, selling or distributing any illegal drug, controlled substance, and/or drug paraphernalia (The sanctions for this violation range from mandatory counseling to expulsion. A second infraction shall result in expulsion.);

2.2.15. possessing or using a firearm, ammunition, weapon or replica thereof on college property (except as permitted by Texas Government Code Section 411.2031 - 411.2032, Texas Penal Code Section 46.035, Lamar Institute of Technology and the Texas State University System Rules and Regulations. For more information on "campus carry" regulations, see LIT's campus carry policy);

2.2.16. possessing, igniting or detonating an explosive device, firework or flammable object on college owned or controlled property that could damage a person or property;

2.2.17. stealing, destroying, damaging or misusing the property of the college or that of another person;

2.2.18. forging, altering or misusing college documents, forms, records, student identification cards or admission documents;

2.2.19. advocating, either orally or in writing, the conscious and deliberate violation of any federal, state or local law;

2.2.20. entering college buildings or facilities or using college equipment or resources without authorization;

2.2.21. failing to maintain a current official mailing address in the Registrar's Office or giving a false or fictitious address to a college official;

2.2.22. initiating, communicating or circulating a false report of a present, past or future bombing, fire, offense or other emergency that would cause action by

an agency organized to deal with emergencies; placing a person in fear of imminent serious bodily injury; or preventing or interrupting the occupation of

a building, room, vehicle or other mode of conveyance;

2.2.23. harassing or threatening (by any means) to take unlawful action against any person, causing or intending to cause annoyance or alarm;

2.2.24. engaging in academic dishonesty as described in LIT policies;

2.2.25. engaging in disorderly conduct on property owned or controlled by the college, or at a college function, that interferes with the college's programs or activities;

2.2.26. using authority granted by state law, system rule or college policy to deprive a person of his or her civil rights;

2.2.27. interfering with the expressive activities of others on campus;

2.2.28. engaging in or making life-threatening gestures that endanger others or disrupt the learning environment;

2.2.29. violating any published college policy relating to computer resources, electronic network facilities or the Internet

2.2.30. attempting to commit any of these prohibited acts; or

2.2.31. engaging in sexual misconduct as described in the Texas State University Sexual Misconduct Policy, including engaging in, but not limited to:

2.2.31.1. dating violence
2.2.31.2. family (domestic) violence
2.2.31.3. retaliation
2.2.31.4. sexual assault
2.2.31.5. sexual exploitation
2.2.31.6. sexual harassment
2.2.31.7. sexual intimidation
2.2.31.8. sexual violence
2.2.31.9. Stalking

3. **Administration of Student Justice**

3.1. **Authorization to Adjudicate Conduct Violations**
Under the direction of the Provost/Vice President for Instruction, the Associate Vice President of Student Services or designee, shall be primarily responsible for the administration of the Student Justice system.

3.2. **Disciplinary Procedures**

3.2.1. Investigation - The AVP of Student Services or designee will investigate information that a student may have violated a college policy. During the investigation, the AVP of Student Services or designee will give the student an opportunity to explain the incident, unless the student is unavailable. The AVP of Student Services or designee may conduct an investigation and make an administrative determination in the absence of a student if the student

does not respond within the time period specified in any notice to the student.

The AVP of Student Services or designee may place a registration hold, preventing a student from registering for additional courses, until the student responds to a summons or a decision is finalized.

3.2.2. Administrative Review - If the AVP of Student Services or designee concludes, based on the preponderance of evidence, that the student has violated the Code of Student Conduct, the AVP of Student Services or designee will determine an appropriate disciplinary penalty.

3.2.2.1. The AVP of Student Services or designee will discuss the findings and determination of an appropriate penalty with the student, if the student is available. In cases where the AVP of Student Services or designee determines that the allegations against the accused student are true but the only sanction assessed is a warning, the student may not request a hearing. For sanctions other than warnings, the AVP of Student Services or designee will give the student an opportunity to either accept or reject the AVP of Student Services or designee's decision.

3.2.2.2. If the student accepts the AVP of Student Services or designee's decision, the student shall so indicate in writing and waive his or her rights to a hearing. The AVP of Student Services or designee may then assess the disciplinary penalty.

3.2.2.3. If the student does not accept the AVP of Student Services or designee's decision, the AVP of Student Services or designee will initiate the hearing procedure.

3.2.3. Investigation of Alleged Title IX (Sexual Misconduct Policy) Violations

3.2.3.1. Allegations of a Title IX violation will be sent to the Title IX Coordinator who will oversee an investigation according to the Texas State University System (TSUS) Sexual Misconduct Policy. The Title IX Coordinator will conduct investigations of all alleged violations of the TSUS Sexual Misconduct Policy.

3.2.3.2. When an investigator is assigned a Title IX case for investigation, generally, those categorized under section 2.2.31 of this code, the investigation will be done in compliance with the TSUS Sexual Misconduct Policy.

3.3. **Disciplinary Penalties:**

3.3.1. Penalties - Mitigating or aggravating factors in assessing the proper level of discipline may include, but not be limited to, the student's motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the college community; and the likelihood that the behavior will recur. The following penalties comprise the range of official college actions that may be taken when, based on the preponderance of the evidence, a student is determined to have engaged in prohibited conduct. These penalties are not exclusive and may be imposed with other sanctions.

3.3.1.1. Warning - A written notice to the student that a violation of a published college policy has occurred and that the continuation of

such conduct or actions could result in further disciplinary action.

3.3.1.2. Restricted privileges - Denial or restriction of one or more college privileges granted to students. These may be, but are not limited to: parking privileges; dining facility privileges; visitation privileges; use of college computers, computer facilities or systems; and participation in extracurricular activities. Loss or restriction of privileges does not entitle a student to a refund of fees, paid or due.

3.3.1.3. Special project - The requirement that the student complete a special project, for example, writing an essay or attending a special class or lecture.

3.3.1.4. Restitution - Paying for physical or property damage, losses or misappropriation, either monetarily or by the performance of specific duties.

3.3.1.5. Disciplinary probation - An indication that the student is not in good standing, and that his/her continued enrollment is conditioned upon adherence to published college policies. Probation automatically restricts the following privileges:

3.3.1.5.1. A student on disciplinary probation is ineligible to be elected or hold any executive office of any student organization recognized by LIT; and

3.3.1.5.2. A student on disciplinary probation may not represent the college in any special or honorary role.

3.3.1.6. Withholding an official transcript or degree.

3.3.1.7. Cancellation of pre-registered courses, prohibition against readmission or restriction from pre-registration.

3.3.1.8. Denial or non-recognition of a degree.

3.3.1.9. Loss of or ineligibility for a student grant or loan.

3.3.1.10. Deferred Suspension - Like disciplinary probation, an indication that the student is not in good standing and that their continued enrollment is conditioned upon adherence to published college policies. In addition to the restrictions of disciplinary probation, it is understood that a subsequent violation shall result in suspension.

3.3.1.11. Suspension - Separation from the college for a definite term during which the student shall not be permitted to: earn college credit at LIT, be on college-owned property nor participate in any college activity. A student who has been suspended from any Texas State University System component shall be ineligible to enroll at any other system component during the period of suspension.

3.3.1.12. Deferred Expulsion - Like disciplinary probation, an indication that the student is not in good standing and that their continued enrollment is conditioned upon adherence to published college policies. In addition to the restrictions of disciplinary probation, it is understood that a subsequent violation shall result in expulsion.

3.3.1.13. Expulsion - Permanent separation from the college. A student who has been expelled from any Texas State University System component shall be ineligible to enroll at any other system component during the period of expulsion.

3.3.2. Recording of Penalties - The registrar of each component is authorized to make an appropriate notation on the student's transcript to accomplish a

sanctions objective and to remove the notation when the student's disciplinary record has been cleared. In addition to LIT, the Texas State University System includes Lamar University, Lamar State Colleges, Sam Houston State University, Texas State University and Sul Ross State University campuses. The penalties provided in subsections 3.3.1.8, 3.3.1.9, 3.3.1.12, and 3.3.1.13 may be noted on the student's permanent transcript. Any record of penalty, except for expulsion, not noted on the transcript shall be expunged no later than seven years after the penalty is assessed.

3.3.3. Finality of Penalties - No penalty shall take effect until disciplinary action becomes final. Disciplinary action becomes final when:

3.3.3.1. During administrative disposition
- 3.3.3.1.1. upon acceptance by the student of the AVP of Student Services or designee's decision;
- 3.3.3.1.2. if the only sanction is a warning; or
- 3.3.3.1.3. upon notification to the student of the decision of the AVP of Student Services or designee and the expiration of the time in which to file a notice of appeal to the hearing board.

3.3.3.2. In the event of a hearing:
- 3.3.3.2.1. the sanction assessed is a warning or probation; or
- 3.3.3.2.2. upon notification to the student of the decision of the hearing panel and the expiration of the time in which to file a notice of appeal to the Provost/Vice President for Instruction.

3.3.3.3. In the event of review by the Provost/Vice President for Instruction, upon notification to the student of the decision of the Provost/Vice President for Instruction.

3.3.3.4. An exception to the imposition of penalties is in place for Sexual Misconduct Policy violation cases. See the Texas State University System Sexual Misconduct Policy for additional procedures.

3.4. Interim Disciplinary Action

3.4.1. The President or Provost/Vice President of Instruction or their designee may take immediate interim disciplinary action, including suspension, pending a hearing, against a student for allegedly violating a college policy when the student's continuing presence is reasonably believed to pose:

- 3.4.1.1. A danger to persons or property; or
- 3.4.1.2. An ongoing threat of disrupting the academic process.

3.4.2. The college official involved shall notify the student of the interim disciplinary action by the most expeditious means available. Thereafter, the AVP of Student Services or designee may offer the student an opportunity to have an administrative review or to immediately initiate the hearing procedures provided in this code. If the latter option is chosen, a hearing shall be held no later than 12 class days after the temporary disciplinary action was taken.

3.5. Hearings

3.5.1. Hearing Board - At the beginning of each fall semester, the AVP of Student Services will appoint an at-large hearing board composed of student members and hearing officers. The hearing officers will be full-time faculty or staff members. Student members must be in good academic and disciplinary standing. One hearing officer and two student members, hereafter collectively referred to as the hearing panel, shall be scheduled to hear each hearing based on availability and scheduling constraints. When available, alternate board members may sit in the panel to ensure that hearings may proceed in cases where an appointed member is unable to serve through the end of the hearing and deliberations. If one hearing officer and two student members are not able or willing to hear a case, the AVP of Student Services may appoint new members to the board so that every case may be heard within a reasonable time period. During hearings, new appointments, whether appointed for one hearing or the remainder of the current academic year, shall have all the qualifications, authority and responsibilities of a board member appointed at the beginning of the fall semester. The hearing officer shall preside over the disciplinary hearing.

3.5.2. Students' Rights - Each student who requests a hearing or who is given an interim disciplinary sanction shall be afforded:

3.5.2.1. Notice - Written notification at least five class days before the hearing specifying:

3.5.2.1.1. the college policy alleged to have been violated

3.5.2.1.2. a summary of the facts alleged to constitute the violation

3.5.2.1.3. the date, time and location of the hearing

3.5.2.1.4. the names of expected witnesses and a summary of their expected testimony

3.5.2.1.5. a description of other evidence that the AVP of Student Services or designee will present at the hearing

3.5.2.1.6. notification if the AVP of Student Services or designee intends to use legal counsel for other than advisory purposes as provided in 3.5.2.1.

3.5.2.1.7. a statement that the student must provide a list of witnesses and a summary of their expected testimony to the AVP of Student Services or designee at least 48 hours before the hearing

3.5.2.1.8. the names of the hearing officer and student members of the hearing panel

3.5.2.2. Hearing - This is an opportunity for the student to attend the hearing and present relevant evidence. If the student fails to attend, the hearing may proceed. The student may present his or her own defense against the charges and may produce either oral testimony or written affidavits of witnesses on his or her behalf.

3.5.2.3. Representative - This is an opportunity for the student to have an advisor or counsel present at meetings with the AVP of Student Services or designee and during hearings. The student will provide the representative at his or her expense. The college is not obligated to arrange for or provide a representative. In addition, the student may also have parents or a legal guardian

present.

3.5.2.3.1. To the extent that the AVP of Student Services or designee uses legal counsel for other than advisory purposes during the hearing, the student shall be afforded the same opportunity. The AVP of Student Services or designee will notify the student of the AVP of Student Services or designee's intent to use legal counsel when providing the notification described in 3.5.2.1.

3.5.2.3.2. The student's representative may not address the panel, question witnesses or the AVP of Student Services or designee, or participate in the hearing except to offer advice and counsel to the student.

3.5.2.4. Challenge to Impartiality - This is an opportunity for the student to challenge the impartiality of the hearing officer or a student member of the hearing panel. This challenge must be made at any time before the introduction of testimony or other evidence. The person challenged will be the sole judge as to whether he or she can serve with fairness and objectivity. If the person challenged chooses not to serve and an alternate is not readily available, the AVP of Student Services may appoint a special replacement for that case.

3.5.3. Notification of Evidence - At least 48 hours before the hearing, both the AVP of Student Services or designee and the student will provide the other party with the names of witnesses, summaries of testimony, documents and other evidence to be presented at the hearing.

3.5.4. Burden of Proof - The AVP of Student Services or designee has the burden of going forward with the evidence and the burden of substantiating the violation by the preponderance of the evidence.

3.5.5. Questioning Witnesses - The AVP of Student Services or designee, the student, and members of the hearing panel may question witnesses regarding relevant matters.

3.5.6. Recording - The hearing, with the exception of the panel's deliberation, will be recorded. If the student or the AVP of Student Services or designee desires to appeal the panel's findings, a copy of the hearing recording and records presented at the hearing will be forwarded to the Provost/Vice President for Instruction. Students may request an electronic copy of the hearing at no cost. Requests for additional records that incur an expense will be paid by the requesting party.

3.5.7. Postponement - The AVP of Student Services may postpone a hearing for good cause. A request for postponement must be filed with the AVP of Student Services' Office at least 24 hours before the hearing.

3.5.8. Hearing Officer - The hearing officer will determine the procedure to be followed, rule on the admissibility of evidence, and control decorum in the hearing.

3.5.9. Attendance - Upon the request of the student or the AVP of Student Services or designee, or upon his or her own initiative, the hearing officer may issue a

written request for a witness to appear and testify or to produce documents at a hearing. Requests shall be personally delivered, sent by certified mail or sent from a college e-mail address to the witness' designated college e-mail account. Students who are requested to appear at hearings are expected to comply.

3.5.10. Confidentiality - During the hearing, only the members of the hearing committee, AVP of Student Services or designee and his/her counsel, the student and his or her advisor, the student's parents or legal guardians, the witness currently testifying, and the transcriber will be allowed in the hearing room. After testifying, a witness may not remain in the hearing room unless both the student and the AVP of Student Services or designee consent. All persons present at the hearing shall treat matters discussed with confidence

3.5.11. Relevant Evidence - Legal rules of evidence shall not apply to hearings. Any relevant evidence shall be admitted, if it is credible and is the sort that reasonable people would rely upon in the conduct of their affairs.

3.5.12. Not Compelled to Testify - The student may not be compelled to testify against himself or herself.

3.5.13. Procedural Rules

3.5.13.1. The hearing officer will invite all parties entitled to be present into the hearing room.

3.5.13.2. The hearing officer will read a statement of confidentiality.

3.5.13.3. The hearing officer will state the college policy alleged to have been violated;

3.5.13.4. The AVP of Student Services or designee will present evidence of the student's violation of the policy.

3.5.13.5. Each party may present their own defense against the charges.

3.5.13.6. The parties may question the witness(es).

3.5.13.7. The parties may present rebuttal evidence.

3.5.13.8. The parties may present brief summations.

3.5.13.9. The hearing officer will dismiss the parties and the hearing committee will deliberate and determine by a majority vote whether the student has violated a college policy. If the committee finds that the student did violate a college policy, it will assess the penalty. The hearing officer shall report in writing the committee's findings and the penalty, if any, to be assessed.

3.5.13.10. The hearing officer will send the committee's decision to the Provost/Vice President of Instruction, with copies to the student(s) and to the AVP of Student Services or designee. If the student is found to have violated a college policy, and if a disciplinary penalty has been assessed, the hearing officer will inform the student of his or her right to appeal to the VP-SAS.

4. **Appeals**

4.1. **Provost/Vice President of Instruction** in cases in which the sanction assessed is a verbal or written warning or probation, the decision of the hearing panel is final. In cases in which the sanction assessed is beyond a warning or probation, either party may appeal to the Provost/Vice President of Instruction based on:

4.1.1. whether or not a fair hearing was afforded (A fair hearing includes notice of the alleged misconduct, and an opportunity to present evidence.)

4.1.2. whether or not the sanctions levied were appropriate to the offense

4.1.3. whether or not the finding was supported by the evidence

4.1.4. whether or not new evidence is introduced that was not available at the time of the hearing. An appeal is not a rehearing of the original case; the Provost/Vice President of Instruction's review will focus on arguments addressing the basis, listed above, of the appeal.

4.2. **Notice**
Either party appealing to the Provost/Vice President of Instruction must give written notice to the Provost/Vice President of Instruction no later than five business days after the hearing panel's decision. All supporting documentation, including written arguments, when appropriate or requested, shall be filed with the Provost/Vice President of Instruction no later than five business days after notice of appeal is given. The parties, at the discretion of the Provost/Vice President of Instruction, may submit oral or written arguments to support their positions.

4.3. **Action**
Upon appeal, the Provost/Vice President of Instruction will review the materials presented at the hearing and may require the parties to submit written material or oral statements. The Provost/Vice President of Instruction shall respond to the appeal within 10 business days after all the documentation is received and all testimony is heard. The Provost/Vice President of Instruction may postpone a decision for good cause.

4.3.1. If the student is required to appear in person before the Provost/Vice President of Instruction, the student may have a representative present, as provided in section 3.5.2.3.

4.3.2. The Provost/Vice President of Instruction may approve, reject, or modify the decision of the hearing committee or may require that the committee reopen the hearing to hear additional evidence or to reconsider the decision.

4.3.3. The Provost/Vice President of Instruction will inform the student, the AVP of Student Services or designee, and the hearing officer of his or her decision in writing. The Provost/Vice President for Instruction's decision is final except for the discretionary review described below.

4.4. **Discretionary Review**
The Provost/Vice President of Instruction, the President or the Board of Regents may,

on their initiative, review any disciplinary case, and upon such review may approve, reject or modify the lower decision, or may remand the decision to the hearing officer or hearing panel for presentation of additional evidence and reconsideration of the decision.

Reviewed: September 2023
Revised: September 2023

POLICY 8.4 HAZING

SCOPE: STUDENTS

1. Policy: The Institute shall not tolerate hazing, as defined below, at or on any Institute property or at any Institute-sponsored or affiliated event, either on or off campus.

2. Definition: Hazing means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of the Institute, hereafter referred to as "Institute organization."

   2.1. Hazing shall include, but not be limited to, any brutality of a physical nature, such as:

      2.1.1. whipping,

      2.1.2. beating,

      2.1.3. branding,

      2.1.4. forced coalitionist,

      2.1.5. exposure to the elements,

      2.1.6. forced consumption of any food, liquor, drug, or other substance, or

      2.1.7. any other forced physical activity which could adversely affect the physical health or safety of the individual.

   2.2. Hazing shall include any activity which would subject the individual to extreme mental stress, such as:

      2.2.1. sleep deprivation,

      2.2.2. forced exclusion from social contact,

      2.2.3. forced conduct which could result in extreme embarrassment,

      2.2.4. or any other forced activity which could adversely affect the mental health or dignity of the individual.

   2.3. For purposes of this rule, any activity as described above upon which the initiation or admission into or affiliation with a college organization is directly or indirectly conditioned shall be presumed to be a forced activity, the willingness of an individual to participate in such activity notwithstanding.

3. This rule shall apply to students and Institute organizations, including acting through other persons associated with an Institute organization who are not students.

4. Violations of this rule by individual students shall be enforced in accordance with the Institute's Disciplinary Policy.

4.1. Violations of this rule may subject an individual student to the following penalties:

4.1.1. Minor violations disciplinary probation; and

4.1.2. Major or repeated minor violations suspensions or dismissal.

5. Any Institute organization, as an organization or through any person associated with an Institute organization, which authorizes or participates in hazing in blatant disregard of his rule shall be penalized as follows:

5.1. Minor violations - probation from operation as an Institute organization; and

5.2. Major or repeated violations - suspension or rescission of the authority for such organization to operate on college property or operate under the sanction of the college.

6. Organizational violations shall be handled by the AVP of Student Services.

7. In addition, hazing may subject an individual or organization to criminal penalties under Texas law.

8. In determining whether a hazing violation is "minor" or "major" in scope, the primary consideration will be the presences of or potential for serious physical or emotional harm to the victim of the hazing.

9. All Institute organizations are required to include the above anti-hazing rule in the bylaws of such organization.

Reviewed: September 2023
Revised: September 2023

POLICY 8.5 FALSIFICATION OF RECORDS

SCOPE: STUDENTS

1. A student who provides false information or makes false statements to any Institute official or office, or on an official form submitted to the Institute, is subject to immediate dismissal.

Reviewed: September 2023
Revised:

POLICY 8.6 OFFICIAL SUMMONS

SCOPE: STUDENTS

1. An official summons takes precedence over the student's other Institute activities and should be answered promptly on the day and hour designated.

2. Failure to heed an official summons may subject the student to serious disciplinary action.

Reviewed: September 2023
Revised:

POLICY 8.7 DEBTS

SCOPE: STUDENTS

1. The Institute is not responsible for debts contracted by individual students or student organizations, and will not act as a collection agency for organizations, firms or individuals to which students may owe bills.

2. Students and student organizations are expected to honor contractual obligations promptly. In case of flagrant disregard of such obligations, the Business Office or the designated representative will take appropriate action.

3. Failure to pay all Institute fees by the specified date will result in suspension through the 12th week in the long semester and the fourth week in the summer term.

   3.1. After the 12th week in the long semester and the fourth week in the summer term, failure to pay all fees by the specified date will result in suspension at the end of the current semester and may include:

      3.1.1. denial of readmission,

      3.1.2. withholding of grades and transcripts, and

      3.1.3. withholding of degree.

Reviewed: September 2023
Revised:

POLICY 8.8 PARKING

SCOPE: STUDENTS

1. Each student who pays the necessary fee is issued a vehicle card that permits parking on the campus. This card is numbered and is to be displayed as instructed in the official parking and traffic regulations, which are issued when automobiles are registered. Strict observance of traffic and parking regulations is necessary for the safe, orderly flow of vehicles in the campus area.

Reviewed: September 2023
Revised:

POLICY 8.9 CLASS ATTENDANCE

SCOPE: STUDENTS

1. Regular class attendance is important to the attainment of the educational objectives of the Institute.

    1.1. The instructor must keep attendance records and should formulate an attendance policy consistent with departmental policies.

        1.1.1. The instructor's policy is to be documented in the course syllabus and explained in detail to the class at the beginning of the semester.

    1.2. TSI rules require that Associate Degree-seeking students attend developmental courses until TSI requirements are met.

    1.3. Class attendance is restricted to those students registered for the course and to the guests invited by the instructor.

    1.4. Persons not properly registered for a course will not be permitted to attend class.

    1.5. Students are not permitted to bring any children to class

        1.5.1. Children must not be left unattended on campus.

2. Student Absences on Religious Holy Days

    2.1. In accordance with the Texas Education Code 51.911, a student who plans to be absent from classes in observance of a religious holy day must notify the instructor of each class not later than the 15th day of the semester.

        2.1.1. Approved absences allow students to complete an assignment or to take an examination.

    2.2. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Tax Code.

    2.3. Notifications of planned absences must be in writing and must be delivered by the student either:

        2.3.1. personally to the instructor of each class, with receipt of the notification acknowledged and dated by the instructor, or

        2.3.2. by certified mail, return receipt requested, addressed to the instructor of each class.

    2.4. A form, Notification of Planned Absence for Religious Holy Days, may be obtained from the Records Office.

        2.4.1. The student must deliver the completed form to the instructor of each class affected by the absence.

2.4.2. Upon review of the notification form, instructors will sign and date the receipt of the notice, retaining a copy for the instructor and returning one copy to the student.

2.5. Instructors may refer any questions regarding the qualification of the absence to the Records Office.

Reviewed: September 2023
Revised:

POLICY 8.10 GRADING SYSTEM

SCOPE: STUDENTS AND FACULTY

1. Grades shall be recorded in a consistent manner as follows:

GRADE	DESCRIPTION
A	Excellent
B	Good
C	Satisfactory
D	Passing
F	Failure
I	Incomplete
S	Satisfactory (Credit)
U	Unsatisfactory
AU	Audit
W	Withdrawn
Q	Dropped
QL	Dropped (S.B. 1231-Six Drop Rule)
NR	Not Reported (In Progress)
NG	No Grade
RA	Grade Replacement
RB	Grade Replacement
RC	Grade Replacement
RD	Grade Replacement
RF	Grade Replacement
DA	Developmental Course Excellent
DB	Developmental Course Good
DC	Developmental Course Satisfactory
DF	Developmental Course Failure

2. The grade of W or Q is given if the withdrawal or drop is made before the penalty date (see Dropping Course) or if the student is passing at the time of withdrawal or drop.

3. The grade of I may be given when illness, necessary absence, or other reason beyond the control of the student prevent completion of course requirements, including the final examination, by the end of the academic term.

   3.1. Arrangements to complete deficiencies in a course should be made with the instructor.

   3.2. Incomplete work must be finished during the next long semester, or the Office of Records will change the I grade to the grade of F. The course must then be repeated if credit is desired.

   3.3. An I grade also automatically becomes an F if the student re-registers for the course before removing the deficiencies and receiving a grade change.

4. The instructor may record the grade of F for a student who is absent from the final examinations and is not passing the course.

5. Semester grades are filed with the Office of Records.

    5.1. A grade may not be recorded for a student not officially enrolled in a course.

    5.2. A grade may not be corrected or changed without the written authorization of the instructor giving the grade. A statement explaining the reason for the change should accompany the written instruction for a grade change.

6. A student desiring to register for a course to receive a grade of NG (No Grade) must have the written approval from the major department chair, instructor and instructor's department chair as well as Records Office verification.

    6.1. Student semester hours attempted will be reduced by the appropriate number of hours.

    6.2. Students are responsible for completing and filing the appropriate petition form with the Records Office.

        6.2.1. The deadline each semester for filing the petition for NG with the Records Office is the same as the deadline for dropping or withdrawing from a course without penalty.

7. Grade Point Average Computation: The grade point average is a measure of the student's overall academic performance and is used in the determination of academic standing, rank in class, eligibility for graduation, etc. Grade point averages are computed separately for Institute and academic records, except for honors and certain special degree requirements.

    7.1. Grade points are assigned to letter grades as follows: to the grade "A", 4 points; to "B", 3 points; to "C", 2 points; to "D", 1 point, and to "F", "I", "S", "U", "NG", "W", 0 points. The number of grade points earned in a course is obtained by multiplying the number of semester hours credit by the number of points assigned to the grade made in the course.

    7.2. The Grade Point Average (GPA) is calculated by dividing the total number of grade points earned by the total number of semester hours attempted in courses for which the grades "A", "B", "C,", "D", "F", and "I" are assigned.

        7.2.1. For grades "S", "U", "NG", "W", and "Q", neither semester hours nor grade points are used in the computation of the grade point average.

        7.2.2. Hours attempted include all work taken whether passed, failed or repeated.

        7.2.3. Courses in which a grade of "S" or "U" is assigned are used in calculating a student's semester hour load.

8. Academic Performance: Academic performance is a measure of a student's performance.

    8.1. Student performance is assessed by:

        8.1.1. grade point average (GPA); and

        8.1.2. course completion.

8.2. Academic performance is calculated beginning with the first semester that a student enrolls and all subsequent semesters.

8.2.1. The levels of academic performance include:

8.2.1.1. Good Standing: Acceptable academic performance, also known as Good Standing, is based upon student academic progress toward successful course and program completion. Good Standing is earned by students who maintain a cumulative GPA of 2.0 or higher and who complete at least one course each semester/session of enrollment.

8.2.1.1.1. A student will be considered to be in good academic standing when a student earns both a semester and a cumulative GPA of at least 2.0.

8.2.1.1.2. A student will be considered to be making academic progress when a student earns a semester GPA of at least 2.0 but has a cumulative GPA less than 2.0.

8.2.1.2. Academic Warning: A student will be considered to be on academic warning each time his or her semester GPA falls below a 2.0.

8.2.1.2.1. Students who have experienced a low semester GPA for the first time are expected to take advantage of the many college resources.

8.2.1.2.2. A student on academic warning will not be allowed to register for more than twelve (12) semester credit hours of coursework.

8.2.1.3. Academic Probation: A student will be considered to be on academic probation if he or she meets the following criteria:

8.2.1.3.1. Level One Probation

Semester GPA:	Less than 2.0
Cumulative GPA:	Greater than or equal to 2.0
Maximum number of SCH a student will be allowed to enroll:	10 SCH

8.2.1.3.2. Level Two Probation

Semester GPA:	Less than 2.0
Cumulative GPA:	Less than 2.0
Maximum number of SCH a student will be allowed to enroll:	7 SCH

8.2.1.3.3. Students on academic probation must see an advisor in the Department Office for their major.

8.2.1.4. academic suspension: A student with a continuing history of low academic performance is placed on academic suspension when both the semester GPA and cumulative GPA are below a 2.0 (Academic Probation, Level Two).

8.2.1.4.1. An academic suspension will result in a student being denied enrollment for a minimum of one long semester.

8.2.1.4.2. Students placed on academic suspension will be reinstated on academic probation.

8.2.1.4.3. A student may appeal an academic suspension by following the Appeal for Academic Suspension Guidelines.

8.2.2. Students who do not maintain a minimum GPA of 2.0 will be placed on academic warning, academic probation, or academic suspension.

8.2.3. Students may view their academic record online at www.lit.edu or by requesting a copy of their transcript from Student Services, Eagles' Nest 109 or emailing transcripts@lit.edu.

8.3. Appeal of Academic Standing

8.3.1. A student may request an exemption from academic standing by completing an Academic Appeal form.

8.3.1.1. The completed form, unofficial transcript, and supporting documentation must be submitted to the Provost/Vice President of Instruction.

8.3.1.2. All decisions of the Provost/Vice President of Instruction are final.

8.3.1.3. The student will be notified in writing of the result of the appeal.

9. Academic Appeals Procedure: After an enrollment lapse of four or more years from the Institute of Technology and after successfully completing 24 or more semester hours of work with a 2.2 grade point average or higher at Lamar Institute of Technology, a student may petition to disregard a maximum of two entire successive semesters of work taken previously at the Institute.

9.1. The petition shall be filed with the department chair whose recommendation will be forwarded to the Provost/Vice President of Instruction for a final decision.

9.2. After being approved, disregarded work shall not count in determining the student's grade point average for academic progress or for graduation; however, it shall remain on the transcript with an appropriate notation, and it shall be used in determining honors.

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Reviewed: September 2023
Revised:

POLICY 8.11 RECORDS AND TRANSCRIPTS

SCOPE: STUDENTS

1. Lamar Institute of Technology (LIT) student records are in the permanent custody of the Records Office.

2. Transcripts of academic records may be secured by an individual personally or will be released on the student's written authorization.

3. Students who owe debts to LIT or who have not met entrance requirements may have their official transcripts withheld until the debt is paid.

4. Chapter 675, Acts of the 61st Legislature, 1969 Regular Session, provides that no person may buy, sell, create, duplicate, alter, give or obtain a diploma, certificate, academic record, certificate of enrollment or other instrument which purports to signify merit or achievement conferred by an institution of education in this state with the intent to use fraudulently such document or to allow the fraudulent use of such document.

   4.1. A person who violates this Act or who aids another in violating this Act is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $1,000 and/or confinement in the county jail for a period not to exceed one year.

5. Change of Address or Name: Students are responsible for all communications addressed to them at the address on file with LIT.

   5.1. Any student who moves during a semester must immediately register a change of address. Change of address forms are available in the Office of Student Services.

6. Change of name due to marriage or correction of name because of spelling errors may be made by completing a name change card.

   6.1. All name changes must be accompanied by a copy of the legal document making the name change official. This document will be kept on file in the student's confidential folder.

   6.2. Students are advised that former names will be carried on all official transcripts.

7. Educational Records and Student Rights: The following information concerning student records maintained by LIT is published in compliance with the Family Education Rights and Privacy Act of 1974 (PL 93-380).

   7.1. Access to educational records directly related to a student will be granted unless the type of record is exempted from the provision of the law.

   7.2. The types, locations and names of custodians of educational records maintained by LIT are available from the Registrar.

   7.3. Access to records by persons other than the student will be limited to those persons

and agencies specified in the statute. Records will be maintained of persons granted such access and the legitimate interest in each case.

8. The release of information to the public without the consent of the student will be limited to the categories of information which have been designated by LIT as directory information and which will be routinely released.

    8.1. The student may request that any or all of this information be withheld from the public by making written request to the Student Services Office.

        8.1.1. The request must be made by the last official day to register for a given session and applies to that session only.

    8.2. Directory information includes:

        8.2.1. name,

        8.2.2. current and permanent address,

        8.2.3. telephone listing,

        8.2.4. date and place of birth,

        8.2.5. major and minor,

        8.2.6. semester hour load,

        8.2.7. classification,

        8.2.8. participation in officially recognized activities and sports,

        8.2.9. weight and height of members of athletic teams,

        8.2.10. dates of attendance,

        8.2.11. degrees and awards received, with dates, and

        8.2.12. the last educational agency or institution attended.

9. A student has the right to challenge records and information directly related to him or her if it is considered to be inaccurate, misleading or otherwise inappropriate.

    9.1. Issues may be resolved either through an informal hearing with the official immediately responsible or by requesting a formal hearing.

    9.2. The procedures to be followed in a formal hearing are available in the Office of Student Services.

    9.3. The right of parental access to student records may be established by either of two methods;

        9.3.1. first, by the student's filing a written consent statement or,

9.3.2. second, by the parent's validating the student's dependency as defined by IRS.

Reviewed: September 2023
Revised:

POLICY 8.12 SECOND ASSOCIATE DEGREE

SCOPE: STUDENTS

1. When another associate degree is taken simultaneously, or has been taken previously, the second associate degree may be granted upon the completion of all required work for the second degree. A minimum of 15 additional hours, as specified by the department granting the second degree, must be completed at Lamar Institute of Technology.

Reviewed: September 2023
Revised:

POLICY 8.13 CHANGE OF MAJOR

SCOPE: STUDENTS

1. Students wishing to change their majors must have the approval of the chair of the department of their former major and approval of the chair of the new department.

   1.1. These approvals must be in writing on the form entitled "Change of Major."

2. Since major changes from a TSI waived certificate program to a degree seeking program change TSI status, all major changes must be routed through the Admissions and Enrollment Services office.

Reviewed: September 2023
Revised:

POLICY 8.14 SEMESTER HOUR

SCOPE: STUDENTS

1. The unit of measure for credit purposes is the semester hour.

    1.1. One clock hour of recitation each week is usually equal to one semester hour.

    1.2. For laboratory work, two clock hours are usually counted as one semester hour.

    1.3. For each classroom hour, two hours of outside study are expected.

2. A minimum of twelve (12) semester hours constitutes a full-time load in fall and spring and a minimum of six (6) semester hours constitutes a full-time load in entire summer session.

3. Students will be permitted to attend class only when the instructor has received evidence of proper registration.

    3.1. Registration dates and deadlines are listed in the official Institute calendar.

    3.2. Students may add courses, make section changes or drop courses only within the period specified in the calendar.

Reviewed: September 2023
Revised: November 6, 2023

POLICY 8.15 COURSE NUMBERING

SCOPE: STUDENTS, STAFF, and FACULTY

1. Most courses meet three hours each week and have a credit value of three semester hours.

2. Lamar Institute of Technology (LIT) has converted to the Texas Common Course Number prefixes and numbers.

3. Each course has an individual alphanumeric code (such as CDED 1311).

    3.1. The alpha part indicates the subject area. Each number contains four figures.

    3.2. The first digit generally indicates the level of the course: 1, means it is freshman level, and 2, sophomore level.

    3.3. The second figure indicates the number of semester hours credit.

4. Course credits are often expressed with three digits separated by colons such as (3:1:1). This code provides the following information:

    4.1. The first number is the semester hours of credit for the course.

    4.2. The second number is the class hours of lecture, recitation or seminar meetings per week.

    4.3. The third number is the required laboratory hours per week.

Reviewed: September 2023
Revised:

POLICY 8.16 CLASS OFFERINGS

SCOPE: STUDENTS

1. Lamar Institute of Technology (LIT) reserves the right to not offer all courses listed in the catalog.

2. New Courses: In order to meet changing educational requirements, LIT reserves the right to add, change or delete any courses at any time without regard to the listing of such courses in the catalog. It is expected that a listing of these courses will appear in the next catalog issue.

3. The right to change numbers in order to indicate change in semester hours also is reserved for the reasons above.

4. Evening Classes: Classes offered after 5 p.m. are considered Evening Classes. The regular faculty teaches both day and evening classes, with few exceptions, and educational facilities are the same.

5. Course Repetition: A course may be repeated for additional credit only as specified by the official course description in the LIT Catalog.

Reviewed: September 2023
Revised:

POLICY 8.17 ADVANCED STANDING EXAMINATIONS

SCOPE: STUDENTS

1. Advanced standing examinations are intended only for those students who have had the equivalent, in formal or informal training, of work being presented in the course in question.

2. Credit may be granted to those who pass departmental advance standing examinations with a grade of "B" or better. Normally, departmental examinations will be given only if CLEP subject examinations are not available.

3. To secure permission for such examinations, students must obtain the written permission of the department chair responsible for the course and the Provost/Vice President for Instruction. A fee of $25 must be paid to the LIT.

4. Forms are available in the departmental offices.

5. A student who has officially enrolled in a class may not take an advanced standing examination in that course at a later date.

Reviewed: September 2023
Revised:

POLICY 8.18 STUDENT GUARANTEE

SCOPE: STUDENTS

1. Lamar Institute of Technology (LIT) guarantees that students who successfully complete a two-year program of study will have the job skills for entry level employment in the occupational field for which they have been trained. Students with an A.A.S. degree who are judged by their employer to lack these basic skills will be entitled to up to twelve (12) additional credit hours of tuition-free training in their field of study.

   1.1. This guarantee does not apply to license examinations.

2. Requests for retraining must occur with 90 days of the graduate's initial employment.

Reviewed: September 2023
Revised:

POLICY 8.19 STUDENT RIGHTS AND RESPONSIBILITIES

SCOPE: STUDENTS

1. Lamar Institute of Technology (LIT) values providing students with equal access to programming and information and providing for the reasonable use of LIT services and facilities.

   As members of the LIT community, students are entitled to rights and responsibilities as stated below.

   1.1. Student Rights: Students are entitled to certain information, including:

   1.1.1 LIT admissions requirements
   1.1.2 The types of degrees and certificates offered by Lit
   1.1.3 The availability of career and personal development resources
   1.1.4 Course offerings and requirements
   1.1.5 Class attendance and participation policies
   1.1.6 Grading policies and procedures
   1.1.7 Cost of attendance
   1.1.8 Financial aid availability
   1.1.9 How financial aid eligibility is determined
   1.1.10 How financial aid is awarded
   1.1.11 LIT and financial aid satisfactory academic progress requirements
   1.1.12 LIT's refund policy
   1.1.13 LIT Policies and Procedures
   1.1.14 Availability of academic and other support services
   1.1.15 Availability of student activities
   1.1.16 Campus crime statistics
   1.1.17 Graduation rates
   1.1.18 Job placement rates
   1.1.19 Emergency procedures
   1.1.20 LIT's operational hours
   1.1.21 Availability of accommodations as provided under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Services Act of 1973
   1.1.22 LIT's grievance procedures

   1.2 Student Responsibilities : As members of LIT's teaching and learning community, students have a responsibility to:

   1.2.1 Read the LIT Catalog and Student Handbook
   1.2.2 Become knowledgeable about LIT policies and procedures
   1.2.3 Provide accurate and updated information on LIT forms
   1.2.4 Meet financial obligations to LIT
   1.2.5 Attend regularly scheduled classes
   1.2.6 Complete assignments and exams based upon course syllabus information
   1.2.7 Participate in class
   1.2.8 Fulfil one's academic responsibilities in an honest manner
   1.2.9 Abide by LIT policies and procedures
   1.2.10 Abide by established computer use procedures

1.2.11 Be aware of academic and graduation requirements
1.2.12 Abide by the equipment usage policy
1.2.13 Meet published deadlines
1.2.14 Use best efforts to notify LIT if a condition exists that may violate a student's rights, or LIT policies, rules, standards, or procedures
1.2.15 Abide by State and Federal laws

Reviewed November 2023
Reaffirmed November 2023

POLICY 8.20 COLLEGE SUCCESS SKILLS COURSE

SCOPE: STUDENTS

1. Students registering at LIT for the first time are required to enroll in (and pass) the College Success Skills Course.

    1.1. Some students may be exempt from the requirement. Exemptions include students who have one of the following qualifications:

        1.1.1. completed 15 SCH of coursework with a minimum 2.0 GPA, only non-developmental coursework is used in the calculation of the GPA;

        1.1.2. enrolled in the Police Academy, Fire Academy, or EMT Basic courses;

        1.1.3. dual enrolled student;

        1.1.4. Lamar Institute of Technology faculty or staff; or,

        1.1.5. Veteran.

2. The College Success Skills Course is a graduation requirement.

Reviewed: September 2023
Revised:

POLICY 8.21 GRADE REPLACEMENT

SCOPE: STUDENTS

1. The Grade Replacement Policy allows students to replace a grade on their academic record.

    1.1. A student may replace a grade by repeating the same course.

    1.2. When a course is repeated, the highest grade earned is the official grade. In the case of repeated courses, all grades will remain on the transcript, however, only the highest grade will be used to calculate the grade point average.

    1.3. Grades earned by repeating a course (third and subsequent grades earned in the same course) will be included in the calculation of the cumulative GPA.

2. Once a degree has been conferred, a student may not use the Grade Replacement Policy for any courses used to award the degree or calculate the cumulative grade point average.

3. A student who wishes to replace a grade in a course must repeat the course by registering and completing the course at Lamar Institute of Technology.

4. Courses completed at other institutions may not be used to replace a grade earned at Lamar Institute of Technology.

This policy does not apply to classes repeated before 1999.

Reviewed: September 2023
Revised:

POLICY 8.22 SIX DROP RULE

SCOPE: STUDENTS

1. Under section 51.907 of the Texas Education Code, “an institution of higher education may not permit a student to drop more than six courses, including any course a transfer student has dropped at another institution of higher education." This statute was enacted by the State of Texas in spring 2007 and applies to undergraduate students who enroll in a public institution of higher education as first-time freshmen in fall 2007 or later.

2. Any course that a student drops after the census date is counted toward the six-course limit if

    2.1. the student was able to drop the course without receiving a grade or incurring an academic penalty;

    2.2. the student's transcript indicates or will indicate that the student was enrolled in the course; and

    2.3. the student is not dropping the course in order to withdraw from the institution.

Reviewed: September 2023
Revised:

POLICY 8.23 FREEDOM OF SPEECH AND EXPRESSION POLICY

SCOPE: STUDENTS, FACULTY, STAFF, AND VISITORS

1. Lamar Institute of Technology (LIT) recognizes that freedoms of expression, speech, and assembly are fundamental rights of all people and that such freedoms are central to the Institute's ability to achieve its educational mission. Students, faculty, staff, and members of the public have the right to assemble peaceably and to engage in expressive activities while on the LIT campus, including to listen to or observe the expressive activities of others.

2. The Institute recognizes and respects the rights guaranteed by the Constitution of the United States and the Constitution of the State of Texas. The Institute does not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person in the enforcement or administration of these rules or otherwise.

3. Speech and Assembly

   3.1. General Definitions. Freedoms of speech, expression, and assembly are essential to one's educational and intellectual development. In furtherance of the Institute's educational mission, the Institute's buildings, including their outside surfaces, surfaces associated with or connected to an Institute building or an Institute structure, are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this Chapter. The Institute's common outdoor areas, as defined below, are traditional public forums, and anyone, including members of the public, may engage in expressive activities in such common outdoor areas subject to the reasonable time, place, and manner rules described in this Chapter. The Institute also has rules relating to speech or expressive activity that constitutes obscenity; defamation; incitement to violence; harassment; solicitation; and commercial speech as detailed more fully in this Chapter.

      3.1.1. "Campus" means all land and buildings owned or leased by the Institute.

      3.1.2. "Common outdoor area" means outdoor space that is not used for dedicated Institute business or an Institute event, or educational or research function(s) on either a permanent or temporary basis. This does not include the outside surfaces of an Institute building, surfaces associated with or connected to an Institute building or an Institute structure, or any other space within the Institution's limited public forums. On campus, the common outdoor area includes:

         3.1.2.1. the outdoor area commonly referred to as the "Quad," which is the area south of the Beeson Building seating area adjacent to the driveway and parking lot; and

         3.1.2.2. the outdoor area in front of the Paul and Connie Szuch Multi-Purpose Center, bounded by Lavaca Street.

      3.1.3. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I of the Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

3.1.4. "Limited public forum" means Institution property, both indoors and outdoors, including the outside surfaces of an Institute building, surfaces associated with or connected to an Institute building or an Institute structure, that is not part of the common outdoor area and has limited open access for public expression or may be limited to particular groups or to particular topics. The Institute will maintain its obligation to place reasonable time, place, and manner limits on how its limited public forums may be used by any particular individual or group.

3.1.5. "Non-public forum" means a place that is not a traditional public forum or designated public forum. This includes areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, faculty and staff offices, academic buildings, administration buildings, library, research and computer laboratories, and research facilities. The Institute will maintain its obligation to place reasonable time, place, and manner limits on how its non-public forums may be used by any particular individual or group.

3.2. Off-Campus Speakers in Institute Facilities. Students, faculty, staff, and student organizations may present off-campus speakers in Institute facilities as follows:

3.2.1. A student or student organization may request permission to host an off-campus speaker in one of the Institute's limited public forums by submitting a written request to the Associate Vice President of Student Services (AVPSS). Such written request must be made at least fourteen (14) business days in advance of the proposed date of the event, and the written request must contain the name of the student or student organization making the request; the proposed date, time and location of the event; the expected size of the audience; and the topic of speech. No invitation shall be issued to an outside speaker without prior written approval by the AVPSS. In reviewing such requests, the AVPSS will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of audience; any anticipated need for campus security; and any necessary accommodations. The AVPSS will not consider any anticipated controversy related to the event.

3.2.2. Staff or faculty may request permission to host an off-campus speaker in one of the Institute's limited public forums by forwarding such written request to Associate Vice President of Student Success (AVPSS). Such written request must be made at least fourteen (14) business days in advance of the proposed date of the event, and the written request must contain the name of the faculty or staff member making the request; the proposed date, time and location of the event; the expected size of the audience; and the topic of speech. No invitation shall be issued to an outside speaker without prior written approval by the AVPSS. In reviewing such requests, the AVPSS will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of audience; any anticipated need for campus security; and any necessary accommodations. The AVPSS will not consider any anticipated controversy related to the event.

3.2.3. If the request for an outside speaker is approved and the speaker accepts the invitation, the sponsoring faculty, staff, student, or student organization must inform the AVPSS immediately, in writing, of such acceptance. The student, staff, faculty member, or student organization must make clear at the beginning of the speaking event that the student, staff, faculty member, or student organization, and not LIT, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of the Institute.

3.2.4. A request by a student, student organization, faculty, or staff to host an off-campus speaker in one of the Institute's limited public forums may be denied if the AVPSS determines that the proposed speech will constitute a clear and present danger to the Institute's orderly operation(s). In the event a request is denied, the sponsor may appeal the decision to the Provost/Vice President of Instruction, whose decision shall be final. Such appeal must be in writing and must be made within three (3) business days of the denial.

3.2.5. Speakers asked to speak on campus and who are to be paid from State funds shall speak in a facility that is open to the public. In reviewing such speaker requests, the Institute will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of the audience; any anticipated need for campus security; and any necessary accommodations. The Institute will not consider any anticipated controversy related to the event. No person may obstruct or lessen in any way the opportunity for the audience to see and/or hear the speaker. Students, student organizations, staff, or faculty who unduly interfere with the expressive activity of others on campus may be subject to disciplinary action. This subsection does not apply to classes, seminars, symposia and conferences intended for the use and benefit of students, faculty, staff and invited guests.

3.2.6. Off-campus speakers who have not been sponsored or invited by a student organization, faculty or staff organization or by the college administration shall be prohibited from speaking in the campus's designated limited public forums unless the speaker is speaking to an off-campus organization that has been authorized to meet on campus.

3.2.7. The Institute may, in its sole discretion, lease or rent space in the Student Center or other space for political rallies and similar events. In arriving at its decision, the Institute will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of the audience; any anticipated need for campus security; and any necessary accommodation. The Institute will not consider any anticipated controversy related to the event.

3.2.8. Subject to the reasonable time, place, and manner restrictions outlined in this Chapter, students, student organizations, faculty, staff, and members of the public may assemble and/or present speakers in the Institute's common outdoor areas without prior notice to or approval from the Institute.

3.3. Time, Place and Manner Restrictions. While freedom of speech and the right to assemble are valued and encouraged, the law recognizes that there is no absolute

right to freedom of speech or right to assemble, or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech.

3.3.1. Assembly on College Grounds. Any group or person, whether or not a student or employee of the Institute, may assemble and engage in expressive activities in the Institute's common outdoor areas subject to the Institute's reasonable time, place, and manner restrictions. The Institute may prohibit individuals' expressive activity if the Institute determines, after reasonable inquiry, that the expressive activity materially disrupts the functioning of the Institute; or constitutes a clear and present danger to the Institute's orderly operation; or violates other Institute policies or State or federal law.

3.3.2. Clear and Present Danger. Expressive conduct that constitutes a clear and present danger to the Institute's orderly operation by the speaker's advocacy (e.g., preparing the group addressed and steeling it to imminent action as opposed to the abstract espousal of the propriety of resort to force) is prohibited. In determining the existence of a clear and present danger, there must be not only advocacy to action but also reasonable apprehension of imminent danger to the essential functions and purposes of the Institute. In determining whether expressive activity constitutes a clear and present danger, the Institute may consider all relevant factors, including, for example, whether within the past five (5) years such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution. Such review will be exercised without regard to the viewpoint of any speaker.

3.4. Publications and Posters. No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on Institute grounds any petition, handbill, or piece of literature, work, or material (collectively "Literature") that is obscene, vulgar, libelous, constitutes commercial speech, or advocates for the deliberate violation of any federal, State, or local law. Literature may not be distributed where the manner or form of distribution constitutes disorderly conduct, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual. Subject to these reasonable time, place and manner restrictions, students, student organizations, faculty, staff, and members of the public may distribute or display Literature in the Institute's common outdoor areas without prior notice to or approval from the Institute.

3.4.1. "Advocacy" means addressing the group for imminent action and steeling, bolstering, or bracing it to such action as opposed to the abstract espousal of the moral propriety of a course of action.

3.4.2. Any group or person, whether or not a student or employee, demonstrating on campus shall adhere to the provisions of Section 4.30 of the Texas Education Code and Section 3.4 of Chapter VI of the TSUS Rules and Regulations.

3.5. Disruptive Activities. Disruptive activities are prohibited on the campus. The president shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities occurring on Institute premises. The president's review of the

alleged disruptive activities will be exercised without regard to the viewpoint of any group or individual.

4. Parades, Demonstrations, and Rallies

4.1. Parades, demonstrations, and rallies must not result in a breach of peace or violation of any law; or interfere with the free and unrestricted flow of pedestrian and vehicular traffic on campus or the entry or the exit to any campus building, structure or facility; or materially disrupt or interfere with the normal activities of the Institute.

4.2. No person or group conducting or participating in a parade, demonstration, or rally at the Institute may advocate for the deliberate violation of the law.

4.3. No parade, demonstration, or rally may take place inside any of the Institute's limited public forums or non-public forums.

4.4. Students, student organizations, faculty, staff, and members of the public may conduct or participate in a parade, demonstration, or rally in the Institute's common outdoor areas.

5. Alleged Violations of this Chapter

5.1. Individuals wishing to file a grievance regarding an alleged violation of Texas Education Code Section 51.9315 may make an online report via email at studentserv@lit.edu.

5.2. A student or student organization who violates a prohibition in this Chapter may be disciplined as provided in the Institute's Code of Conduct and Disciplinary Policy.

5.3. A faculty or staff member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other relevant rules. If no such procedures exist, alleged violations by staff members will be referred to Human Resources and alleged violations by faculty members will be referred to the Provost.

Reviewed: September 2023
Revised:

POLICY 8.24 ACADEMIC DISHONESTY

SCOPE: STUDENTS

1. In an attempt to clarify possible misunderstandings, Institute faculty and staff have developed some definitions and examples of two types of academic dishonestly: cheating and plagiarism.

    1.1. Cheating is defined as the giving or taking of information or material with the purpose of wrongfully aiding oneself or another person in academic work that is to be considered in determining a grade.

    1.2. Plagiarism, or literary theft, is defined as appropriating the literary composition of another person, including the parts, passages, or language of that writing, and passing off the appropriate material as one's own. Plagiarism is the failure to give proper credit or citation to one's sources(s) of information. It includes the failure to use conventional methods of documentation for material quoted or paraphrased. Additionally, plagiarism includes allowing someone else to compose or rewrite an assignment for a student.

2. Some examples of cheating and/or plagiarism include, but are not limited to, the following items:

    2.1. Asking for or giving another student information during a test;

    2.2. Copying answers from another student's paper or intentionally allowing someone to copy from one's own paper during a test;

    2.3. Using materials prohibited by the instructor during a test;

    2.4. Either impersonating another student during a test or having another person assume one's identity during a test.

    2.5. Changing answers on a previously graded test in order to have a grade revised;

    2.6. Stealing examination materials.

    2.7. Copying material, either exactly or in essence, and not providing appropriate documentation;

    2.8. Copying or falsifying a laboratory or clinical project/assignment, including computer programs, in either disk or hard copy form;

    2.9. Allowing someone else to compose or rewrite a student's assignment;

    2.10. Stealing, buying, selling, or otherwise providing research papers.

3. As with other violations of student conduct, cheating and/or plagiarism may result in <u>disciplinary action.</u>

Reviewed: September 2023
Revised

POLICY 8.25 STUDENT GRIEVANCE PROCEDURE

SCOPE: STUDENTS

1. Students should first attempt to resolve grievances locally and informally through discussion with campus officials. Students should first discuss grievances with the campus individuals with whom they have an unresolved issue. If the issue remains unresolved, the student should discuss the unresolved issue with the immediate supervisor.

    1.1. For Academic issues: The student should first discuss the issue with the instructor, then the department chair, Dean of Instruction and finally the Provost/Vice President of Instruction.

    1.2. For Non-academic issues: The student should first discuss the issue with the campus individual they have an issue, then their immediate supervisor, Associate Vice President of Student Services and finally Provost/Vice President of Instruction.

2. Each official, upon receipt of an issue or concern, shall investigate the circumstances (to include interviews with the individuals involved where necessary) and shall attempt to resolve the problem. If unable to do so, the official will refer the matter to the next higher level of responsibility.

3. If the issue or concern is not settled at the departmental level within 10 working days, then the issue shall be referred in writing to the Provost/Vice President of Instruction regardless whether the unresolved issue is academic or non-academic in nature.

4. The Provost/Vice President of Instruction will review the issue. If the issue remains unresolved, the vice president may recommend to the President the appointment of a Special Board to conduct a formal administrative hearing as the basis for final action by the President.

5. The basis on which a grade was awarded may not be challenged under this grievance procedure. The accuracy of recording the grade may, however, be challenged.

Reviewed: September 2023
Revised:

POLICY 8.26 CAMPUS CARRY

SCOPE: FACULTY, STAFF, STUDENTS, AND VISITORS

1. Any person, who holds a valid license to carry a handgun, is permitted to carry a concealed handgun anywhere on Lamar Institute of Technology (LIT) campus, including buildings, unless prohibited by state or federal law, or this policy.

    1.1. Except as stated below, LIT permits its faculty, staff, students and visitors holding a valid license to carry a handgun to carry concealed handguns on the campus.

    1.2. LIT students, faculty and staff, who attend classes, clinics, internships, co-ops, seminars and other LIT programs/events at off-campus agencies or sites, shall be subject to the laws, rules, regulations and policies addressing handgun carry for those agencies or sites.

    1.3. LIT students, faculty and staff, who utilize services and programs at Lamar University shall be subject to the university's campus carry policy.

2. Designated No Handgun Areas

    2.1. Lamar Institute of Technology has designated No Handgun Areas as those locations that are already prohibited by law per Texas Penal Code, Section 46.03. This includes areas being utilized by Early College High Schools on the LIT premises.

    2.2. A notice for 'No Handgun Areas' shall be displayed on campus. The notice must state:

        2.2.1. Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

        2.2.2. The notice may be provided to individuals on a card, document or sign. If notice is provided through signage, the sign must:

            2.2.2.1. Include the language italicized above in both English and Spanish;
            2.2.2.2. Use contrasting colors, block letters at least 1 inch in height; and;
            2.2.2.3. Be displayed in a conspicuous manner clearly visible to the public.

Reviewed: September 2023
Revised

POLICY 8.27 STUDENT TRAVEL

SCOPE: STUDENTS

1. Policy Statement/Definition

    1.1. LIT sanctioned travel is defined as travel away from campus, which occurs when any of the following applies:

        1.1.1. A LIT student organization or sponsored program plans to travel and the travel related event is representative of LIT.

        1.1.2. The travel is required by a student organization registered at LIT;

        1.1.3. A faculty or staff member serving in his or her official capacity super vises the travel; or

        1.1.4. Institutional, departmental or organizations resources are used (includes vehicles as well as financial resources).

2. Procedures

    2.1. The appropriate forms as well as accident and breakdown guidelines are available in the Student Government Association office.

        2.1.1. Students, student organizations, and individuals participating in LIT sponsored travel programs should take the following steps:

            2.1.1.1. Complete the Student Travel Form or the Student Group Travel List.

                2.1.1.1.1. All travelers must complete the Trip Release and Indemnity Form.

                2.1.1.1.2. Obtain photocopies of drivers' licenses and proof of liability insurance for all intended drivers and the Travel Checklist.

                2.1.1.1.3. Complete the Authorization for Medical Treatment Form for any travelers under 18 years of age.

                2.1.1.1.4. Complete and submit copies of all forms listed above to the appropriate office:

                2.1.1.1.4.1. Academic (course related) field trips should be forwarded to the appropriate department chair.

                2.1.1.1.4.2. Student organization travel should be forwarded to the business office via the Office of Student Services or designee. Student organizations should also maintain copies of each of these forms.

                2.1.1.1.5. All items listed above should be placed in the glove compartments of travel vehicles before departure.

3. Driver Requirements and Vehicle Use Guidelines

3.1. Drivers

3.1.1. Drivers must be at least 18 years of age, with a valid driver's license and valid liability insurance or lease policy insurance. If a LIT vehicle is used, all drivers must be LIT-approved drivers.

3.1.2. No driver shall have consumed any alcoholic beverages or ingested any chemical substance (prescription or over- the-counter) that would impair his or her ability to operate a motor vehicle within 12 hours of operating a vehicle.

3.1.3. Drivers must carry copies of pertinent LIT travel documents listed in section 2.

3.2. Vehicle Use

3.2.1. Smoking is not permitted in any LIT vehicle.

3.2.2. The transporting or consumption of alcoholic beverages is prohibited during LIT sanctioned travel.

3.2.3. No student shall be required to use his or her personal vehicle to perform LIT related activities.

3.2.4. Use of rental or institutional vehicles is encouraged. Contact the Student Government Association for information/ guidelines for rentals. If students use their own vehicles to drive themselves or transport other students as passengers to LIT-related activities, they should be aware that their personal insurance will be responsible for any liability that may arise from the trip.

3.3. Other Modes of Travel

3.3.1. Any LIT students or student organizations approved for LIT-sanctioned travel by modes of transportation other than cars, vans or personally operated vehicles (i.e., bus, train, airplane, etc.) must comply with all rules, regulations and requirements of the organizations, industries or groups providing such means of travel.

4. Standard of Conduct During LIT Sanctioned Travel

4.1. Any LIT student traveling off campus to LIT related functions or activities is expected to be fully acquainted with the guidelines of this LIT Student Travel Policy and Procedure Statement as well as The Student Code of Conduct which is available to each student for review online and in The LIT Catalog and Student Handbook. Additionally, students are expected to comply with all federal, state and local laws as well as LIT policies, in addition to the policies of any agency or organization to which the student travels.

4.2. Any student involved in LIT sanctioned travel who violates the LIT travel policy is subject to disciplinary action not withstanding any action taken by appropriate authorities because of the violations. This includes conduct which is likely to have an adverse effect on LIT.

5. Safety Guidelines

5.1. This section contains specific safety guidelines for student travelers. This information is intended to assist students during travel in an effort to encourage the safest possible travel.

5.1.1. The mode of transportation will be determined by the sponsoring department or student organization taking into consideration a combination of three primary factors:

5.1.1.1. number of participants traveling;
5.1.1.2. distance to be traveled; and
5.1.1.3. time-frame of the event.

5.1.2. A vehicle should not be loaded beyond its capacity to supply one seat belt for every person in the vehicle. On extended travel trips, vehicles should be under loaded. Loading of the vehicle shall be done in accordance with vehicle manufacturer recommendations. Particular attention should be paid in loading the large 15-passenger (3/4-ton) vans. No more than 12 passengers should be transported and even with a reduced load the driver must remain cautious when maneuvering or making quick turns in order to avoid a rollover.

5.1.3. The majority of driving should be during daylight hours. Night driving from midnight to 6 a.m. is discouraged.

5.1.4. If travel time is to exceed 12 hours, two or more persons must share the driving responsibility and rotate time behind the wheel in accordance with the section below. Trips exceeding 14 hours should be completed in two days and have no less than three drivers.

5.1.5. Drivers must take a "safety break" after three hours behind the wheel.

5.1.6. If inclement weather occurs, travel should be delayed until conditions are more suitable for travel. To check road and weather conditions in the state of Texas, call (800) 452-9292.

5.1.7. Road flares, cellular phones, reflectors and first aid kits, flashlight, water and a state map of Texas should be in every vehicle transporting students for college sanctioned activities.

5.1.8. Drivers will comply with all applicable traffic laws and regulations.

5.1.9. All occupants must use seat belts and appropriate safety devices when the vehicle is in motion.

5.1.10. All occupants must remain seated when the vehicle is in motion.

5.1.11. The following activities are prohibited for drivers while driving:

5.1.11.1. Operating a vehicle exceeding the maximum number of occupancy regulations.
5.1.11.2. Driving while under the influence of impairing drugs or alcohol.

5.1.11.3. Using radar/laser detection devices.
5.1.11.4. Use of headphones or earphones.
5.1.11.5. Use of cell phones.
5.1.11.6. Eating, smoking or drinking.

Reviewed: September 2023
Revised: November 6, 2023

POLICY 8.28 TEXAS SUCCESS INITIATIVE

SCOPE: STUDENTS

1. The Texas Higher Education Coordinating Board implemented Texas Success Initiative (TSI) rules.

    1.1. The TSI Assessment Exam is a comprehensive computerized adaptive testing system that helps place students into appropriate college credit courses or developmental courses.

        1.1.1. Placement and diagnostic exams are offered in:

            1.1.1.1. Mathematics,
            1.1.1.2. English Language Arts, and
            1.1.1.3. Reading.

        1.1.2. Scores are available to students upon completion of the exam.

2. Students are required to take the TSI Assessment Exam to determine their college readiness before enrolling in a college credit bearing course.

3. Before testing, students are required to complete the TSI Pre-Assessment Activity.

4. A degree seeking student who has not passed all portions of the TSI Assessment must enroll and regularly attend at least one developmental class each semester until they satisfy TSI requirements.

5. To register for the TSI Assessment Exam, students must pay a testing fee at the Cashier's Office then schedule an appointment to complete the TSI Assessment Exam in the Testing Center.

    5.1. Students may schedule a testing appointment for a specific day and time or may take the test immediately depending upon the availability of computers in the Testing Center.

    5.2. For information about the hours of operation, contact the Testing Center. All days and times are subject to change.

6. Exemptions: The following criteria are TSI exemptions:

    6.1. A graduate with an associate or higher degree from a regionally accredited institution of higher education.

    6.2. A student who transfers from a private or independent institution of higher education or an accredited out-of-state institution of higher education and who has satisfactorily completed college level course work of at least six equivalent credit hours (three math, three designated writing/reading courses) with a grade of "C" or better.

        6.2.1. The following courses are approved college level courses that satisfy TSI exemptions:
            6.2.1.1. Writing

6.2.1.1.1. ENGL 1301 - Composition I; or
6.2.1.1.2. ENGL 1302 - Composition II

6.2.1.2. Reading
6.2.1.2.1. HIST 1301 - United States History I,
6.2.1.2.2. HIST 1302 - United States History II;
6.2.1.2.3. ENGL 1301 - Composition I;
6.2.1.2.4. ENGL 2321 - British Literature,
6.2.1.2.5. ENGL 2333 - British Literature,
6.2.1.2.6. ENGL 2323 - British Literature;
6.2.1.2.7. ENGL 2331- World Literature,
6.2.1.2.8. ENGL 2332 - World Literature,
6.2.1.2.9. ENGL 2333 - World Literature;
6.2.1.2.10. ENGL 2326 - American Literature,
6.2.1.2.11. ENGL 2327 - American Literature,
6.2.1.2.12. ENGL 2328 - American Literature;
6.2.1.2.13. PSYC 2301 - General Psychology;
6.2.1.2.14. GOVT 2301 - American Government,
6.2.1.2.15. GOVT 2302 - American Government,
6.2.1.2.16. GOVT 2305 - Federal Government, or
6.2.1.2.17. GOVT 2306 - Texas Government

6.2.1.3. Mathematics
6.2.1.3.1. MATH 1332 - Contemporary Mathematics (Quantitative Reasoning);
6.2.1.3.2. MATH 1333 - Contemporary Mathematics II;
6.2.1.3.3. MATH 1314 - College Algebra;
6.2.1.3.4. MATH 1316 - Plane Trigonometry; or at the discretion of the institution, a grade of "C" or better in a more advanced mathematics course for which any of the above are prerequisites.

6.2.2. Partial exemption: At least three college-credit hours of College Algebra exempts students from the developmental math requirement, at least three college-credit hours of approved designated reading/writing classes exempts students from developmental reading AND developmental writing.

6.3. A student who transfers from any public Texas institution of higher education with completed requirements for Texas Success Initiative (TSI). Transcripts must be evaluated by the transcript evaluator.

6.4. A student who is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States and has been serving for at least three years preceding enrollment. Documentation is required.

6.5. A student who, on or after August 1, 1990, was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard, or service as a member of a reserve component of the armed forces of the United States.

6.6. Students not seeking a degree.

6.7. ACT administered prior to February 15, 2023: composite score of 23 with a minimum

of 19 on both the English and Math tests. ACT administered on or after February 15, 2023: a combined score of 40 on the English and Reading (E+R) and a score of 22 on the Math. There is no composite score required. The use of scores from both ACT administered prior and after February 15, 2023, are allowable, as long as the benchmarks set forth are met.

6.7.1. Scores are valid for five years.

6.8. SAT after March 5, 2016: Evidence-Based Reading and Writing (EBRW)-480 and Math 530.

6.8.1. Scores are valid for five years.

6.9. GED: A 165 in Math reasoning and/or 165 in Reasoning Through The Language Arts.

6.9.1. Scores are valid for five years.

6.10. HiSET: Minimum score of 15 on the Mathematics subtest. A minimum score of 15 on the Reading subtest and a minimum score of 15 on the Writing subtest, including a minimum score of 4 on the essay.

6.10.1. Scores are valid for five years.

6.11. Rules related to the Texas Education Code (TEC), Section 28.014, College Preparatory Course (CPC), Rule 4.54 Exemptions, Exceptions, and Waivers: A student who successfully completes a college preparatory course under Texas Education Code 28.014 is exempt for a period of 12 months from the date of high school graduation with respect to the content area of the course. The student must enroll in the student's first college-level course in the exempted content area in the student's first year of enrollment in an institution of higher education (We highly recommend the first semester). This exemption applies only at the institution of higher education that partners with the school district in which the student is enrolled to provide the course. Additionally, an institution of higher education may enter into a Memorandum of Understanding with a partnering institution of higher education to accept the exemption for the college preparatory course.

6.12. For a period of five (5) years from the date of testing, a student who is tested and performs at or above the following standards that cannot be raised by institutions:

6.12.1. STAAR end-of-course (EOC) with a minimum score of 4000 on Level 2 on the English III shall be exempt from the TSI Assessment required under this title for both reading and writing,

6.12.2. and a minimum score of 4000 on Level 2 on the Algebra II EOC shall be exempt from the TSI Assessment required under this title for the mathematics section.

Reviewed: September 2023
Revised:

POLICY 8.29 ACADEMIC FRESH START

SCOPE: STUDENTS

1. Applicants that seek admission to LIT and have academic credits or grades that were earned ten or more years prior to the semester in which enrollment is sought, may elect to enter under the terms of Academic Fresh Start Policy, Texas Education Code §51.931. The Academic Fresh Start Policy allows an applicant that is a Texas resident to petition LIT to not consider, in the admission process and graduation requirements, course credits or grades earned ten or more years prior to admission. Applicants that want to seek entry under this section will not receive credit for courses taken ten or more years prior to enrollment. An applicant who decides to apply under this statute may not receive any course credit for courses taken at any college or university ten (10) or more years prior to enrollment.

2. Applicants applying under Academic Fresh Start are subject to standard admission and TSI criteria.

3. Applicants must deliver a written request to the Associate Dean of Student Services/Registrar.

4. Academic Fresh Start granted by LIT only applies while enrolled at LIT.

Reviewed: September 2023
Revised:

POLICY 8.30 GRADUATION

SCOPE: STUDENTS

1. **Graduation under a Particular Catalog**: A student must satisfy the degree requirements published in the catalog in effect at the time they registered for the first time.

    1.1. Students that enroll and have a break in enrollment of one sixteen-week semester must re-apply. When the student is re-admitted they must meet the degree requirements in effect at the time of their re-admission.

    1.2. Exceptions include:

        1.2.1. A catalog more than seven years old shall not be used;

        1.2.2. The student who interrupts enrollment for involuntary military service may re-enroll within one year from the date of separation from military service in order for this provision to apply. For these purposes, enrollment shall be defined as registration for and successful completion of at least one course during an academic term. A student forced to withdraw for adequate cause before completion of a course may petition for a waiver of this provision at the time of withdrawal.

        1.2.3. If a student changes their major, the degree requirements and program requirements in effect at the time of the change of major must be satisfied by the student. At the discretion of the appropriate departmental chair, students may be required to comply with all changes in the curriculum made subsequent to the year in which they were initially enrolled.

2. **Graduation**: Graduation marks the point when a student has completed all of the requirements to earn a degree or certificate.

    2.1. Graduation candidates must notify the degree department, early in their final semester, of their intent to graduate.

        2.1.1. To graduate, the student must notify the department office and apply for graduation at Student Services or online.

        2.1.2. Students who do not complete the process will not graduate nor receive a diploma.

    2.2. Candidates for graduation are required to wear the graduation regalia designated by LIT during the commencement ceremonies.

    2.3. If a student fails to complete the graduation process, LIT reserves the right to award a degree or certificate when the requirements have been met.

3. **Graduation Ceremony:**

   3.1. Graduation ceremonies are scheduled in May and December. To participate in the Graduation Ceremony, students must have completed the application for graduation and be eligible to graduate the current or following fall or spring semester.

   3.2. Participation in the Graduation Ceremony should not be considered evidence that the student has satisfied all graduation requirements.

4. **Graduating with Honors:**

5. Students that achieve academic excellence are recognized as honor graduates.

   5.1. Honor graduates are identified by meeting specific criteria. The criteria include:

      5.1.1. completion of at least twenty-four semester credit hours (24 SCH) at Lamar Institute of Technology and

      5.1.2. have a minimum grade point average of 3.5 for all courses that apply to the program of study.

   5.2. There are three levels of honors. The levels are:

      5.2.1. Summa Cum Laude (highest honors) 3.80-4.00 GPA,

      5.2.2. Magna Cum Laude (high honors) 3.65-3.79 GPA, and

      5.2.3. Cum Laude (honors) 3.50-3.64 GPA.

   5.3. Students earn honor status based upon their Cumulative Grade Point Average.

      5.3.1. Grades made during the semester of graduation are included in the calculation of GPAs for honors, which will be displayed on diplomas and final transcripts.

      5.3.2. Honor graduates will be recognized during graduation ceremonies based on their GPA on the census day of their graduating semester.

      5.3.3. Grades earned in transfer credit will be included in the honor calculations.

Reviewed: September 2023
Revised:

POLICY 8.31 DEGREE REQUIREMENTS

SCOPE: STUDENTS

1. **Associate Degrees**: Students seeking an Associate (AA/AS) degree must complete the Recommended Program of Study. The program of study includes sixty (60) semester credit hours.

    1.1. Students must satisfy the following requirements to earn an Academic Associate Degree:

        1.1.1. Meet all admission requirements.

        1.1.2. Complete the Core Curriculum.

        1.1.3. Complete a Recommended Program of Study.

        1.1.4. Complete twenty-five percent of coursework in the Recommended Program of Study at Lamar Institute of Technology (LIT).

        1.1.5. Earn at least a 'C' in all program specific courses. Credit for general education courses may be awarded a 'D' or better. Consult the applicable program information in the LIT catalog for specific requirements.

        1.1.6. Earn a minimum of a 2.0 Cumulative Grade Point Average for all courses within the Recommended Program of Study.

        1.1.7. Complete the College Success Skills Course (DORI 0200) or be exempt.

        1.1.8. Successfully complete all Texas Success Initiative (TSI) requirements

2. **Associate of Applied Science Degrees**: Students must satisfy the following requirements to be awarded an Associate of Applied Science Degree:

    2.1. Meet all admission requirements.

    2.2. Complete a Recommended Program of Study.

    2.3. Complete a minimum of fifteen semester credit hours (15 SCH) of general education courses in humanities/fine arts, social/behavioral sciences, and natural science/mathematics.

    2.4. Demonstrate competencies in reading, writing, and oral communication. Courses that satisfy the competencies include Composition I (ENGL 1301) and Public Speaking (SPCH 1315).

    2.5. Twenty-five percent of coursework in the Recommended Program of Study must be completed at Lamar Institute of Technology.

2.6. Earn at least a 'D' in Composition I (ENGL 1301) and Contemporary Mathematics I (MATH 1332) or College Algebra (MATH 1314) courses used to satisfy the Recommended Program of Study.

2.7. Earn at least a 'C' in all program specific course(s) in the Recommended Program of Study. Credit for general education courses may be awarded a 'D' or better. Consult the applicable program information in the LIT catalog for specific requirements.

2.8. Earn a minimum of a 2.0 Cumulative Grade Point Average for all courses within the Recommended Program of Study.

2.9. Complete additional requirements of individual programs.

2.10. Complete the College Success Skills Course (DORI 0200).

2.11. Successfully complete all Texas Success Initiative (TSI) requirements.

3. Core Curriculum: In each Associate of Applied Science degree program, LIT requires the completion of general education or academic courses at the college level that ensures breadth of knowledge and is based on a coherent rationale.

3.1. Students who plan to complete an Associate of Applied Science degree must complete a minimum of fifteen semester credit hours (15 SCH) of general education courses. These courses are to be drawn from and include at least one course from each of the following areas:

3.1.1. humanities/fine arts,

3.1.2. social/behavioral sciences, and

3.1.3. natural science/mathematics.

3.2. Students completing a program of study that results in the award of a certificate may not be required to complete general education courses.

3.3. Acceptable academic college level courses may be used to meet degree requirements. The following table should serve as a guideline to make the determination if academic college level courses may be used to meet the requirements of an Associate of Applied Science Degree.

Humanities/Fine Arts	Social/Behavioral Science	Natural Science & Math
Classical Languages	Anthropology	Biology
Cultural Studies	Economics	Chemistry
Drama/Art/Music	Government	Computer Science
Ethics	History	Geology
Humanities	Psychology	Math
Journalism	Sociology	Physics
Literature		Philosophy

4. **Certificates**: Students must complete the following requirements to receive a Certificate:

    4.1. Meet all admission requirements.

    4.2. Complete a Recommended Program of Study for a certificate award.

    4.3. Earn at least a 'C' in all program specific course(s). Credit for general education courses may be awarded a 'D' or better. Consult the applicable program information in the LIT catalog for specific requirements.

    4.4. Complete additional requirements of individual programs.

    4.5. Complete the College Success Skills Course (DORI 200) if required for the certificate.

Reviewed: September 2023
Revised:

POLICY 8.32 STUDENT ADMISSIONS PROCESS

SCOPE: STUDENTS

Reaffirmed by: Executive Team

Lamar Institute of Technology (LIT) is an open admission college who welcomes any student interested in education and personal improvement. The Office of Student Services provides complete admissions assistance for entering students. Correspondence pertaining to admissions should be addressed to the Office of Student Services, Lamar Institute of Technology, P.O. Box 10043, Beaumont, TX 77710. Students are admitted without regard to race, color, creed, gender, age, national origin or disabilities.

The president is authorized to establish rules governing the admissions of students to Lamar Institute of Technology in accordance with statute, law, and rule.

Admission to LIT does not guarantee admission to specific courses or programs of study. Prerequisites and co-requisites are required for some courses. LIT reserves the right to refuse admission or readmission to any applicant who does not satisfy the admission criteria.

A student may be admitted to LIT based on one of the following criteria:

- High School Graduate
- High School Completer
- GED Certificate Holder
- Dual Enrollment Student
- Readmission Student
- Transfer Student
- International Student

Procedure:

1. New students seeking admission to college credit and certificate programs must complete an Admissions application and comply with all admissions requirements.

    1.1. All methods of admission listed above require completion of an Application for Admission. Students should apply online at applytexas.org.

    1.2. Students applying to Lamar Institute of Technology must have had a bacterial meningitis vaccine.

        1.2.1 A student is not required to submit evidence of receiving the vaccination against bacterial meningitis if the student meets any of the following criteria: 1) the student is 22 years of age or older by the first day of the start of the semester or 2) the student is enrolled only in online or other distance education courses; or 3) the student is enrolled in a continuing education course or program that is less than 360 contact hours, or continuing education corporate training; or 4) the student is enrolled in a dual credit course which is taught at a public or private K-12 facility not located on a higher education institution campus; or 5) the student is incarcerated in a Texas prison.

        1.2.2 A student is not required to submit evidence of receiving the vaccination

against bacterial meningitis if the student submits to the institution: 1) an affidavit or certificate signed by a physician who is duly registered and licensed to practice medicine in the United States, stating that in the physician's opinion, the vaccination would be injurious to the health and well-being of the student; or 2) an affidavit signed by the student stating that the student declines the vaccination for reasons of conscience, including a religious belief. A conscientious exemption form from the Texas Department of State Health Services (DSHS) must be used; or 3) confirmation that the student has completed the Internet-based Department of State Health Services form to claim an exemption for reasons of conscience (for entering students at public junior colleges only).

1.3. Students must submit high school transcript or GED scores.

1.3.1. High school transcript required if student has fewer than 18 semester credit hours.

1.3.2. Transfer students who have successfully completed at least 18 hours of college credit may provide official college transcripts in lieu of high school transcripts.

1.3.3. All applicants, except for dual enrollment and home-schooled students, must have either an official copy of their high school transcript sent directly to the College or provide a copy of their GED diploma (and GED scores if from out-of-state) or high school equivalency scores that meet admissions standards.

1.4. Students must submit official college transcripts from all attended colleges.

1.5. Degree-seeking students must submit TSI (Texas Success Initiative) Assessment scores, unless exempt.

1.6. Applicants for limited enrollment or selective programs may be required to provide additional documentation. Selective program applicants are referred to respective departments and program advisors for guidance.

1.7. Returning LIT students must reapply by updating their previous application if the last date of enrollment is over one year old or if they have attended another college/university since attending LIT.

1.8. Admissions "holds" are placed on the applicant's record when required documents have not been provided or an incomplete application has been submitted.

1.9. An electronic file will be created for each new applicant. All documents will be filed as received. The Admissions and Records Office is responsible for maintaining and updating student files.

1.10. Admissions and Records will notify each applicant of his/her acceptance (if all documents are received) or inform the students if any additional information is needed to complete the admissions process.

As transcripts and other required documents are received, the Admissions and Records Office

will remove or add admission holds as appropriate. If test scores appear on a high school/college transcript, scores will be added to the students electronic file.

2. Student Admissions Criteria:

2.1. High School Graduate:

2.1.1 High school graduates must submit an official high school transcript and an Application for Admission. Applications should be submitted on www.GoApplyTexas.org. Students who plan to complete an Associate of Applied Science or Academic Associate of Arts/Science degree must submit the results of the TSI Assessment Test.

2.2. High School Completer:

2.2.1 Students who do not have a high school diploma, have not passed the STAAR test nor received a GED may apply for admission to LIT through individual approval.

2.3. General Equivalency Diploma (GED) Holders:

2.3.1 A holder of a GED certificate must submit GED scores with an Application for Admission.

2.3.2 Applications should be completed at applytexas.org. If applicants do not have a certificate or copy of their GED scores, they should contact their local school districts to request a transcript. Texas students can print a GED transcript from tea.texas.gov.

2.4. Dual Enrollment Student:

2.4.1. Lamar Institute of Technology (LIT) has agreements with several school districts to offer dual enrollment or co-enrollment opportunities for high school students.

2.4.2. High school students attending LIT are subject to all requirements regarding assessment, admissions, academic standards, and conduct. Students are eligible to enroll in dual credit courses if they demonstrate college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative (TSI) or if they are exempt under the provisions of the TSI. Dual enrollment students may enroll in a dual credit course with the following EOC scores:

a. English II EOC (4000)
b. Algebra I EOC (4000)+ Algebra II course (grade of A, B, or C)
c. PSAT, SAT and ACT scores may also be used to meet TSI requirements.

2.4.3. To enroll in dual enrollment courses, students must apply using applytexas.org and select certificate programs as your first-choice school and high school co-enrollment as your first choice major.

2.4.4 For more information on dual enrollment, please contact LIT's Dual Credit

Department (409) 951-5711 and refer to Policy 8.33.

2.5. Readmission Student:

2.5.1. Students previously enrolled at Lamar Institute of Technology (who have not been registered at LIT for two long semesters or more) must reapply for admission on applytexas.org to be re-admitted.

2.5.2. Re-admission may require a student to complete new statewide testing requirements.

2.5.3. Students with unsettled financial debts or with incomplete records will not be allowed to register until such problems are resolved.

2.5.4. Students on disciplinary probation or suspension and/or academic suspension are not eligible to return until the terms of their suspension are complete. After readmission, probated or suspended students must meet with the Associate Vice President of Student Services before registering for classes.

2.6. Transfer Student:

2.6.1. Transfer students are considered for admission on the basis of their previous university and college records. Applicants must apply for Admission at applytexas.org and submit official transcripts from all universities and colleges attended.

2.6.2. Students transferring with less than 18 hours of college credit must also submit an official high school transcript. Students transferring to LIT must be "in good standing" at previous educational institutions attended.

2.6.3. Students on academic suspension/probation from another institution must petition the Provost/Vice President for Instruction for acceptance.

2.6.4. Likewise, students who wish to transfer from institutions where they are on disciplinary probation and/or suspension may enter LIT only with the approval of the Associate Vice President of Student Services.

2.6.5. Refer to Policy 2.47 for additional transfer student guidance.

2.7 International Student:

2.7.1. Students from other countries holding a visa other than a permanent resident visa are considered international students. Applicants to Lamar Institute of Technology may be accepted for admission and have a SEVIS I-20 (F-1 visa) or Form DS-2019 (J-1 visa) issued when all requirements have been met. These requirements include:

2.7.2 LIT Application for Admission at applytexas.org

2.7.3 International Student Application for Admission http://international.lamar.edu/

2.7.4. Official secondary school, college, or university records (if applicable)

translated in English and evaluated for authentication from a recognized United States evaluation company. Documents that have not been evaluated properly or are photocopies are not acceptable. Both of these documents, foreign documents and translation, must be submitted with the application to the International Admissions Office. The transfer evaluation and document authentication must be completed for all documents before the student will be reviewed for admission and/or accepted by LIT. Records must show all subjects taken and grades or marks earned in each, both from the school and on tests given by the Ministry of Education. To evaluate documents, students may select from the following website: http://www.wes.org/

2.7.5 Evidence of sufficient financial support for the current academic year by submitting the International Student Financial Statement or an I-134 (Affidavit of Support; United States Citizenship & Immigration Services document). This financial statement must be an original, currently dated, and show funds in United States dollars.

2.7.6. Adequate proof of competency in English or a score of 500 or better on the Test of English as a Foreign Language (TOEFL) paper-based test, 61 or better on the TOEFL (Internet Based Test) or 173 or better on the TOEFL (Computer Based Test), administered by the College Entrance Examination Board, Box 595, Princeton, NJ 08540. Scores must be received directly from the testing service. Photocopies or student copies of test scores will not be accepted.

2.7.7. All international application forms, test scores, financial statements, and complete educational records must be on file in the International Admissions Office (http://international.lamar.edu/) by the dates indicated:

Fall Semester: July 1
Spring Semester: December 1
Summer Semester: April 15

2.7.8 International students who plan to transfer to Lamar Institute of Technology from another college in the United States must be in compliance with the United States Citizenship & Immigration Service federal regulations. Should you have any questions concerning this issue, please contact the International Admissions Office at (409) 880-8356 or by email: international@lamar.edu .

2.7.9 Applicants accepted by Lamar Institute of Technology are required to attend a special orientation program for international students new to the campus. Dates for the program are indicated in the acceptance letter and noted on Form I-20 or Form DS-2019, "Date of Arrival." The program is designed to facilitate a smooth adjustment to campus. Students whose native language is not English will be tested for English language proficiency upon arrival. On the basis of these test scores, appropriate courses in English may be required.

2.7.10 International students must maintain proof of adequate health insurance

coverage with the University Student Insurance Program for the duration of their stay in the United States. Students will not be permitted to register without proof of health insurance coverage. International students who plan to drive an automobile in the State of Texas must have liability insurance. Special application forms and details on the procedure to follow in making application for admission to Lamar Institute of Technology may be secured by writing to:

Office of International Admissions
http://international.lamar.edu/
P. O. Box 10078
Beaumont, TX 77710
USA

POLICY 8.33 ADMISSION TO DUAL CREDIT PROGRAMS

SCOPE: STUDENTS

Reaffirmed by: Executive Team

Lamar Institute of Technology (LIT) is an open admission college who welcomes any student interested in education and personal improvement. The Office of Student Services provides complete admissions assistance for entering students. Correspondence pertaining to admissions should be addressed to the Office of Student Services, Lamar Institute of Technology, P.O. Box 10043, Beaumont, TX 77710. Students are admitted without regard to race, color, creed, gender, age, national origin or disabilities.

The president is authorized to establish rules governing the admissions of students to Lamar Institute of Technology in accordance with statue, law, and rule.

LIT establishes processes for admitting public school, charter school, private school, and homeschooled students to Dual Credit (DC) programs.

Admission to LIT does not guarantee admission to specific courses on programs of study. Prerequisites and co-requisites are required for some courses. Lit reserves the right to refuse admission or readmission to any applicant who does not satisfy the admission criteria.

Procedure:

General information sessions will be regularly scheduled at area high schools each year. These sessions will introduce parents and students to information about dual credit opportunities and requirements. Additionally, the Student and Parent Dual Credit Resource Guide, program pathways, application for admission to dual credit, and frequently asked questions can be found on the LIT website. All students interested in dual credit should initially contact their high school guidance counselor for additional information. Home schooled students should contact the LIT Dual Credit Department for additional information.

1. Public, Charter School, and Private high school

    1.1. Academic and Technical Credit

        1.1.1. Eligibility
        Dual credit student eligibility based on guidelines prescribed by Texas Administrative Code, Title 19, Chapter 4 Subchapter D.

        1.1.2 Admission
        High school students who wish to take college coursework that applies toward both high school graduation and college credit coursework must complete the following steps:
            a. Complete LIT's Admissions Application. www.Applytexas.org
            b. Go-Apply-TX Instructions
            c. Notify their home campus designated dual credit liaison of completion.

    1.2. Students taking general education courses will need to meet TSI (Texas Success

Initiative) requirements.

1.3. Testing will need to be arranged with student's respective high school or LIT's Testing Center.

1.3.1. Fall enrollment testing is scheduled between March and May.

1.3.2. Spring enrollment testing is scheduled between October and November.

1.4. Orientation

1.4.1. Students attending early college are required to attend orientation and/or summer bridge activities.

1.5. Registration

1.5.1. Students who have completed the admissions process, have evidence of appropriate test scores (if applicable), and have permission of their high school guidance counselor will be eligible to register for dual credit courses.

1.5.2. LIT's Dual Credit office will coordinate with the appropriate high school guidance counselor and/or personnel to officially register eligible students.

2. Homeschool

2.1 Academic and Technical Credit

2.1.1. Eligibility
Dual credit student eligibility based on guidelines prescribed by Texas Administrative Code, Title 19, Chapter 4 Subchapter D.

2.1.2 Admission
High school students who wish to take college coursework that applies toward both high school graduation and college credit coursework must complete the following steps:

a) Complete LIT's Admissions Application. www.Applytexas.org
b) Go-Apply-TX Instructions
c) Notify their home campus designated dual credit liaison of completion.

2.2. Students taking general education courses will need to meet TSI (Texas Success Initiative) requirements.

2.3. Testing (if needed) will need to be arranged at LIT's Testing Center.

2.3.1. Fall enrollment testing is scheduled between March and May.

2.3.2 Spring enrollment testing is scheduled between October and November.

2.4 Orientation

2.4.1. Students attending dual credit will be welcomed to attend an orientation session.

2.5. Registration

2.5.1. Students who have completed the admissions process, have evidence of appropriate test scores (if applicable), and have permission of their parents or homeschool officials will be eligible to register for dual credit courses.

2.5.2. Parents or homeschool officials must submit a list of courses the student needs to complete their high school education to LIT's Dual Credit Office.

2.5.3. LIT's Dual Credit Office is responsible for approving the student's registration form each term.

2.5.4. Students may register during the regular registration scheduled dates at any LIT.

2.5.5. Students must be at the secondary level and must have a minimum of a 3.0 GPA for college transfer course enrollment and 2.0 for technical course enrollment.

2.5.6. Transcripts of high school, homeschool, and/or private school courses previously taken must be submitted to LIT's Admissions Office for evaluation prior to registration.

2.5.7. At the end of each academic year, an updated transcript must be submitted to the coordinator, admissions prior to each fall term registration.

2.5.8. Parents must submit a signed affidavit of Home Education program approved by the county and/or a signed affidavit from the private school administrator.

2.5.9. Parents are responsible for transporting students to the College.

POLICY 8.34 ADMISSION TO SELECTIVE PROGRAMS

SCOPE: STUDENTS

Reaffirmed by: Executive Team

Lamar Institute of Technology (LIT) is an open admission college who welcomes any student interested in education and personal improvement. The Office of Student Services provides complete admissions assistance for entering students. Correspondence pertaining to admissions should be addressed to the Office of Student Services, Lamar Institute of Technology, P.O. Box 10043, Beaumont, TX 77710. Students are admitted without regard to race, color, creed, gender, age, national origin or disabilities.

LIT establish standards for admission to the associate, certificate, and other programs based on guidelines prescribed by Texas statutes and the Texas State University System.

The president is authorized to establish rules governing the admissions of students to Lamar Institute of Technology in accordance with statute, law, and rule.

Admission to LIT does not guarantee admission to specific courses or programs of study. LIT reserves the right to refuse admission or readmission to any applicant who does not satisfy the admission criteria.

LIT's selective programs may require prerequisites, co-requisites, program specific applications, screenings, mandated orientations, etc.
Procedure:

The following are recognized selective programs:

- Allied Health and Sciences:
    - Dental Hygiene
    - Diagnostic Medical Sonography
    - Diagnostic Cardiac Sonography
    - Radiologic Technology
    - Respiratory Care

- Public Service and Safety:
    - Regional Fire Academy
    - Regional Police Academy

ALLIED HEALTH AND SCIENCES SELECTIVE:

1. Procedure for Admissions to Allied Health Programs

Please note that acceptance to LIT and sending your official transcripts is a required first step of the application process. LIT's admissions acceptance is not an acceptance to the program. Every prospective student must apply for admissions to LIT.

1.1 Apply to LIT using www.applytexas.org.

1.2 Send the official high school transcript, all college transcripts, and SAT or ACT test

results to LIT Admissions at P.O. Box 10043 Beaumont, TX 77710 or email to Admissions@lit.edu.

1.3 Students accepted to LIT will be issued a T-Number (student identification number) which is required to apply to the programs.

1.4 Your comprehensive college GPA must be 2.5 or higher to enter into any Allied Health program.

1.5 Grades in all prerequisite coursework must be a “C” or higher.

1.6 Grade replacements will be recorded as the highest grade earned.

1.7 Grades from all science courses must be within the last five years.

1.8 Successfully complete DORI 0200 or meet approved exemptions prior to acceptance into the healthcare professions program.

1.9 Must have passed **all** sections of Texas Success Initiative (TSI), an approved alternative test, or be exempted from the test

1.10 The TEAS exam must be taken prior to applying to any Healthcare Professions Programs

1.10.1 Register through the ATI website at atitesting.com for the TEAS for Allied Health OR TEAS for Nursing Students as specified by the professional program.

1.10.2 Special accommodations should be made with Special Populations and Testing Center before registering with ATI to ensure resources are available.

1.10.3 Special Populations: specialpopulations@lit.edu | 409-951-5708

1.10.4 Testing Center: testingcenter@lit.edu | 409-247-4978

1.10.5 Exam fee $107.00

1.10.6 One exam transcript (exam score) will be provided to the school of the student’s choice with the purchase of the ATI TEAS exam. Additional transcripts (exam scores) may be purchased and sent to additional schools. See the ATI website for the cost of additional transcripts (atitesting.com).

1.10.7 *Important Note:* Check the testing registration schedule and avoid waiting until the end of the testing period to assure testing times are available prior to the admission deadline. Admission packets will not be accepted past the deadline.

2. Terms and Conditions for Admissions

Applicant's Responsibilities

The applicant must maintain a professional and civil demeanor throughout the application process. The applicant must keep his/her mailing address current with the LIT Department of Allied Health Office as well as the LIT Admissions and Records Office.

Selective Admission

Admission to individual Healthcare Professions programs is selective with the number of students admitted based on facility constraints. Admission to LIT does not guarantee admission to specific programs. Each program utilizes a competitive and selective admissions process to choose the most qualified applicants.

Selection of Applicants is Based On

1. Overall college GPA
2. Science GPA
3. Number of Repeated courses
4. TEAS Scores
5. Completion of additional Allied Health courses and co-requisite courses within the degree plan

Incomplete/Late Applications

Incomplete applications or applications submitted after the deadline will not be considered. Admission information is subject to change, and is not a contract.

Conditional Acceptance

Acceptance into Allied Health programs is conditional, pending completion of all required documentation by the stated deadline:

1. immunizations
2. health history and physical
3. satisfactory criminal background check

Conditional acceptance to a Healthcare Professions program is forfeited if requirements are not submitted by the stated deadline.

1. Physical and Immunizations: Healthcare Professions students must complete an annual physical and provide record of the following immunizations before providing direct patient care. If records are not available, immunity can be confirmed by serologic testing.
    a. Documented history of varicella disease or received varicella immunization (2 doses)
    b. Two doses of measles-containing vaccine, preferably the MMR vaccine
    c. Tetanus vaccine within the past ten (10) years
    d. Hepatitis B vaccine series

e. Documented current tuberculin skin test that is negative for Tuberculosis or TB questionnaire and clearance of chest x-ray in accordance with CDC policy (refer to Healthcare Program deadline for completion).

2. Health History and Physical: The Healthcare Professions program will provide the Health History and Physical format required upon acceptance.
3. Criminal Background Screening: The Joint Commission requires Clinical Affiliates of LIT to ensure that healthcare providers having contact with patients are free of any past or present criminal behavior that might jeopardize the welfare of the patient or personnel.

All applicants must submit to a Criminal Background screening via Castlebranch, a background check service that allows students to purchase their own background check. This screening must be completed after acceptance to the program, but before beginning healthcare professions classes. Results of the background check are posted on the Castlebranch.com website in a secure, tamper-proof environment, where the student, as well as LIT can view the background check. The committee will access the records online; therefore, students are not required to submit a paper copy of the background check.

The clinical agencies used by LIT are required by The Joint Commission to ensure that personnel having contact with patients be free of any past or present criminal behavior that might jeopardize the welfare of the patient or personnel.

The following criminal histories *will prohibit* a student from enrolling in any of our healthcare professions clinical courses.

a. Misdemeanor conviction/deferred adjudication or felony conviction/deferred adjudication involving crimes against persons (physical or sexual abuse).
b. Misdemeanor convictions/deferred adjudication related to normal turpitude (prostitution, public lewdness/exposures, etc.).
c. Felony convictions/deferred adjudication for the sale, possession, distribution, or transfer of narcotics or controlled substances.
d. Registered sex offenders.
e. Healthcare professions programs also adhere to State Legislation that may hinder someone from working in the Healthcare industry.

Note: Students not accepted into one of the programs must submit a new application for consideration for admission the following year. If the student has taken additional courses, they will also need to submit new transcripts with the new application.

Below are links to each individual program's additional requirements and a letter from the Program Director. Please review these for each of the programs you are interested in before filling out the application.

Dental Hygiene
https://www.lit.edu/Content/pdf/AH2023_DentalHygieneApplicationInstructions_2023_2024.pdf

Diagnostic Cardiac Sonography
https://www.lit.edu/Content/pdf/AH2023_DiagnosticCardiacSonographyInstructions_10_23.pdf

Diagnostic Medical Sonography
https://www.lit.edu/Content/pdf/AH2023_DiagnosticMedicalSonographyInstructions_10_22.pdf

Radiology
https://www.lit.edu/Content/pdf/AH2023_RadiologicTechnologyInstructions_10_23.pdf

Respiratory Care
https://www.lit.edu/Content/pdf/AH2023_RespiratoryApplicationInstructions_11_20_23.pdf

PUBLIC SERVICE AND SAFETY SELECTIVE PROGRAMS

Procedures for Admission to Public Service and Safety Programs

Please note that acceptance to LIT and sending your official transcripts is a required first step of the application process. LIT's admissions acceptance is not an acceptance to the program. You will not be allowed to proceed without doing so first. Apply for LIT Admissions using www.applytexas.org.

1. Have your official high school and **ALL** college transcripts sent to LIT Admissions at P.O. Box 10043 Beaumont, TX 77710 or email to Admissions@lit.edu. Results of SAT or ACT test should be sent as well.

2. Your T-Number, which you will receive upon acceptance to LIT, will be **required** to apply to the programs.

A. REGIONAL POLICE ACADEMY

1. The first step in this process is to successfully complete the entrance exam with a passing score of 70 or above. The testing dates are the dates posted on the academy webpage.

2. Check to make sure you meet the minimum requirements for entry into the academy. If you have a deferred, adjudicated conviction; this will count as a conviction as far as the Texas Commission on Law Enforcement (TCOLE) is concerned. Contact the academy if you have questions concerning this issue. Minimum Standards for Entry are available on the LIT website (https://lit.edu/programs/public-service-and-safety/regional-police-academy/certificate/learn-more)

3. Attend Regional Police Academy Orientation
   a. Candidates who have successfully completed the entrance exam by the date of orientation will be notified by Academy staff.
   b. Complete and submit the following paperwork:
      1. Advising Form- fill out, do not register. The academy staff will register accepted students.
      2. Academy Personal History Statement (P.H.S.) Application - 4-page document
      3. C-1 Form, otherwise known as the TCOLE PID Assignment Form
   c. Attend an interview after this session or schedule a phone interview or personal appointment with Police Academy Staff.

4. Follow required steps to complete background check, physical assessment, psychological evaluation and submit all required paperwork to the Police Academy Program Office.
   a. Schedule your "FAST" (background check) appointment. The instructions page is included in this packet received during Orientation.
   b. Schedule your medical exam/drug screen. The contact information is included in this packet along with the required forms you will need to bring to your appointment. (L-2). Your medical exam/drug screen need to be completed and the results received prior to the first day of the academy. If we do not have this information you will not be allowed entry into the academy.
   c. Schedule your psychological exam. This should be the last exam to schedule. This exam usually runs around $425.00 Make sure you bring a copy of your TCOLE Personal History Statement (34-page document) and your L-3 form with you to the appointment. TCOLE Personal History Statement-must be notarized before submitting. Your psychological exam needs to be completed and the results received prior to the first day of the academy. If we do not have this information, you will not be allowed entry into the academy.
   d. Submit documentation.
      1. Required forms were provided at orientation.
         a. Schedule an appointment to drop-off your paperwork.
         b. Submit a copy of your driver's license record. Information is available on the Texas DPS website.
      2. If you have an out of state driver's license, contact the state police of the state that issued it. We will also need certified copies of your Birth Certificate, High School Diploma or Transcript, College Transcripts, and DD-214, if applicable.

Terms and Conditions for Admissions

a. **Minimum Standards for Entry**

Prospective cadets must meet the minimum standards for training established by the Texas Commission on Law Enforcement (TCOLE).

b. **Criminal History**

All Applicants must:

1. Not be currently charged with or under indictment for any criminal offense
2. Have never been convicted of any family violence offense
3. Have never been convicted of any felony offense
4. Have never been convicted of any Class A Misdemeanor offense
5. Not have been convicted of a Class B Misdemeanor offense within the last ten years
6. Have never received deferred adjudication, court-ordered community supervision, or probation for any felony offense
7. Have never received deferred adjudication, court-ordered community supervision, or probation for a Class A Misdemeanor
8. Not have received deferred adjudication, court-ordered community supervision, or probation for a Class B Misdemeanor within the last ten years
9. Not be prohibited by state or federal law from operating a motor vehicle
10. Not be prohibited by state or federal law from possessing firearms or ammunition

11. Not have excessive or recent criminal arrests or detentions which indicate a lack of maturity, poor judgment, or deficient moral character

c. **Age**

Applicants must be 21 years of age by the first day of the course (Exceptions that still comply with Rule 217.1 made at the director's discretion).

d. **Education**

Applicants must have received a high school diploma OR received a high school equivalency (GED) certificate.
(This education requirement may be waived if the applicant has received an honorable discharge from the armed forces of the United States after at least 24 months of active duty service) (OC 1701.255);

e. **Physical Health**

Applicants must be examined by a physician authorized by the Academy and be determined to:
Be physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought.
Show no trace of drug dependency or illegal drug use after a physical examination, blood test or other medical test.
Have no obvious medical condition or impairment that would preclude the applicant from fulfilling the requirements of the course
(The director may, at his discretion, require such an examination at any time after acceptance into the course)

f. **Mental Health**

Applicants must pass a psychological evaluation, demonstrating them to be in satisfactory psychological and emotional health to serve as a peace officer.
(The director may, at his discretion, require such an examination at any time before or after acceptance into the course)

g. **Academic Ability**

Independent applicants must demonstrate the ability to perform academically by passing a basic knowledge test. The Police Applicant Preparation Guide is a study guide for the entrance exam. Bannon & Associates publish the exam and the preparation guide. The following link guides the applicants to the Bannon & Associates website, where it can be purchased. https://bannonandassociates.com/testing.php

h. **Military Service**

All applicants having military service may not have been discharged from any military service under less than honorable conditions including, specifically under other than honorable conditions: bad conduct, dishonorable, and any other characterization of service indicating bad character

i. **Prior Licensure**

All applicants must not have had a license denied by final order or revoked, or have a voluntary surrender of license currently in effect.

B. REGIONAL FIRE ACADEMY

1. Apply for LIT Admissions using www.applytexas.org.
    a. Have your official high school and **ALL** college transcripts sent to LIT Admissions at P.O. Box 10043 Beaumont, TX 77710 or email to Admissions@lit.edu.
    b. Your T-Number, which you will receive upon acceptance to LIT, will be **required** to apply to the Fire Academy.

2. Attend Regional Fire Academy Orientation. Prospective students can contact the Fire Academy at 409- 839-2968 for Orientation dates.

    Complete and submit the following paperwork:
    a. Advising Form- fill out, do not register. The academy staff will register accepted students.
    b. Physical Exam Form
    c. Copy of Driver's License
    d. WorkKeys Results

Terms and Conditions for Admission

1. Minimum requirements for entry include but not limited to:
    a. Pass a physical examination using National Fire Protection Association (NFPA) criteria
    b. Be at least 18 years of age
    c. Possess a high school diploma or a GED
    d. Pass the WorkKeys Workplace Documents Assessment-with a score of 5 or better, if student has passed English 1301 or 1302 they do not have to take the WorkKeys assessment. Possess a valid driver's license
    e. Possess a valid social security card

2. Military Service

    All applicants having military service may not have been discharged from any military service under less than honorable conditions.

POLICY 8.35 SYLLABUS REQUIRED

SCOPE: Faculty

Policy: Lamar Institute of Technology (LIT) requires a syllabus for each course offered for credit.

Procedure: In compliance with Texas Education Code, Title 3. Higher Education, Subtitle A. Higher Education in General, Chapter 51. Provisions Generally Applicable to Higher Education, Subchapter Z. Miscellaneous Provisions, Section 51.974. Internet Access to Course Material, LIT establishes requirements for course syllabi.

1. Course syllabi should:
   1.1. Satisfy the standards adopted by the institution;

   1.2. Provide a brief description of each major course requirement;

   1.3. List any required or recommended reading; and

   1.4. Provide a general description of the subject matter of each lecture or discussion

2. Syllabi must be:
   2.1. Accessible from the college website home page by use of not more than three links;

   2.2. Searchable by keywords and phrases; and

   2.3. Accessible to the public without requiring registration or use of a user name, a password, or another user identification.

3. Syllabi shall be made available no later than the seventh day after the first day of classes for the academic term during which the course is offered.

   3.1. Syllabi shall remain available on the website until at least the second anniversary of the date on which the syllabi were initially posted.

4. Syllabi shall be made available in the college's LMS (Blackboard).

Affirmed: December 2023
Reviewed:
Revised:

POLICY 8.36 MAINTENANCE OF CATALOG

SCOPE: Faculty, Staff, and Students

Policy: Lamar Institute of Technology (LIT) will maintain a college catalog. The catalog will inform students of their rights and responsibilities, related policies, and the courses they need to attain their educational goals.

Procedure:

1. Recommendations to change the contents of the LIT Catalog and Student Handbook may originate at any level within the institution with the approval of the area administrator.

    1.1. Such recommendations should be submitted for consideration to the Dean of Strategic Initiatives and Accreditation.

    1.2. Each spring term, the Dean of Strategic Initiatives and Accreditation will solicit each department of the institution to review the catalog and provide any updates for the annual publication.

        1.2.1. Substantive modifications of information to the published catalog will be indicated as such within the catalog.

            1.2.1.1. All modifications of information to the published catalog will be tracked on an errata sheet within the catalog

    1.3. Per *Texas State University System Rules and Regulations, Chapter III. System Component Operations, Section 3 Legal Affairs, Subsection 3.4*, “modifications of the student and employee handbooks and other policy setting documents of the component are subject to review, approval, and/or monitoring by the Vice Chancellor and General Counsel or his or her designee prior to execution or implementation.”

POLICY 8.37 MAINTENANCE OF ARCHIVED CATALOG

SCOPE: Faculty, Staff, and Students

Policy: Lamar Institute of Technology (LIT) will maintain archival versions of the Catalog and Student Handbook.

Procedure:

1. The Registrar or the president's designee ensures the availability of archived official catalogs, digital or print, with relevant information for course and degree requirements sufficient to serve former and returning students.

    1.1 Digital copies of the current and most recent academic year's LIT Catalog and Student Handbook are maintained on the College's website (lit.edu).

    1.2 Print copies of past versions of the LIT Catalog and Student Handbook are available in the Registrar's office.

2. Former students may contact the Registrar's Office in person, via email, or via regular mail, and request a copy of a past catalog of record.

Adopted: 1/22/2024
Reviewed:
Revised:

POLICY 8.38 PROTECTION FOR PREGNANT AND PARENTING STUDENTS

LIT is committed to providing a welcoming learning environment for pregnant and parenting students through policies that protect academic rights guaranteed under federal and state law.

PURPOSE AND SCOPE

This policy applies to students who are pregnant and parenting students. “Parenting student” is defined as a student who is the parent or legal guardian of a child under 18 years of age.

PROTECTIONS FOR PREGNANT AND PARENTING STUDENTS

LIT and its faculty and staff may not require a pregnant or parenting student, solely because of the student's status as a pregnant or parenting student or due to issues related to the student’s pregnancy or parenting, to:

- take a leave of absence or withdraw from the student's degree or certificate program;
- limit the student’s studies;
- participate in an alternative program;
- change the student’s major, degree, or certificate program; or
- refrain from joining or cease participating in any course, activity, or program at LIT.

LIT allows pregnant or parenting students to:

- take a leave of absence for a period not less than the minimum period established by the Texas Higher Education Coordinating Board rule; and
- if in good academic standing at the time the student takes a leave of absence, return to the student’s degree or certificate program in good academic standing without being required to reapply for admission.

PARENTING STUDENT LIAISON

The Special Populations Coordinator is the designated liaison for current and incoming LIT students who are the parent or guardian of a child younger than 18 years of age. The liaison provides students with information regarding support services and other resources available to parenting students, including:

- resources to access medial and behavioral health coverage and services and public benefits programs;
- parenting and childcare resources;
- employment assistance;
- transportation assistance;
- student academic success strategies; and
- such other resources developed by LIT to assist parenting students.

Students seeking a leave of absence due to parenting shall make a request for such leave to the Special Populations Coordinator.

ACCOMMODATIONS FOR PREGNANT STUDENTS

LIT will, for reasons related to a student's pregnancy, childbirth, or any resulting medical status or condition:

- excuse the student's absence;
- allow the student to make up missed assignments or assessments;
- allow the student additional time to complete assignments in the same manner as LIT allows for a student with a temporary medical condition; and
- provide the student with access to instructional materials and video recordings of lectures for classes for which the student has an excused absence under this section to the same extent that instructional materials and video recordings of lectures are made available to any other student with an excused absence.

Students may also be entitled to other reasonable accommodations for limitations related to pregnancy, childbirth, and related conditions. This includes, but is not limited to, accommodations related to the health and safety of the student and the student's unborn child, such as allowing the student to maintain a safe distance from substances, areas, and activities known to be hazardous to pregnant women or unborn children.

Students seeking information about pregnancy-related resources or requesting a pregnancy-related accommodation should contact the Special Populations Coordinator.

REFERENCES
Tex. Ed. Code § 51.982
Tex. Ed. Code § 51.9357
Title IX of the Education Amendments of 1972
34 C.F.R. § 106.57

Affirmed:
Reviewed: January 2024
Approved: January 29, 2024
Revised:

SECTION 9: COMMUNICATIONS AND MARKETING

POLICY 9.1 MEDIA PROCEDURES

SCOPE: FACULTY and STAFF

Spokesperson
The Director of Communications and Marketing serves as the serves as the college's official spokesperson and Public Information Officer. The President also serves as a primary spokesperson for the college.

News Media Interviews and Photography
In order to film, interview, video and photograph students or employees on campus property, a formal request must be initiated through the Department of Communications and Marketing by phone or e-mail. Once the request has been approved, the requestor will be notified with the date, time, location and other details for their visit. Requests for interviews will be granted only if the individual from whom the interview is being sought agrees to participate. Media coverage is not guaranteed; however, the department seeks to fulfill requests and be a valuable partner to the local and regional media outlets.

Employee Procedures
Inquiries from the media should be referred to the Department of Communications and Marketing. Should a representative of the media contact your campus or department asking questions or requesting an interview, immediately refer them to the Department of Communications and Marketing at 409-245-8283.

The President or Director of Marketing and Communications may designate an employee or student to serve as the spokesperson on a particular topic. Employees should not perform an interview or speak on behalf of the college without permission from the Department of Communications and Marketing. Requests for news coverage and news conferences must be coordinated through and by the Department of Communications and Marketing.
Once approved, it is recommended that a member of the department be present during any media interview or at any time that media representatives visit the campus. Issues that should not be discussed with reporters are 1) legal issues, 2) personnel issues, 3) questions that involve ethics or issues that may result in harm to others, 4) issues involving specific students or 5) a campus crisis or emergency.

Remember that in responding to the media, including in-person conversations, texts, social media comments, and more, you can be attributed as representing and speaking for the college. All releases or invitations that are drafted by someone outside of the Department of Communications and Marketing Department and intended to be sent to media must be reviewed and approved before release. The information will be officially disseminated by the Department of Communications and Marketing.

Any media inquiries that involve information about specific students should be directed to the Office of Community and Media Relations, which will consult with the Department of Student Services. Such inquiries will be handled in strict compliance with the Family Educational Rights and Privacy Act (FERPA.)

Dual Credit
For all students participating in the dual credit program, a signed media form must be obtained in order to film, videotape, or photograph students in classrooms, on campus, or at school-sponsored events. Parental consent forms are not required for general images that do not directly identify students.

Emergency/Crisis Procedures
In the event of a crisis or emergency situation, the Director of Communications and Marketing will provide official information to the media and will coordinate the information flow from the college to the public. In such situations, all employees must refer calls from the media to the Department of Marketing and Communications.

POLICY 9.2 SOCIAL MEDIA GUIDELINES

Overview and Purpose

The *Social Media Policy and Guidelines* document outlines online communication guidelines for Lamar Institute of Technology (LIT) via social media. Social media is presently a mainstream method of communication and there is a high probability that employees use online social media tools for personal and/or professional purposes.

Social media guidelines set expectations, while empowering employees to tweet or blog. Using best practices in addition, guidelines educate faculty and staff on issues to avoid in both personal and professional status updates. To ensure that information shared is accurate representation of the institution and all employees, LIT faculty and staff must comply with institutionally uniform polices and present reputable image of the institution. These guidelines apply to employees participating in social media for LIT and during personal online activities that may appear that they are still speaking for LIT.

Blogs, social networks, and websites such as Facebook, Instagram, Twitter, LinkedIn and YouTube are examples of social media. Each provides a unique channel to share knowledge and connect with others. They expose employees to the effective use of forums while protecting personal and professional reputations. Additionally, the guidelines improve the quality of communication.

Social media offers LIT the opportunity to engage in communicating and gathering feedback directly from those who care about LIT. Social media helps to initiate new conversations, respond to feedback, and maintain an active dialogue with a diverse audience. Involvement by LIT's Department of Communications and Marketing in social media allows for brand growth, stronger connections between the institution and the community that LIT serves and an increased awareness of LIT's reputation.

Policy

Communication among LIT employees and the community is diverse and varied. LIT employees who choose to communicate through social media must comply with the *Social Media Policy and Guidelines.* Employees who do not comply with the guidelines will be required to deactivate the LIT social media site and/or may be subject to the college's discipline processes.

Individuals who wish to establish a LIT social media site/account must receive approval from their immediate supervisor and the Director of Communications and Marketing.

Approval Procedure

1. LIT discourages smaller units from setting up social media pages that provide little value. Units should consider setting up social media sites that represent a larger unit, such as a department or center, as opposed to a smaller unit, such as a program or individual initiatives.

2. Contact the Department of Communication and Marketing prior to creating a social media account for a unit within the college. Use a dedicated administrative account to create the social media site. A LIT sponsored social media site does not belong to any one individual in the college. Using the official LIT pages is recommended to drive traffic to one account instead of many.

3. The Department of Communication and Marketing will review sites periodically to ensure the institution follows the guidelines and the sites remain active. If social media sites become inactive or do not follow guidelines established by the institution, the administrator must deactivate the site.

4. If individuals choose to utilize social media tools it is critical to delineate between personal and professional initiatives.

   An example of good practice is to:
   a) Obtain approval from the Department of Communications and Marketing.
   b) Think about searchability. Search engines such as Google and Twitter's own search engine will pull up accounts based upon key word relevance. Pick something obvious and relevant.
   c) Remember to use LIT in the name since it is the most frequently used term by individuals looking for the LIT website.
   d) Set clear guidelines for individuals who choose to become a member of the social network.

General Guidelines

1. **Be Responsible in your communications.**
   The keys to success in social media are honesty, thoughtfulness, and awareness of the target audience. Communications must be professional and sensitive about linking to content. Redirecting to another site may imply an endorsement. Above all, exercise good judgment and common sense. Do not use profanity, slurs, or derogatory comments. Be civil. There is no such thing as a "private" social media site. Remember that a post has a longer shelf life than the individual posting the comments does. Archival systems save information even after deleting a post. Always post or communicate with a calm and clear head.

2. **Be transparent and authentic.**
   Be honest about one's identity. If choosing to post about LIT on personal time, please identify yourself as LIT faculty or staff member when appropriate. Never hide one's identity for the purpose of promoting LIT through social media.

   Never pretend to be someone else and post about LIT.

   The essence of a community is that it exists so that employees can support others and they, in turn, can support the institution. Learn to balance personal and professional information and the important role that transparency plays in building a community.

   A good resource about communicating with transparency and integrity is, "Communicating with Transparency and Integrity," by Student Affairs Lead Big UC Berkeley at https://sa.berkeley.edu/sites/default/files/images/communicatingwithtransparency.pdf

3. **Be accurate.**
   Ensure all the facts have been gathered before posting a comment or communication. Verify information with a source, rather than posting a correction or retraction later. Cite and link sources whenever possible, redirecting back to the LIT website. If you make an error, correct it quickly and visibly.

4. **Respect copyrights and fair use.**
   Always give people proper credit for their work, ensure the right to use something before publishing. Only those authorized by LIT may use the institution's branding. Do not include LIT branding in personal posting.

5. **Protect confidential & proprietary information.**
   Online postings and conversations are not private. Do not post confidential or proprietary information about LIT, its students, its alumni or colleagues. Use good ethical judgment. Follow college policies and federal requirements, such as FERPA.

6. **Productivity matters – respect institutional time and property.**
   LIT computers and employee work time are for college-related business. It is appropriate to post at work if instructed to or comments relate directly to accomplishing established work goals. For example, seeking sources for information or working with others to resolve a problem. Maintain personal sites on one's own time using non-LIT computers.

7. **Endorsements.**
   Do not use LIT's name to promote or endorse any product, cause, political party or candidate. Linking to other sites is occasionally acceptable. However, it is important to consider associations with potential applicants, donors and research-funding agencies. Share links appropriate and relevant to the institution.

8. **Social media comments.**
   We encourage our LIT community to comment, post, share and interact while remaining respectful of others' opinions and rights. A page administrator must review comments for inappropriate content.

   LIT reserves the right to block users or remove comments that (are):
   - Unrelated to the topic of the post.
   - Abusive, vulgar, profane, racist, sexist, violent or use hate speech.
   - Obscene or contain sexually harassing content.
   - Considered to be spam, advertisements or vendor promotions unrelated to LIT.
   - Defaming, contain falsehoods or unsupported accusations of LIT students, employees, visitors or other individuals.
   - Encourage illegal, dangerous or destructive activity.
   - Threatening, harassment or personal attacks toward specific individuals or groups.

   In general, if the content is positive or negative and in context to the conversation, then the content is approved, regardless of whether it is favorable or unfavorable to LIT. Be aware that any comment/post can be attributed to you in a news story.

9. **Employees Personal use of Electronic Media**
   Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram).

Think first, post second. The activity and behavior that is prohibited and may subject you to discipline in "real life" with the college can do the same in the realm of the internet and social media. Some examples include but are not limited to sexually harassing a colleague; inappropriate interactions with students; derogatory statements; threatening or intimidating others; violating privacy policies or laws; or defamation of the college.

Non-Compliance/Breach of Policy

Violations of this policy will result in a review of the incident and may include action under appropriate college discipline processes.

Lamar Institute of Technology Style Guidelines

Proper Names

- Lamar Institute of Technology
- LIT

Colors

- #1e448d
- #ec2027
- #1c75bc

Logos

LAMAR INSTITUTE OF TECHNOLOGY

LAMAR INSTITUTE OF TECHNOLOGY

POLICY 9.3 LIT STYLE GUIDE (BRANDING GUIDELINES)

CONSISTENT VISUAL IDENTITY

The Lamar Institute of Technology (LIT) brand is one of our most valuable assets and defines who we are and what we do. This manual is a resource guide for all members of the LIT community and the vendors who work with LIT. This guide helps ensure all parts of the Institute are working together to communicate with a unified visual identity. Consistency is the number one factor for developing a successful brand identity. Included are general guidelines for the LIT brand as well as specific directions for the application of related elements.

The Lamar Institute of Technology manual dictates that all printed and electronic material intended for internal/external audiences must be developed and produced under the guidance of the Communications and Marketing Department. This department is charged with the responsibility for the interpretation and control of all institutional graphics. For additional information on LIT's visual standards, please contact (409) 245- 8283 or email marketing@lit.edu.

MISSION STATEMENT

Lamar Institute of Technology provides innovative teaching and learning for tomorrow's workforce.

ACCREDITATION STATEMENT

Lamar Institute of Technology is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award associate degrees. Degree-granting institutions also may offer credentials such as certificates and diplomas at approved degree levels. Questions about the accreditation of Lamar Institute of Technology may be directed in writing to the South-ern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's web-site (www.sacscoc.org).

EQUAL OPPORTUNITY STATEMENT

Lamar Institute of Technology is an equal employment opportunity/affirmative action educational institution and employer. Faculty and staff members are selected without regard to their race, color, creed, sex, age, disability, or national origin, consistent with the assurance of compliance with Title VII of the Civil Rights Act of 1964; Executive Order 11246 as issued and amended; Title IX of the Education Amendments of 1972, as amended; Section 504 of the Rehabilitation Act of 1973; Civil Rights Act of 1991; Title I of Americans With Disabilities Act.

OFFICIAL COLORS

PMS 072

RGB: R30 G68 B141
HEX COLOR: 1e448d

PMS 485

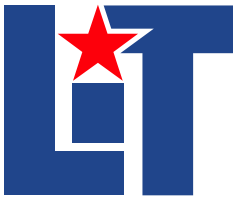
RGB: R236 G32 B39
HEX COLOR: ec2027

PMS 300

RGB: R28 G117 B188
HEX COLOR: 1c75bc

COLOR VARIATIONS FOR LIT LOGO

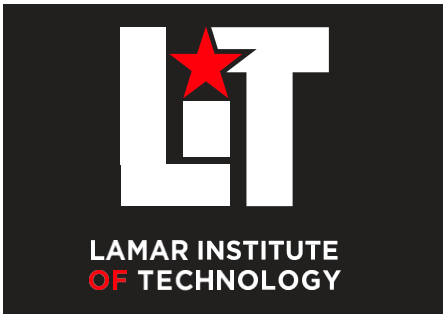
- Use only the official primary school colors of 1e448d **Blue** and **ec2027 Red** when the logo is presented in 2-colors.
- The **"STAR"** and the **"OF"** must be in Red when using the two-color version.



White Background

Example on background

- **EXAMPLES FOR USING DARK BACKGROUNDS ARE BELOW**
- Use the official primary school color of **485 Red** and **White** when presenting the logo on dark backgrounds.



Black Background

Blue Background

OFFICIAL COLORS

COLOR VARIATIONS FOR LIT LOGO

- Use only the official primary school colors of 1e448d **Blue** and **ec2027 Red** when the logo is presented in 2-colors.
- The **"STAR"** and the **"OF"** must be in Red when using the two-color version.

White Background

Example on background

EXAMPLES FOR USING DARK BACKGROUNDS ARE BELOW:

- Use the official primary school color of **485 Red** and **White** when presenting the logo on dark backgrounds.

Black Background

Blue Background

ONE COLOR AND REVERSE LOGOS

ONE-COLOR LOGO SAMPLES ARE BELOW:

It is preferred that the two-color logo be used whenever possible. If two colors are not available in the production process, the preferred colors are 1e448d **Blue** and **ec2027 Red**, or Black.

LAMAR INSTITUTE OF TECHNOLOGY

LAMAR INSTITUTE OF TECHNOLOGY

LAMAR INSTITUTE OF TECHNOLOGY

REVERSE VARIATIONS OF LOGO BELOW:

• White (reverse) should be used on backgrounds that are darker than the equivalent of 50% black.

LAMAR INSTITUTE OF TECHNOLOGY

LAMAR INSTITUTE OF TECHNOLOGY

LAMAR INSTITUTE OF TECHNOLOGY

LAMAR INSTITUTE OF TECHNOLOGY

Reverse should not be below 50%.

LAMAR INSTITUTE OF TECHNOLOGY

APPROVED ARRANGEMENTS AND SIZES

The logo should appear in all LIT publications and printed materials. It should not be reproduced less than 1/2 inch in size at its greatest height.

The formal arrangement of LIT's full name is available in three configurations for design flexibility.

The logo shouldn't appear smaller than 1/2" on printed literature

- Vector files, or files with an EPS extension, are to be used if the logo is needed for large-scale production.

THREE PREFERRED ARRANGEMENTS

Whenever possible use the three preferred arrangements. Occasionally other formats may be necessary. Please address questions to the Communications and Marketing Department, 409-245-8283.

Horizontal:

LAMAR INSTITUTE OF TECHNOLOGY

POWER ON.

Vertical Stacked

LAMAR INSTITUTE OF TECHNOLOGY

TEXAS STATE UNIVERSITY SYSTEM USAGE REQUIREMENTS

Must use the actual TSUS signature file from the website. Do not simply type the words for the TSUS signature. **Download from http://www.tsus.edu/news/graphic-resources/member-logos.html or request from the Communications and Marketing department.**

The complete signature of the Institute reflects LIT's membership in the Texas State University System.

The primary configuration, as represented in this guide with no modifications, must appear on the front or cover of all published documents produced by LIT. **Exception:** When using an artist's work on the cover, the primary configuration may be included on the back of announcements and promotions, postcards, greeting cards, internal note cards, invitations, and calendars.

TSUS signature must appear on the first page (in addition to the front or cover) of all LIT documents and publications that contain more than six pages; be clearly displayed on all types of external advertisements and signage.

If needed to accommodate publication design, the secondary configuration may be used as an alternative to the primary configuration.

PRIMARY CONFIGURATION FOR TSUS SIGNATURE

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™

Must be at least 1.5" wide

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™

MEMBER
THE TEXAS
STATE UNIVERSITY
SYSTEM™

MEMBER
THE TEXAS
STATE UNIVERSITY
SYSTEM™

SECONDARY CONFIGURATION FOR TSUS SIGNATURE

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™

MEMBER
THE TEXAS
STATE UNIVERSITY
SYSTEM™

MEMBER
THE TEXAS
STATE UNIVERSITY
SYSTEM™

LIT LOGO WITH TSUS SIGNATURE

- Below are sample versions of the LIT logo with the TSUS signature.

Allow space between LIT Logo and TSUS signature

LAMAR INSTITUTE OF TECHNOLOGY

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™

LAMAR INSTITUTE OF TECHNOLOGY

Never reduce smaller than 1.5" in width on the TSUS signature.

Allow space between LIT Logo and TSUS signature

LAMAR INSTITUTE OF TECHNOLOGY

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™

Do not use the secondary TSUS Logo right next to LIT logo

LAMAR INSTITUTE OF TECHNOLOGY

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™

APPROVED LIT SEAL AND USAGE

The design of the formal, traditional seal emphasizes LIT's relationship with the State of Texas. The torch is a symbol of knowledge and the book represents LIT's ability to maintain flexibility in its programs. The use of the seal should be reserved for special resolutions, commencement programs, official publications, certificates, and legal documents.

The seal is to be used only for official business of LIT. It is designed to function as a stamp of validation and not as a logo.

APPROVED USAGE OF SEAL	NON-APPROVED USAGE OF SEAL
Special resolutions	Stationery, email signatures or forms
Diplomas	Business cards
Commencement related items	Program publications
Official publications:Letters of certification,	Printed material: magazines, flyers, brochures, newsletters, etc.
Transcripts, Grant applications,	Ads: Television, print, web
Course catalogs	Materials that publicize a facility event or service
Academic certificates	PowerPoint presentations
Legal documents	Merchandise available for sale
	Signage
	Websites
	Videos

The seal shouldn't appear smaller than 1/2" in diameter.

The seal may be embossed or printed in PMS 274 Blue, PMS 485 Red, or Black. Reversed (White) on backgrounds that are darker than the equivalent of 50% black.

LIT APPROVED TYPEFACE

LIT has an official typeface for the logo.

Arial Bold is used for the Institution's name with the logo.

To create consistent use of the LIT logo please use the supplied logo files on the forms drive or contact Marketing and Communications at 409-245-8283

LAMAR INSTITUTE OF TECHNOLOGY

PRIMARY TYPEFACE

Gotham Medium

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz

Gotham Book

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz

SECONDARY TYPEFACE

Arial Bold

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz

Arial Regular

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz

LIT LOGO USES - VIOLATIONS

EXAMPLES OF UNACCEPTABLE USES

- **Use the logo artwork as is.** Don't combine with another artwork or change the typeface of the logo.
- Do not manipulate or display the logo in an unusual manner. Following these guides will ensure the LIT's image will be consistent.

Never use unapproved color combinations

Never use different typefaces

Never add elements to the LIT logo

Never realign elements of LIT logo

Never resize elements in LIT marks

Never screen LIT logo

Never make the LIT logo difficult to see off a light background

Never stretch the LIT logo out

Never switch colors of the LIT logo

The graphic identity of each LIT department or program shall adhere to the guidelines outlined in the official style guide. Logos for all new and existing LIT departments and programs must be created by the Department of Communications and Marketing before use. Departments should contact the Department of Communications and Marketing for assistance in creating a compliant logo, which will be based on LIT's guidelines.

Samples of Department Logos created by Communications and Marketing office

Use Gotham Medium for Department Name

LAMAR INSTITUTE OF TECHNOLOGY

Department of Public Service and Safety

LAMAR INSTITUTE OF TECHNOLOGY

Department of Allied Health and Sciences

Department of Allied Health and Sciences

BRAND GUIDELINES FOR STUDENT ORGANIZATIONS

- Student organizations recognized by LIT are free to create their unique logos. However, registered LIT logos **MAY NOT** be used in part or whole to create the logo. The LIT name can be added below the logo as shown in the sample.

ACCEPTED LOGO

Allow .25" space between the logo and LIT name

Child Care & Development Association

LAMAR INSTITUTE OF TECHNOLOGY

Use Arial or Gotham Bold LIT Name

UNACCEPTABLE LOGO

Child Care & Development Association

NOTE: Any logos created by Student Organizations *must* be approved by the department of Communications and Marketing.
Email: marketing@lit.edu

- Student Organizations that do not have a logo may indicate a connection to LIT by incorporating similar logo and type combinations.

Child Care and Development Association

Use Gotham Medium for Organization Name

Child Care and Development

LAMAR INSTITUTE OF TECHNOLOGY

Association

GUIDELINES FOR LIT BUSINESS CARDS

To communicate most effectively, business cards should contain only essential information, organized in the format shown here.

All LIT business cards are the standard size of 3.5" x 2".

All business cards are set up by the department of Communications and Marketing. Cards can be ordered by submitting a request. Email: marketing@lit.edu.

FRONT OF CARD SAMPLE

BACK OF CARD SAMPLE

GUIDELINES FOR LETTERHEAD

Letterhead represents various LIT offices and departments. Format consistency is important. Please follow the guidelines shown here.
LIT logo is positioned in the upper left-hand corner approximately .5" from top and .5"from left.
Department name is to be typed in 12 pt. Gotham Bold - ALL CAPS.
Phone /address information is to be typed in 10 pt. Gotham Book - upper and lower case.
Add the TSUS signature to the bottom. Must use the actual TSUS file. Do not simply type words.
Download from http://www.tsus.edu/news/graphic-resources/member-logos.html

Position logo .5" from the top and left edge of the page.

Use 12 pt. Gotham Bold for Name

Use 10 pt. Gotham Book for address

TSUS signature

GUIDELINES FOR ENVELOPES

Envelopes represent various LIT offices and departments. Format consistency is important. Please follow the guidelines shown here.

9 pt. Gotham Bold — **OFFICE OF THE PRESIDENT**

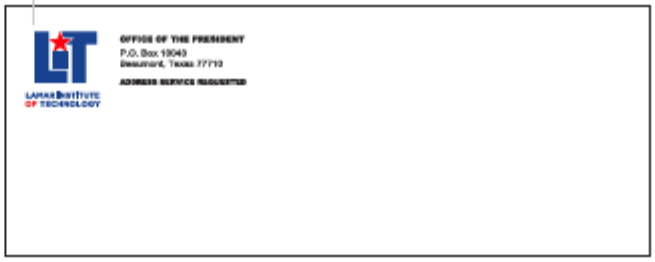
9 pt. Gotham Book — P.O. Box 10043 Beaumont, Texas 77710

Position logo .25" from top and left edge of the page.

8 pt. Gotham Bold — **ADDRESS SERVICE REQUESTED**

LIT logo is positioned in the upper left hand corner approximately .25" from top and .25" from left.
Department name is to be typed in 9 pt. Gotham Bold - ALL CAPS.
Address information is to be typed in 9 pt. Gotham Book - upper and lowercase.

***Occasionally postal regulations will require changes to envelopes. These exceptions must be approved by the department of Communications and Marketing.**



EMAIL SIGNATURES

GUIDELINES FOR PROMOTIONAL ITEMS

Items intended for promotional purposes (e.g. to be given away), which bear the LIT logo must be produced by an approved vendor. Examples include, but are not limited to, departmental shirts, pins, keychains, coffee mugs, etc.

These items must strictly adhere to the identity guidelines outlined in this graphics standards manual.

LIT shall have the right to disallow the production of any promotional item deemed inappropriate.

Promotional items will occasionally have special circumstances with logo submission.

All promotional items must be approved by the department of Communications and Marketing.
Cecil Beeson, Rm. 204 / 409-245-8283

POLICY 9.4 APPROVAL FOR COLLEGE PUBLICATIONS

SCOPE: Faculty and Students

Official of approval for all College publications must receive the final approval of the Director of Communications and Marketing.

Procedure:

1. The Director/Dean (or designee) responsible for the development of a publication will submit the content needed for a publication to the Director of Communications and Marketing in such detail and format as may be required.

2. The Director of Communications and Marketing, will either approve the content as it is presented or confer with the appropriate Director about revisions or for more information.

3. In collaboration with the Director/Dean, the Department of Communications and Marketing will use the content submitted to create visual communication products through graphic design.

4. The Director of Communications and Marketing will make the final decision about where to have College publications printed and has the authority to use the College's bidding procedure to ensure the fulfillment of the responsibilities under this procedure. If necessary, a proof of the publication shall be produced and returned to the Director and the department of origin for final approval prior to printing.

5. Only after the Director of Communications and Marketing gives final approval of the proof shall the publication be printed.

POLICY 9.5 PROMOTIONAL ITEM REQUEST

SCOPE: Employees and Community

Promotional products are a tangible way to raise awareness and create a connection with LIT stakeholders. This policy is a guide to ensure that all promotional items are created and distributed in a manner that meets brand standards and portrays LIT in a positive light. The Department of Communications and Marketing is responsible for internal and external requests for promotional items. All printed and electronic material intended for internal/external distribution must be developed and produced under the guidance of the department.

Internal Requests for LIT Marketing Materials

All promotional items including giveaways for prospective students, alumni, faculty, staff, donors and community members, must be branded and approved by the Director of Communications and Marketing prior to order. General standards for promotional items are outlined in the LIT Branding Guidelines document.

External Requests for LIT Marketing Materials

The Department of Communications and Marketing maintains a small selection of LIT branded items for promotional giveaway. To requests promotional items from Lamar Institute of Technology, please complete the Promotional Item Request Form available on the Department website or at lit.edu/news.

The Director of Communications and Marketing will review all requests based upon current inventory, timeline of requests, alignment to college vision and mission, and compliance with LIT and Texas State University System policy and state law.

For more information, contact the Department of Marketing and Communications at marketing@lit.edu.

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