ALAMO COLLEGES DISTRICT

MEETING OF THE BOARD OF TRUSTEES
MEETING AS A COMMITTEE OF THE WHOLE

TUESDAY, JULY 20, 2021
6:00 PM

Alamo Colleges District
Multipurpose Conference Center/Board Room
2222 N. Alamo St.
San Antonio, TX 78215

NOTICE IS HEREBY GIVEN THAT THE COMMITTEE OF THE WHOLE MEETING OF THE BOARD OF TRUSTEES OF THE ALAMO COMMUNITY COLLEGE DISTRICT WILL BE HELD AT THE PHYSICAL LOCATION REFERENCED ABOVE ON TUESDAY, JULY 20, 2021. FEWER THAN A QUORUM OF TRUSTEES MAY ATTEND REMOTELY BY VIDEOCONFERENCE AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.127. THE COMMITTEE OF THE WHOLE MEETING OF THE BOARD WILL CONVENE IN OPEN SESSION AT 6:00 PM.

Live Stream:
https://www.alamo.edu/about-us/leadership/board-of-trustees/videos--photos/

An electronic copy of the agenda packet that the Board will consider is posted at https://v3.boardbook.org/Public/PublicHome.aspx?ak=1000015.

This Meeting as a Committee of the Whole of the Board of Trustees, being held for the reasons listed below, is authorized in accordance with the Texas Government Code, §§ 551.001 - 551.146. Verification of Notice of Meeting and Agenda are on file in the Office of the Chancellor. Executive Session, if required, is authorized by Chapter 551 and will be conducted prior to the conclusion of the meeting. If it is decided during the course of the meeting that discussion of any item listed on the agenda should be held in Executive Session, the Committee will convene in Executive Session in accordance with Tex. Govt. Code §§ 551.071 - 551.087. In order to vote on items discussed in Executive Session, the Board of Trustees must take action in the open portion of the meeting on items discussed in the Executive Session. The Committee will consider, discuss, and take appropriate action regarding the following items:

AGENDA

1. **CALL TO ORDER**
2. **CERTIFICATION AND POSTING OF NOTICE**
3. **ROLL CALL**
4. **PLEDGE OF ALLEGIANCE**
5. **CITIZENS TO BE HEARD**
   A. Registration: (5:00 pm - 5:55 pm)
6. **STUDENT SUCCESS COMMITTEE,** *Clint Kingsbery, Chair*

A. Northwest Vista College Performance Update
Presenter: Dr. Ric Baser

B. Report and Possible Discussion on Current and Future Student Success Considerations

7. **WORKFORCE DEVELOPMENT COMMITTEE**, *Gloria Ray, Chair*

A. Workforce Development Committee Meeting Report
Presenter: Xavier Urrutia

B. Discussion and Possible Action on Amending a Contract with Manpower US, Inc. Providing for Purchase of Employment Placement Services for Students
Presenter: Mr. Gary O'Bar and Linda Boyer-Owens

C. Report and Possible Discussion on Current and Future Workforce Development Considerations

8. **POLICY AND LONG-RANGE PLANNING COMMITTEE,** *Dr. Lorraine Pulido, Chair*

A. Discussion and Possible Action on Revision of C.1.9 (Policy) Appropriate Use of Information Technology Resources
Presenter: Dr. Tom Cleary

B. Discussion and Possible Action on Approval and Revision of Policies H1.1 and H.1.2
Presenter: Linda Boyer-Owens

C. Discussion and Possible Action on Revision of Policy B.11.1 - Student Trustee
Presenter: Sandra Torres

D. Report and Possible Discussion on Current and Future Policy and Long-Range Planning Considerations

9. **AUDIT, BUDGET AND FINANCE COMMITTEE**, *Roberto Zarate, Chair*

A. Discussion and Possible Action to Authorize Former Student Trustee to attend the 2021 ACCT Leadership Congress
Presenter: Sandra Torres

B. Discussion and Possible Action on FY22 Smart Talent Compensation Adjustments
Presenter: Linda Boyer-Owens

C. Discussion and Possible Action on FY 2022 Supplemental Employer Contribution for ORP Participants
Presenter: Linda Boyer-Owens

D. Discussion and Possible Action on Adoption of Employee Holiday for Juneteenth Day
Presenter: Linda Boyer-Owens

E. Discussion and Possible Action on Approval of FY22 Operating Budget

F. Discussion and Possible Action on Amending a Contract with Helbling & Associates, Inc. Providing for the Purchase of Executive Recruitment Services
Presenter: Mr. Gary O'Bar and Linda Boyer-Owens

G. Discussion and Possible Action on the Purchase of Group Life, Accidental Death & Dismemberment, Short-Term and Long-Term Disability Insurance
Presenter: Mr. Gary O'Bar and Linda Boyer-Owens

H. Discussion and Possible Action on the Purchase of Campus Dining Services
Presenter: Mr. Gary O'Bar

I. Discussion and Possible Action on Ratifying an Amendment to the Memorandum of Understanding with Communities in Schools of San Antonio, a non-profit Corporation, CIS-SA Providing for the Purchase of Student Retention and Recruitment Services for Palo Alto College
Presenter: Mr. Gary O'Bar and Dr. Robert Garza

J. Internal Audit Quarterly Report
Presenter: Frank Cortez

K. Discussion and Possible Action on the District Internal Audit Department's Proposed Fiscal Year 2022 Budget and Staffing
Presenter: Frank Cortez

L. Report and Possible Discussion on Current and Future Audit, Budget and Finance

Considerations

M. Consent Agenda Items: Fiscal Affairs Reports
   1) Discussion and Possible Action on Monthly Contracts Report
   2) Discussion and Possible Action on Monthly Grants and Contracts Report
   3) Discussion and Possible Action on Approval of Construction Reports
   4) Capital Improvement Program (CIP) Executive Summary
   5) Discussion and Possible Action on Approval of Financial Reports
   6) Discussion and Possible Action on Approval of Monthly Report on Cooperative Purchases in Excess of $100,000
   7) Discussion and Possible Action on Approval of Investment Report Through May 31, 2021

10. **BUILDING, GROUNDS AND SITES SELECTION COMMITTEE**, *Anna U. Bustamante, Chair*
   A. Overview of Construction Minute Order Actions
      Presenter: Lacy Hampton
   B. Discussion and Possible Action on Amending the Guaranteed Maximum Price for the Alamo Colleges District - San Antonio College (SAC) Physical Plant, Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with J.T. Vaughn Construction, LLC. (CSP 18C-005)
      Presenter: Lacy Hampton
   C. Discussion and Possible Action on Amending the Guaranteed Maximum Price for the Alamo Colleges District - San Antonio College (SAC) Parking Garage/Added Scope San Pedro Improvements, Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with J.T. Vaughn Construction, LLC. (CSP 18C-0052)
      Presenter: Lacy Hampton
   D. Discussion and Possible Action on Amending the Guaranteed Maximum Price for Alamo Colleges District - St. Philip's College (SPC) Clarence Windzell Norris Building Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with Skanska USA Building, Inc. (CSP 18C-005)
      Presenter: Lacy Hampton
   E. Discussion and Possible Action on Amending the Guaranteed Maximum Price for Alamo Colleges District - Northeast Lakeview College (NLC) Science and Technology Building (STEM) Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with Turner Construction Company (CSP 18C-005)
      Presenter: Lacy Hampton
   F. Small, Minority, Women & Veteran Business Enterprise Participation (SMWVBE) 2017 Capital Improvement Program (CIP)
      Presenter: Lacy Hampton
   G. Report and Possible Discussion on Current and Future Building, Grounds and Sites Selection Considerations
11. **LEGISLATIVE COMMITTEE**, *Joe Alderete, Chair*
   A. Report and Possible Discussion on Current and Future Legislative Considerations
12. **LEGAL AFFAIRS COMMITTEE,** *Leslie Sachanowicz, Chair*
   A. Report and Possible Discussion on Current and Future Legal Affairs Considerations
13. **EXECUTIVE SESSION**
   A. The Committee of the Whole may go into Executive Session to deliberate on any item referenced in this agenda above or hereinbelow on the following potential exceptions under the Act.
   B. Pursuant to §551.071, Texas Government Code, the Committee of the Whole may consult with its attorneys to seek their advice on matter(s) in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, including, without

limitation, compensation adjustments.

C. Pursuant to § 551.071, Texas Government Code, the Committee of the Whole may consult with its attorneys about pending and threatened litigations.

D. Pursuant to § 551.071, Texas Government Code, the Committee of the Whole may consult with its attorneys about pending EEOC charges and complaints.

E. Pursuant to §551.072, Texas Government Code, the Committee of the Whole may deliberate the purchase, exchange, lease or value of real property, including, without limitation, the possible transfer of a property interest by an affiliate.

F. Pursuant to §551.073, Texas Government Code, the Committee of the Whole may deliberate regarding a negotiated contract for prospective gift or donation.

G. Pursuant to §551.074, Texas Government Code, the Committee of the Whole may deliberate the appointment, employment, evaluation, reassignment, duties, performance of duties, discipline, or dismissal of a public officer or employee(s), including, without limitation, the evaluation and contract of the Chancellor and the duties of the Internal Auditor

H. Pursuant to §551.076, Texas Government Code, the Committee of the Whole may deliberate the deployment, or specific occasions for implementation, of security personnel or devices, or a security audit, including, without limitation, information technology security.

I. Any action on these matters will be taken in Open Session.

J. **RECONVENE OPEN MEETING**

1) Discussion and Possible Action on Items Discussed in Executive Session.

14. **ADJOURNMENT**

POSTED AT THE
ALAMO COMMUNITY COLLEGE DISTRICT
2222 N. Alamo St.; San Antonio, TX 78215 at
POSTED AT 12:30 PM ON THIS 17TH DAY OF JULY 2021

This meeting site is wheelchair accessible. The accessible entrance is located at the side entrance of Multipurpose Conference Center/Board (Building D). Accessible parking spaces are located in front of Welcome Center (Building C), located in the parking lost that faces N. Alamo Street. Auxiliary aids and services are available upon request (interpreters for the hearing impaired must be requested twenty-four hours prior to the meeting) by calling Sandra Torres, Board Liaison at storres304@alamo.edu.

"The following notices apply to this meeting.

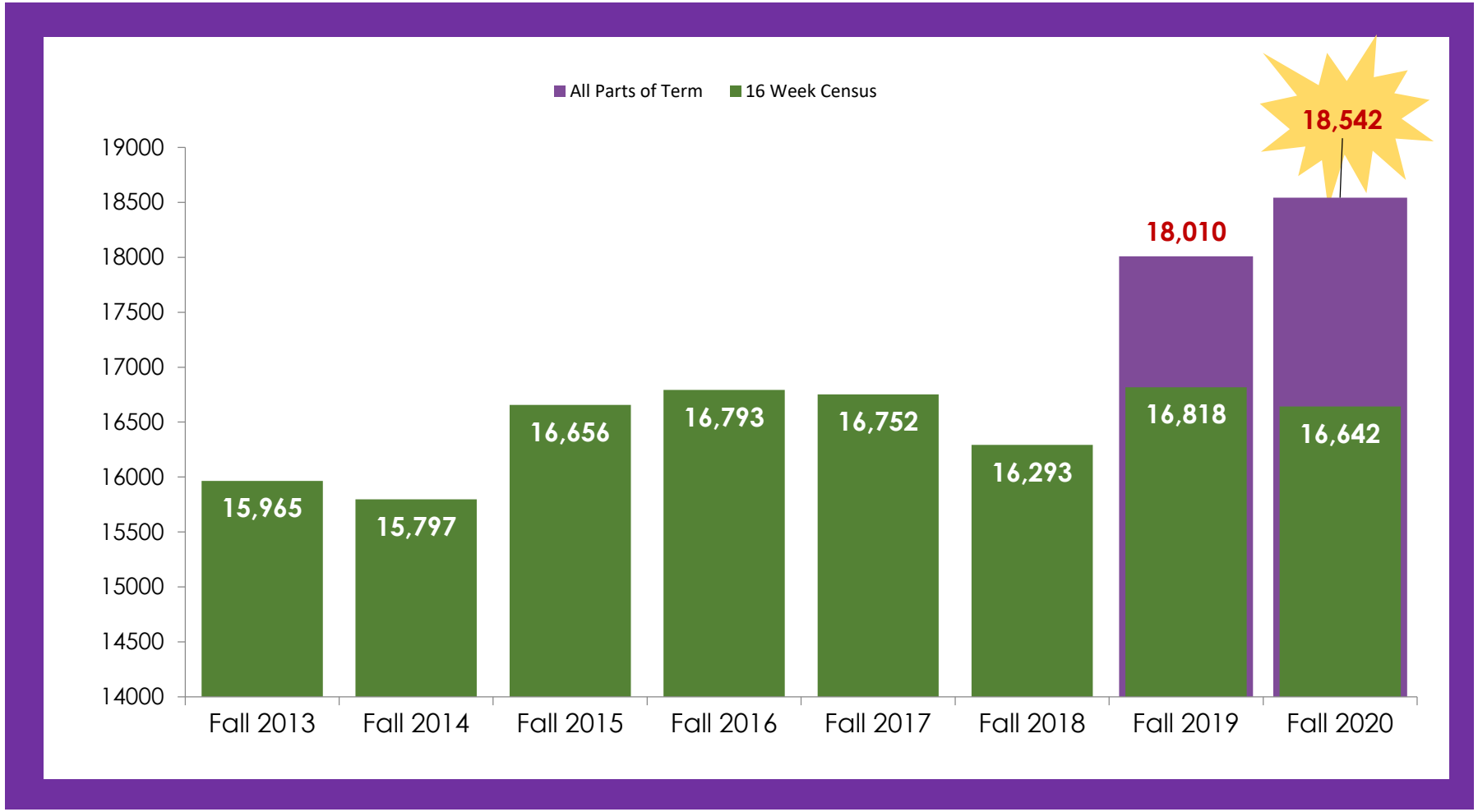
Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

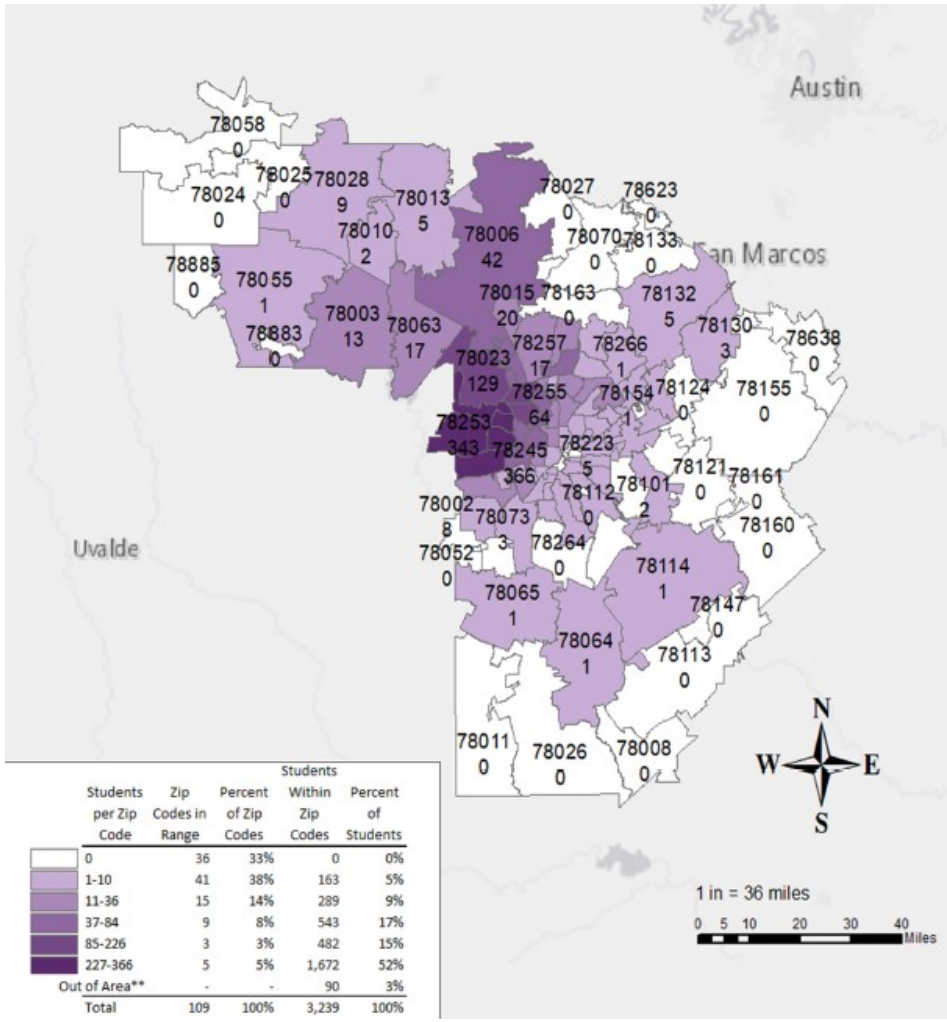
_____
Dr. Mike Flores
Chancellor

NORTHWEST VISTA COLLEGE:
Performance Update

Fall Headcount Enrollment



Fall 2020 Headcount by Zip Code



Students per Zip Code	Zip Codes in Range	Percent of Zip Codes	Students Within Zip Codes	Percent of Students
0	36	33%	0	0%
1-10	41	38%	163	5%
11-36	15	14%	289	9%
37-84	9	8%	543	17%
85-226	3	3%	482	15%
227-366	5	5%	1,672	52%
Out of Area**	-	-	90	3%
Total	109	100%	3,239	100%

Enrollment by Student Type (All Parts of Term)

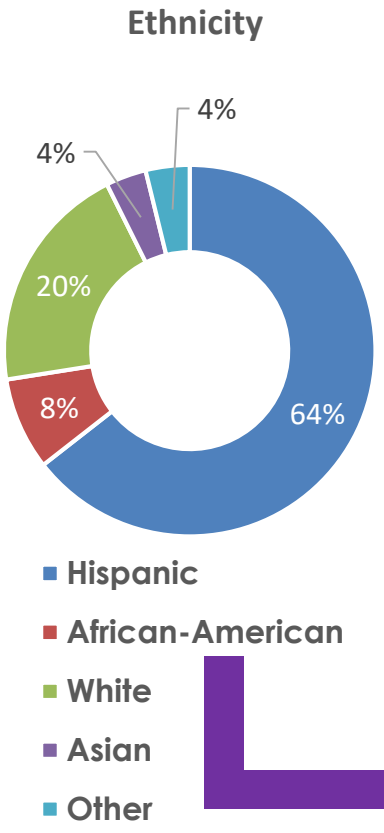
Student Type	Fall 2019	Fall 2020	% change
FTIC	3,305	2,847	-13.9%
Transfer	1,168	720	-38.4%
Dual Credit	3,782	4,360	+15.3%
Continuing	9,755	10,615	+8.8%
Total	**18,010**	**18,542**	**+3.0%**

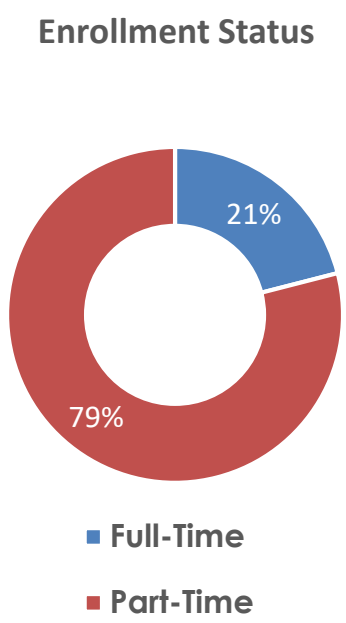
Student Profile Fall 2020

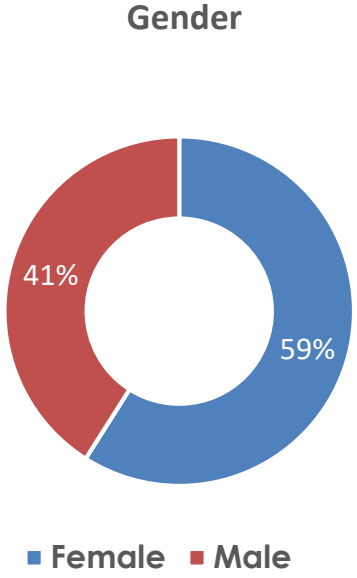
21% (3,859) Full-Time, 79% (14,683) Part-Time
59% (10,975) Female, 41% (7,567) Male

Ethnicity
64% (11,862) Hispanic
8% (1,492) African-American
20% (3,772) White
4% (678) Asian
4% (738) Other

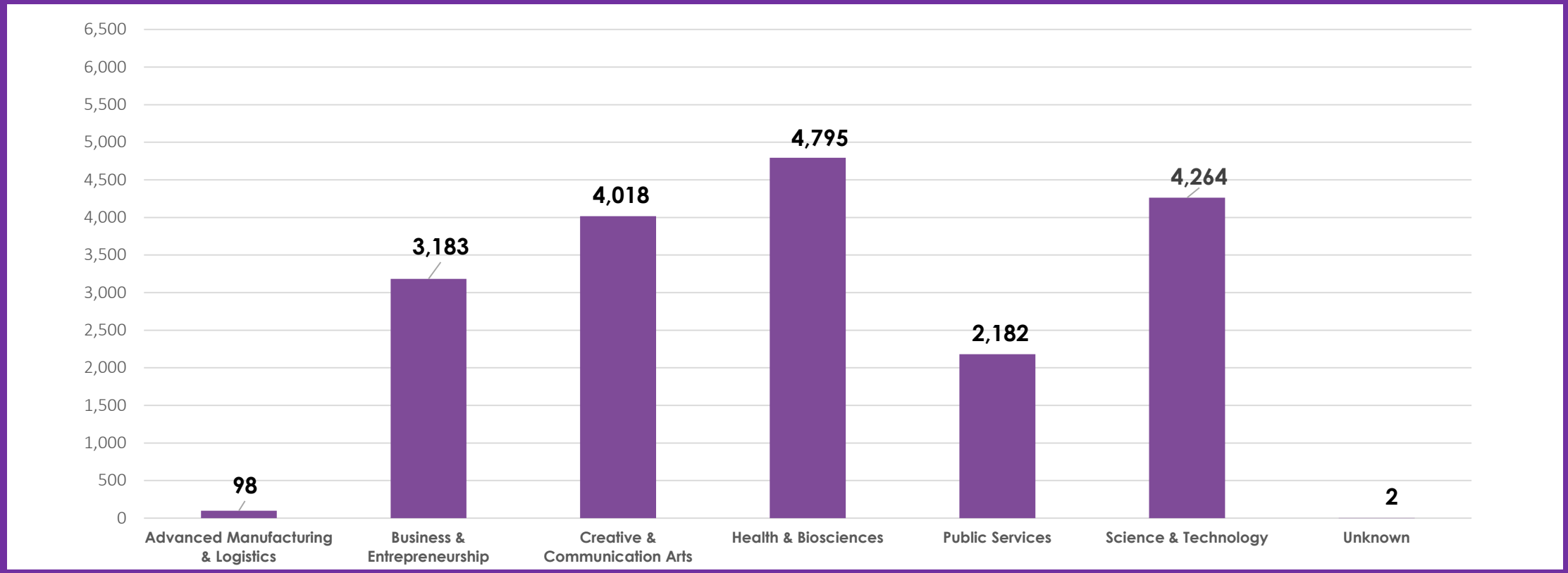
24% (4,360) Dual Credit
58.5% FTIC Require Remediation (post-refresher)
30.9% Economically Disadvantaged
(Based on Fall 2019)



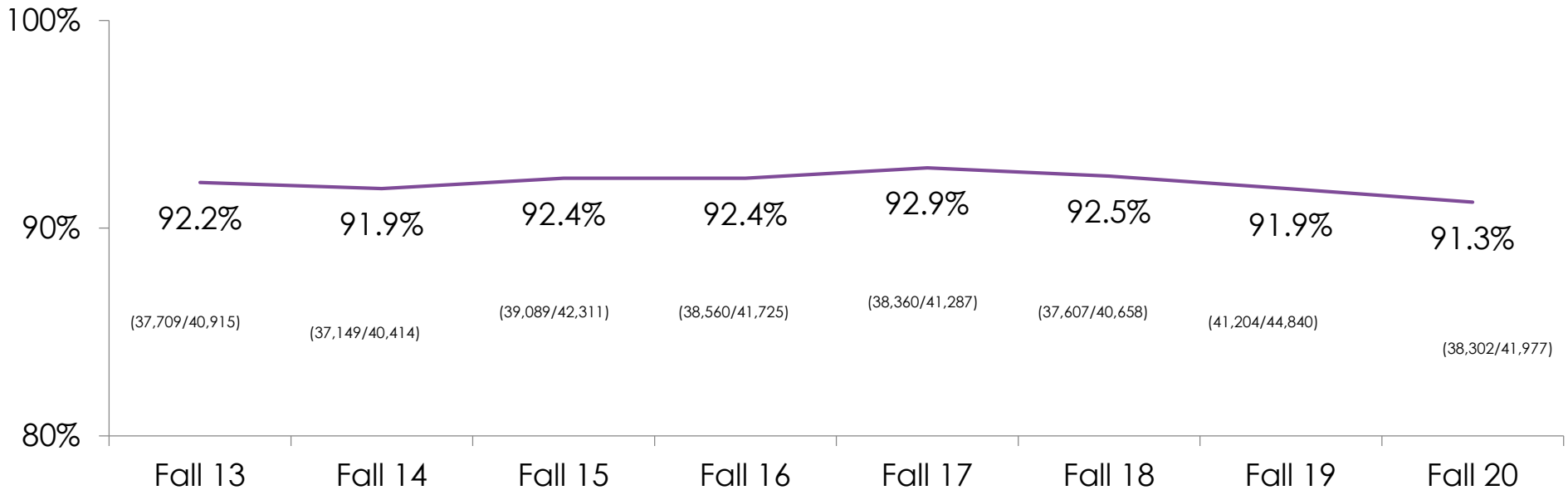




Fall 2020 Headcount by Institute



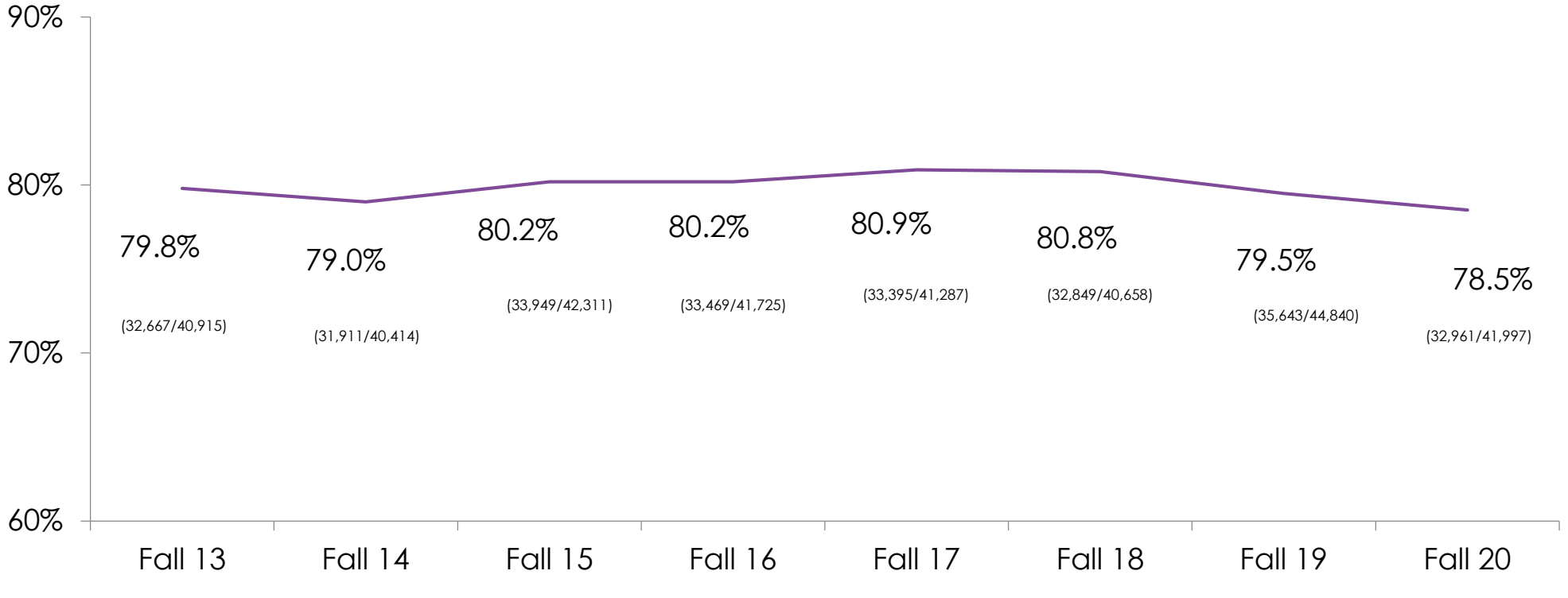
Course Completion Rates – Fall Terms



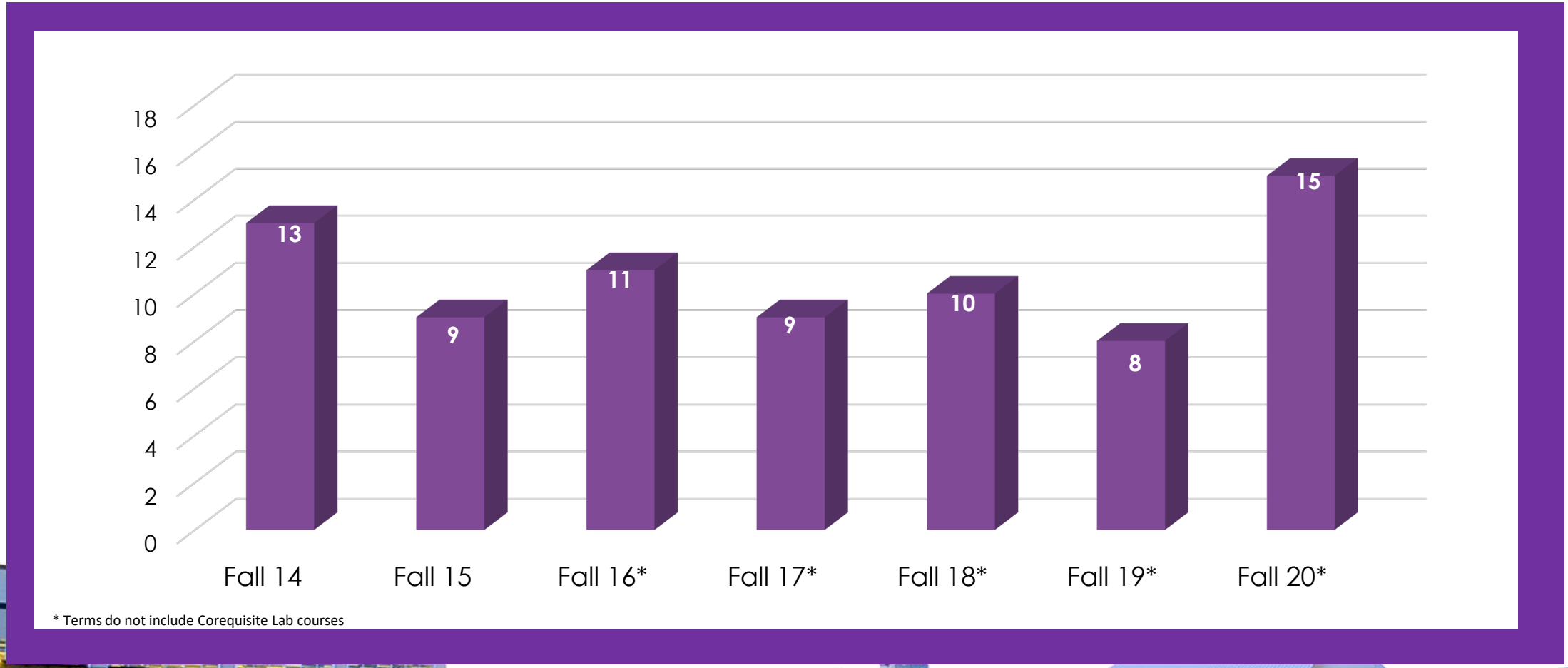
Course Completion Rates by Equity Subgroup – Fall Terms

Demographic	Fall 2016	Fall 2017	Fall 2018	Fall 2019	Fall 2020
Asian	93.69%	94.11%	96.96%	95.62%	94.17%
Black AFR Amer	91.14%	92.15%	92.37%	92.36%	89.94%
Hispanic	92.19%	92.63%	92.08%	91.36%	90.76%
White	92.95%	93.48%	92.95%	92.86%	92.30%
Other	93.33%	94.01%	93.60%	91.95%	92.88%
Female	92.98%	93.29%	93.08%	92.24%	91.79%
Male	91.76%	92.45%	91.81%	91.46%	90.48%
Non-Vet	92.34%	92.88%	92.41%	91.82%	91.11%
Vet	93.07%	93.20%	93.43%	92.47%	92.74%
Overall	**92.41%**	**92.91%**	**92.51%**	**91.89%**	**91.25%**

Productive Grade Rates – Fall Terms



Number of Fall Term High-Challenge Courses

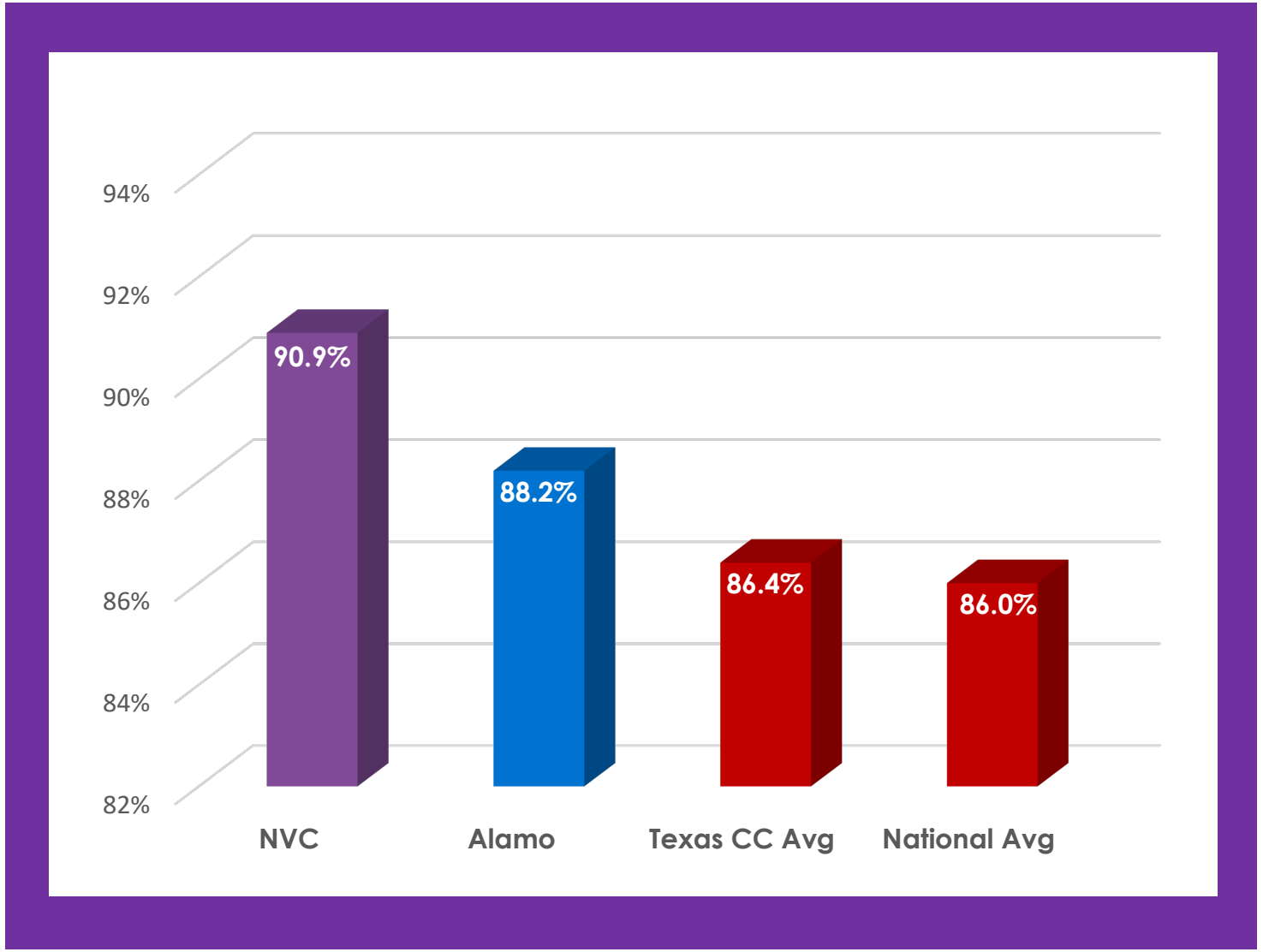


* Terms do not include Corequisite Lab courses

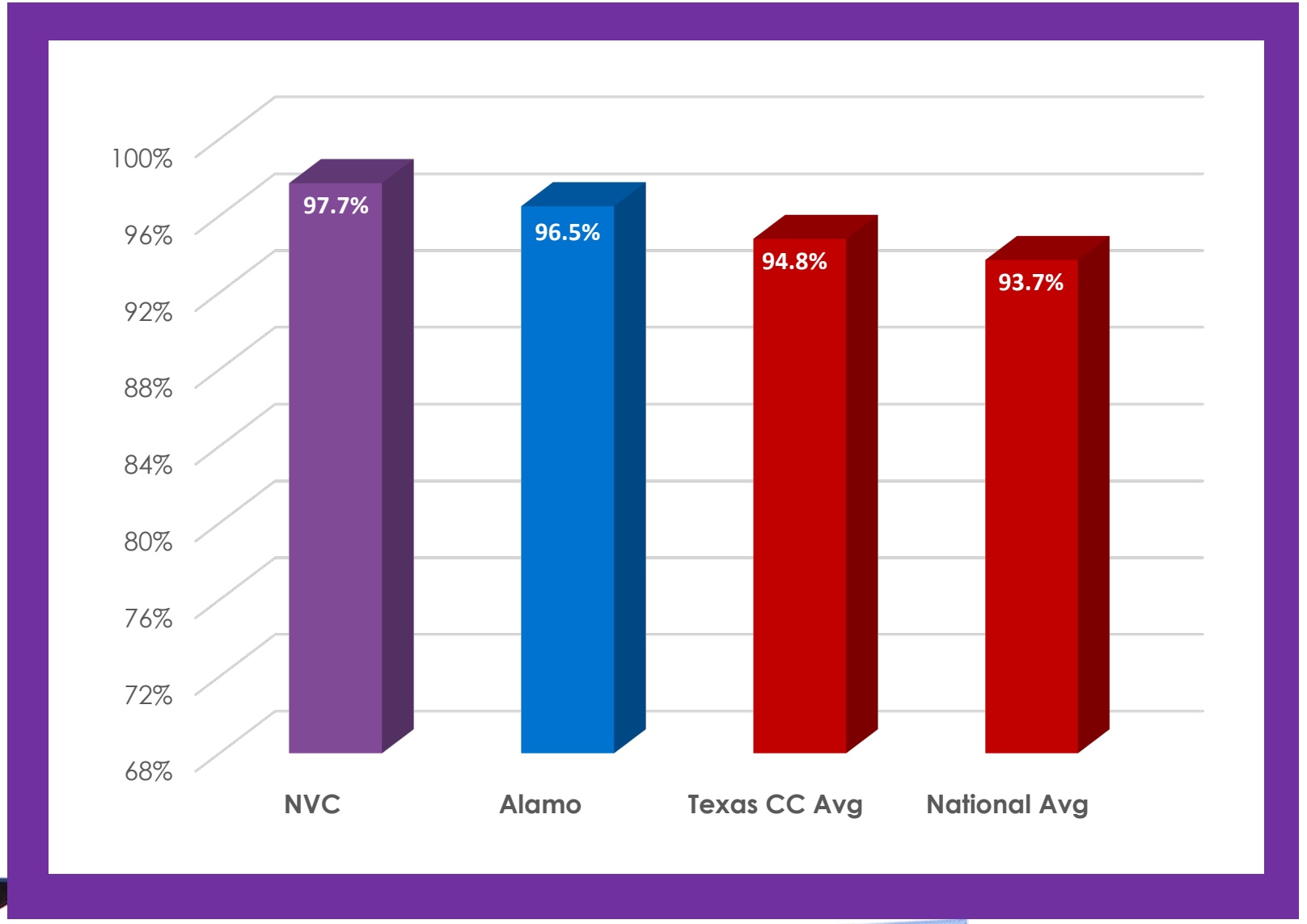
CCSSE Results | Student Engagement

Student Engagement Domain	2013	2014	2015	2017	2019
Active & Collaborative Learning	54.2	55.9	57.7	57.7	**56.7**
Student Effort	48.2	48.9	48.6	54.2	**52.7**
Academic Challenge	48.0	48.6	48.9	50.4	**52.3**
Student/Faculty Interaction	49.4	50.0	49.6	51.8	**51.2**
Support for Learners	49.4	49.5	49.6	52.8	**51.1**

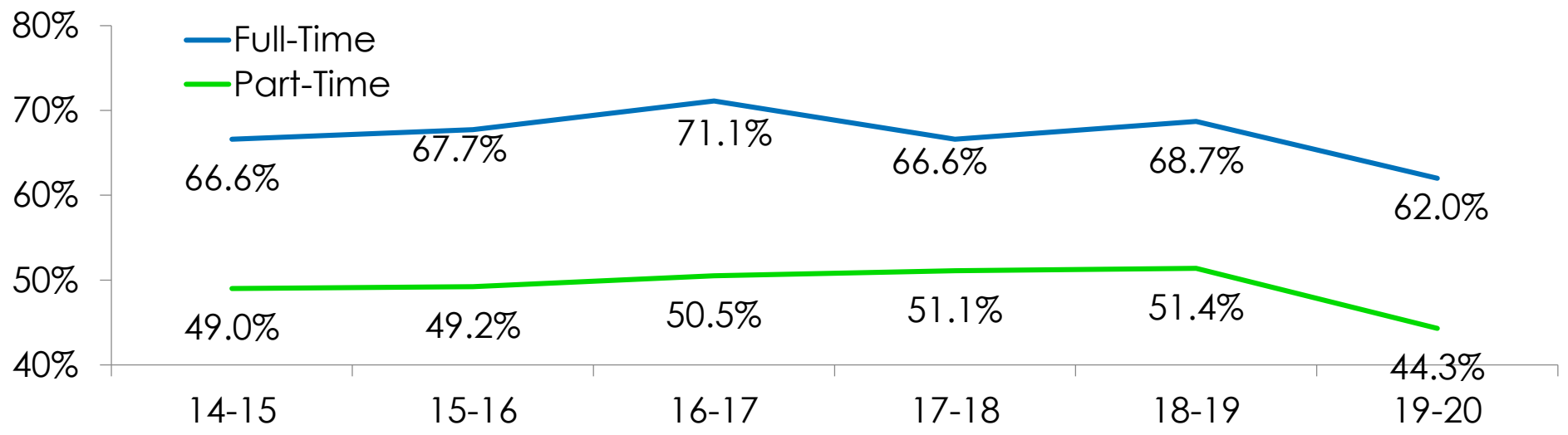
Percentage of Students Rating their Entire Educational Experience as **"Good or Excellent"**



Would you Recommend this College to a **Friend or Family Member?**

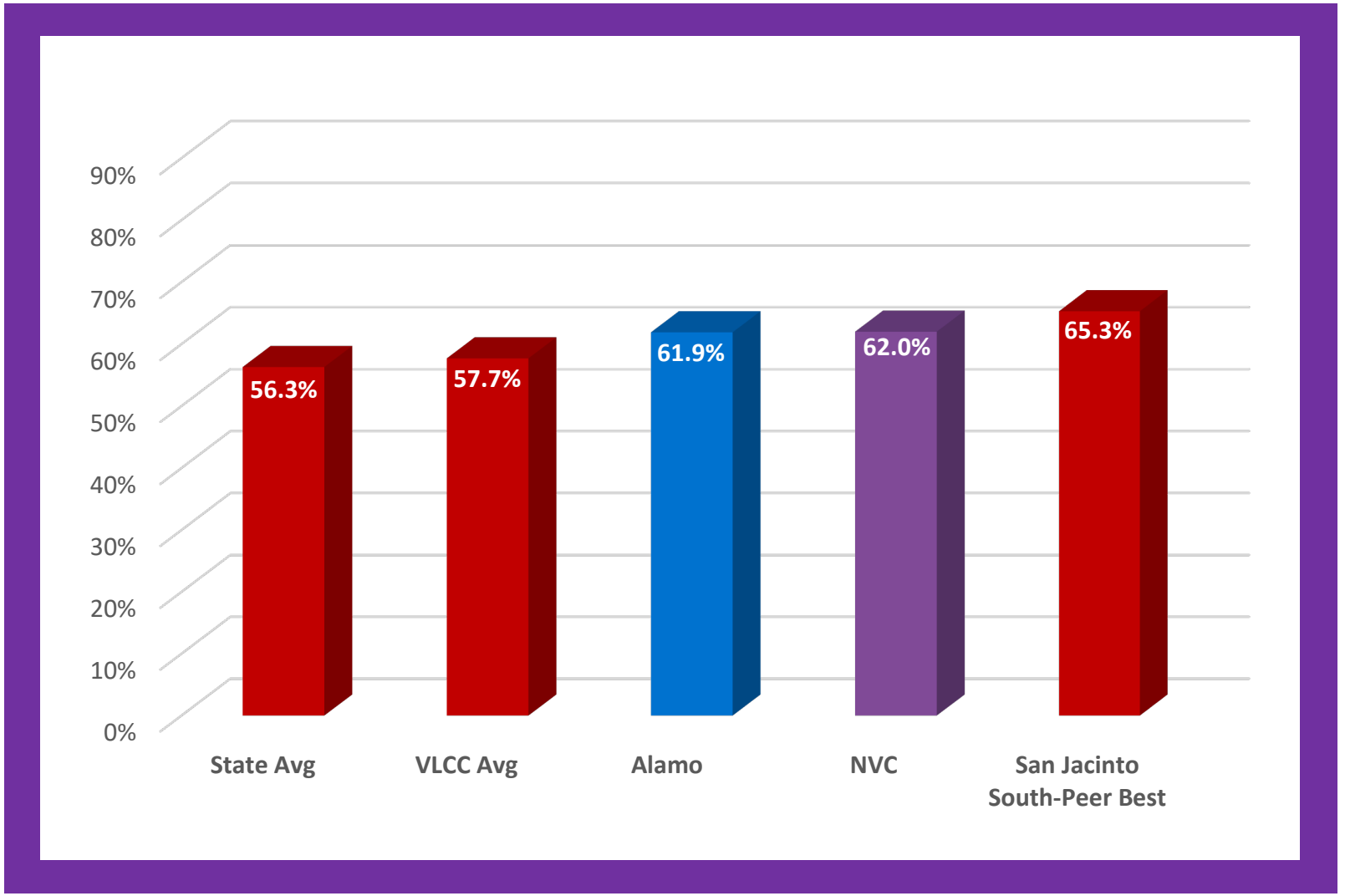


Fall-to-Fall FTIC Persistence Rates

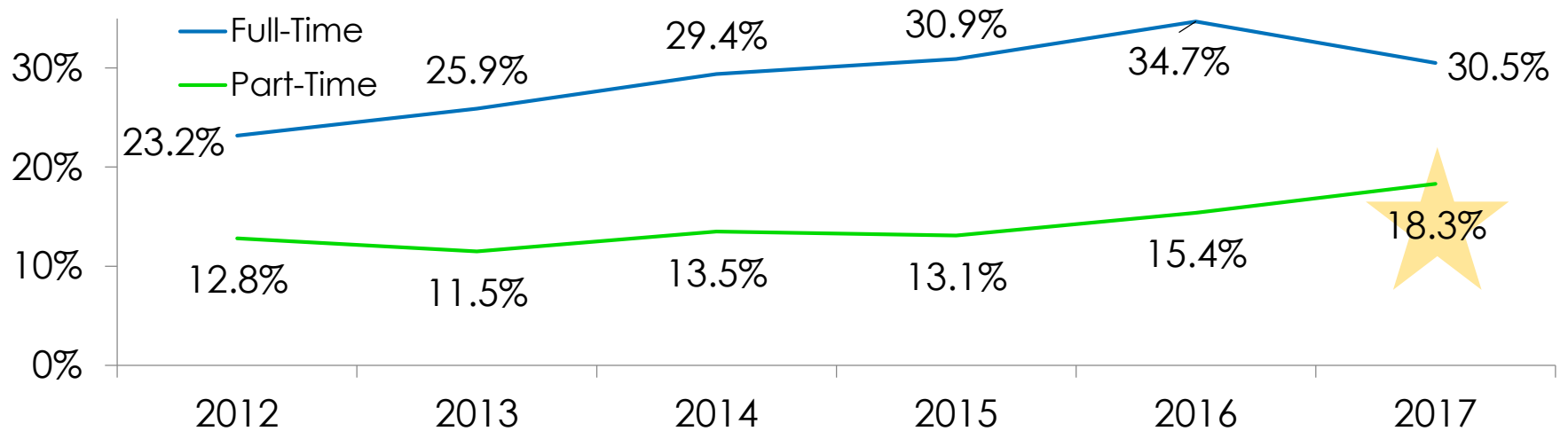


	14-15		15-16		16-17		17-18		18-19		19-20	
	FTIC	Persisted	FTIC	Persisted	FTIC	Persisted	FTIC	Persisted	FTIC	Persisted	FTIC	Persisted
FT	1010	673	1308	886	1227	872	1280	852	1302	895	1809	1122
PT	1585	777	1501	739	1462	739	1303	666	1393	716	1353	599

FT FTIC Comparative Persistence Rates

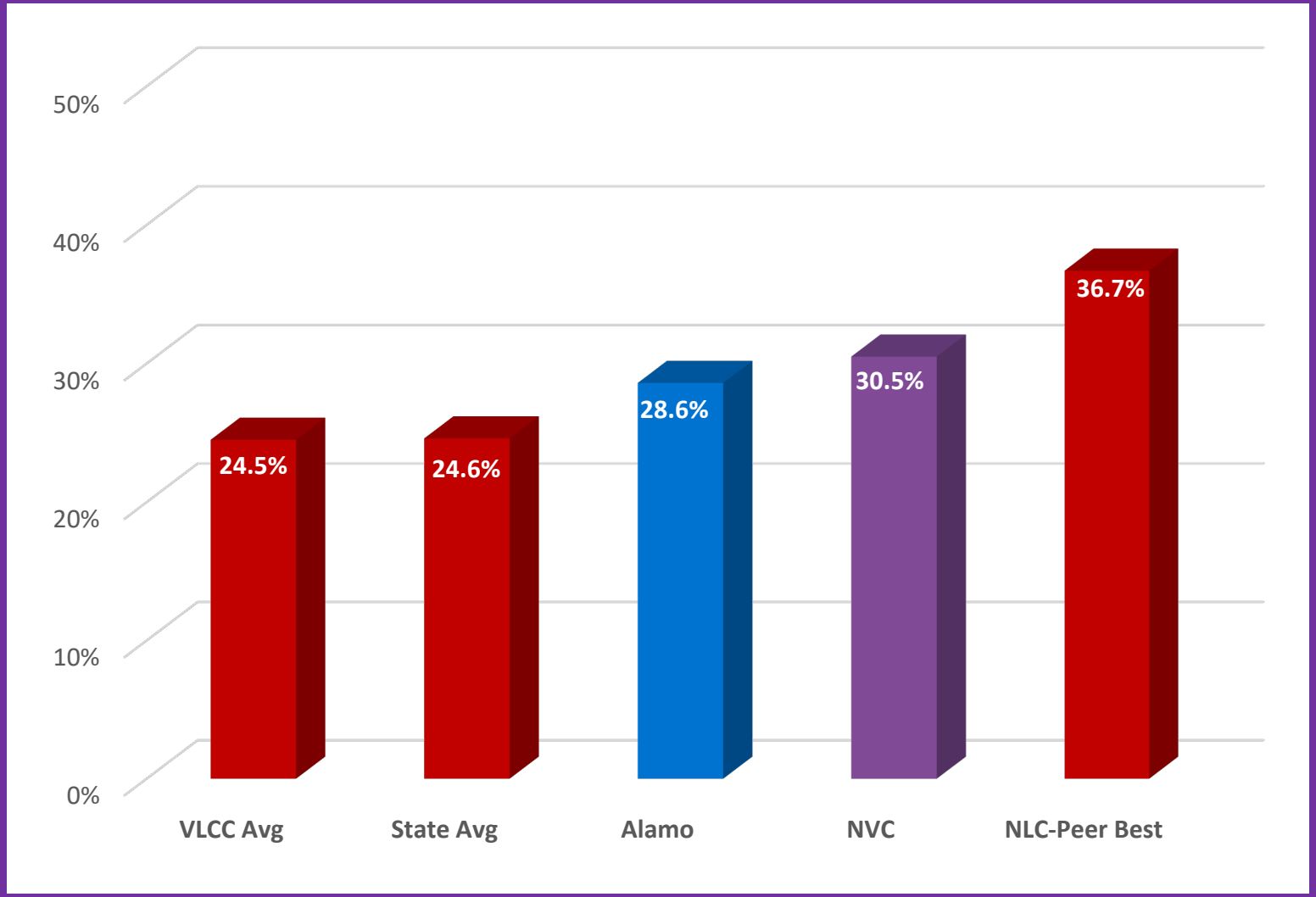


3-Year FTIC Graduation Rates

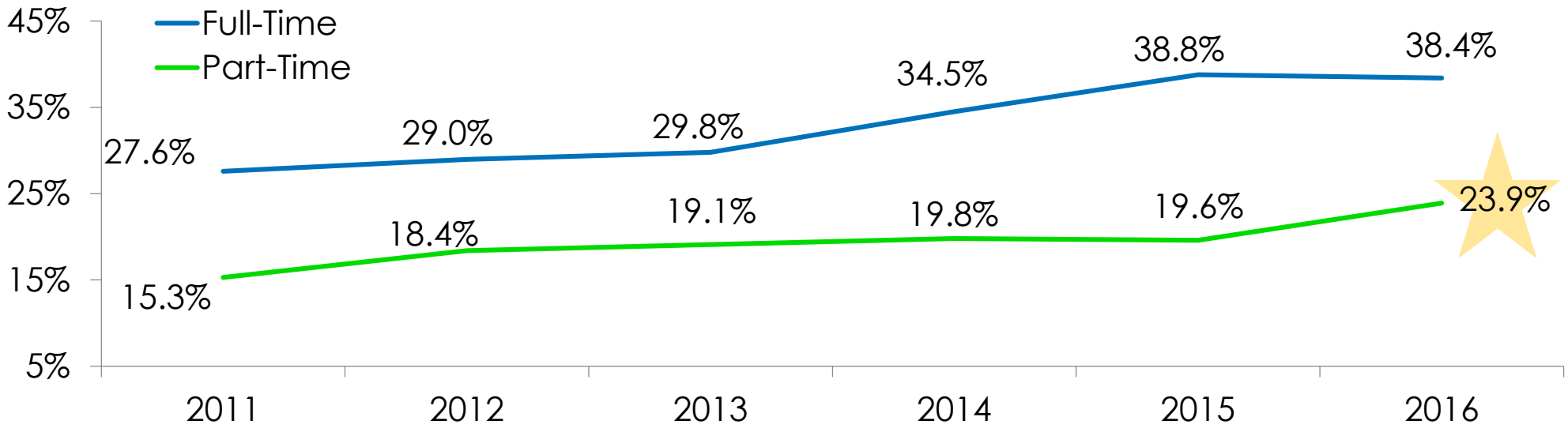


	2012		2013		2014		2015		2016		2017	
	FTIC	Grads	FTIC	Grads	FTIC	Grads	FTIC	Grads	FTIC	Grads	FTIC	Grads
FT	949	220	930	241	1019	300	1308	404	1227	426	1282	391
PT	1686	215	1457	167	1590	215	1503	197	1464	226	1305	239

3-Year FT FTIC Graduation Rates

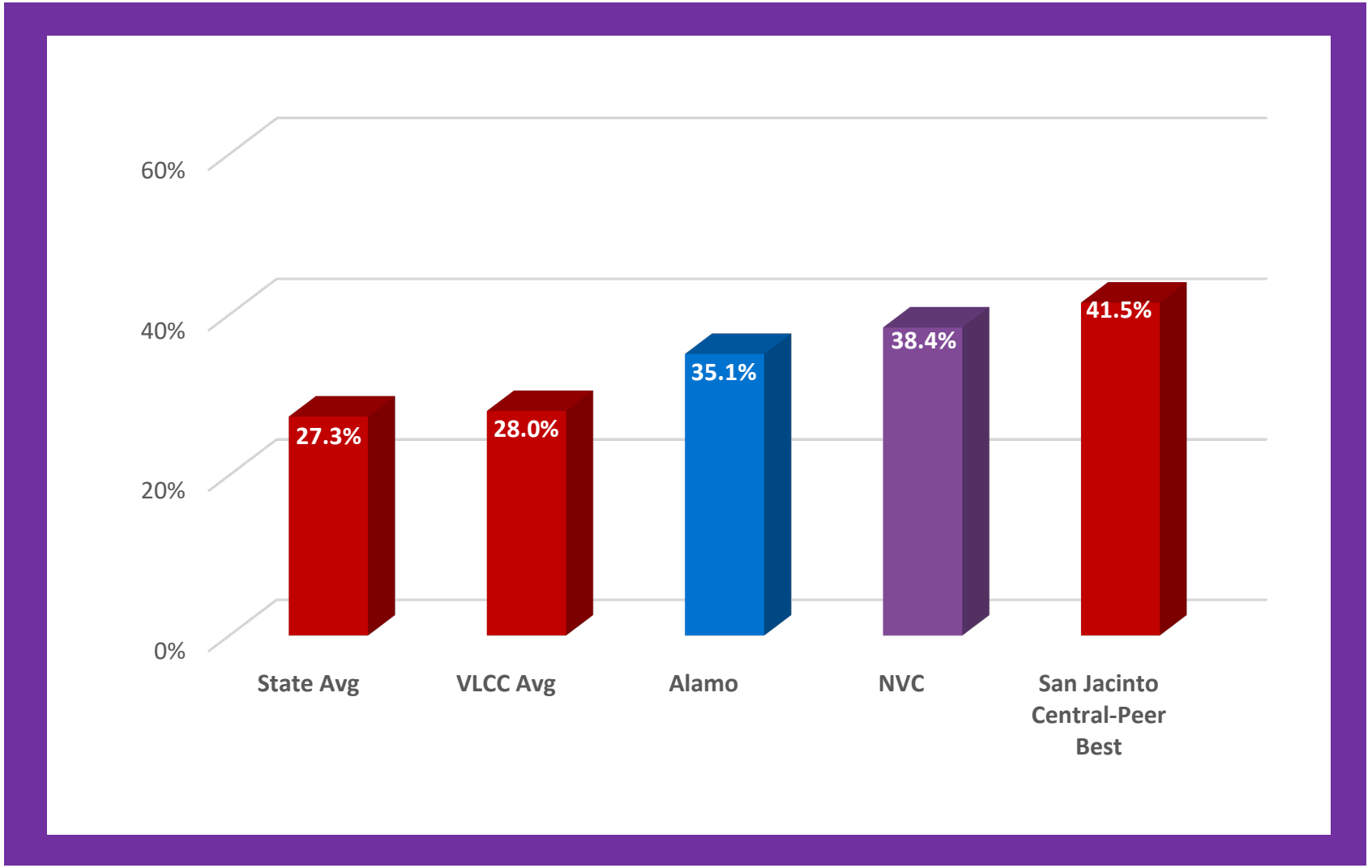


4-Year FTIC Graduation Rates

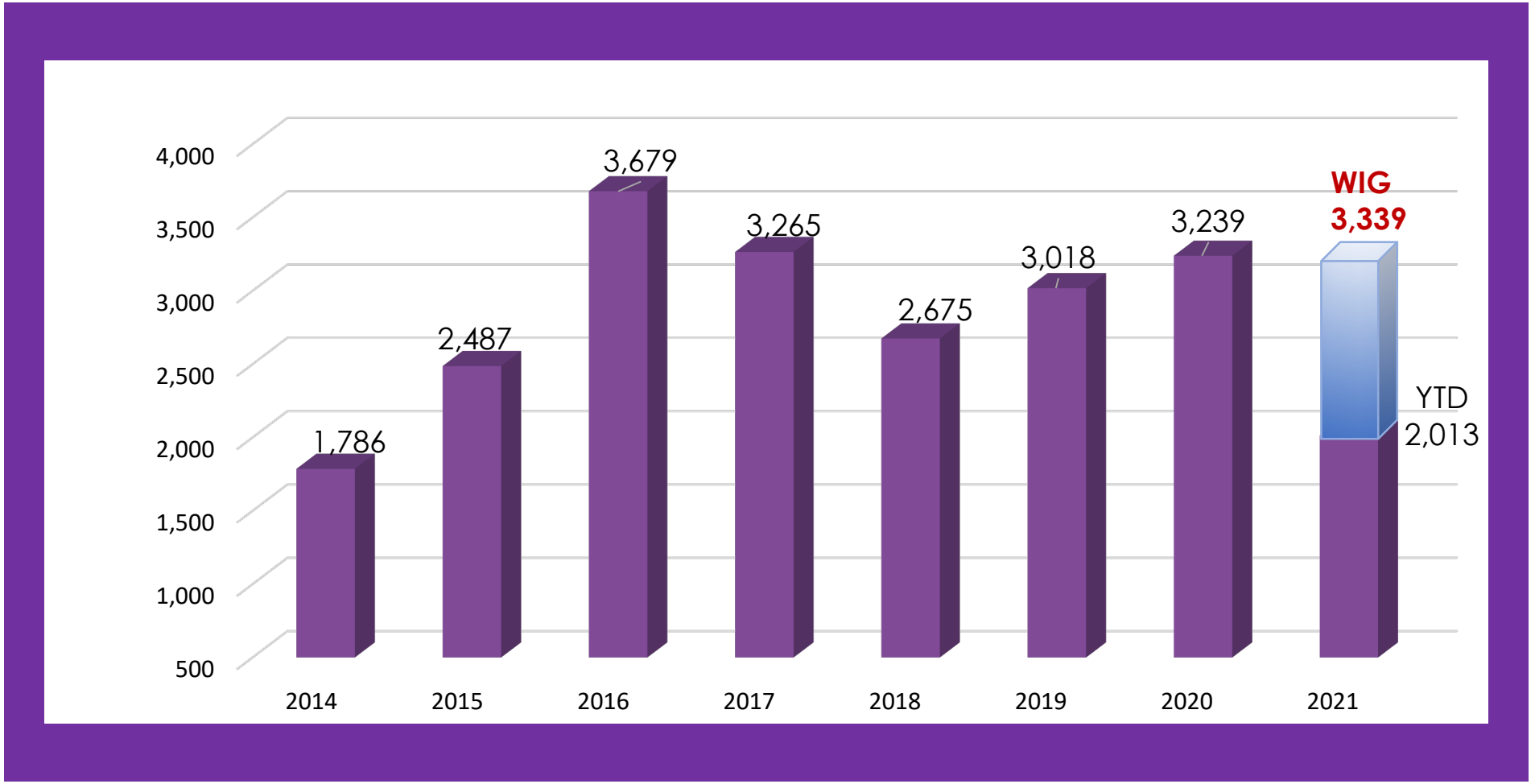


	2011		2012		2013		2014		2015		2016	
	FTIC	Grads	FTIC	Grads	FTIC	Grads	FTIC	Grads	FTIC	Grads	FTIC	Grads
FT	1001	276	949	275	930	277	1019	352	1308	508	1227	471
PT	1716	263	1686	311	1457	278	1590	315	1503	295	1464	350

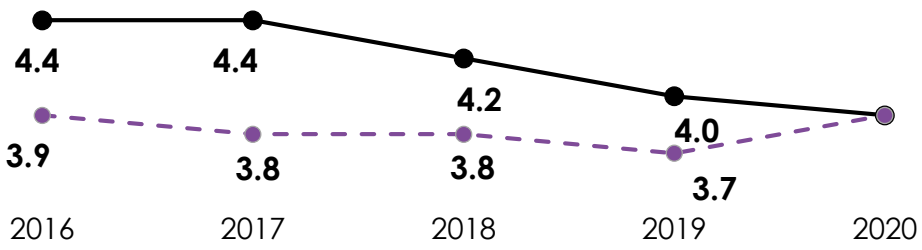
4-Year FT FTIC Graduation Rates



Degrees and Certificates Awarded



Average Time to Associate Degree



	3.90 YEARS
	3.90 YEARS

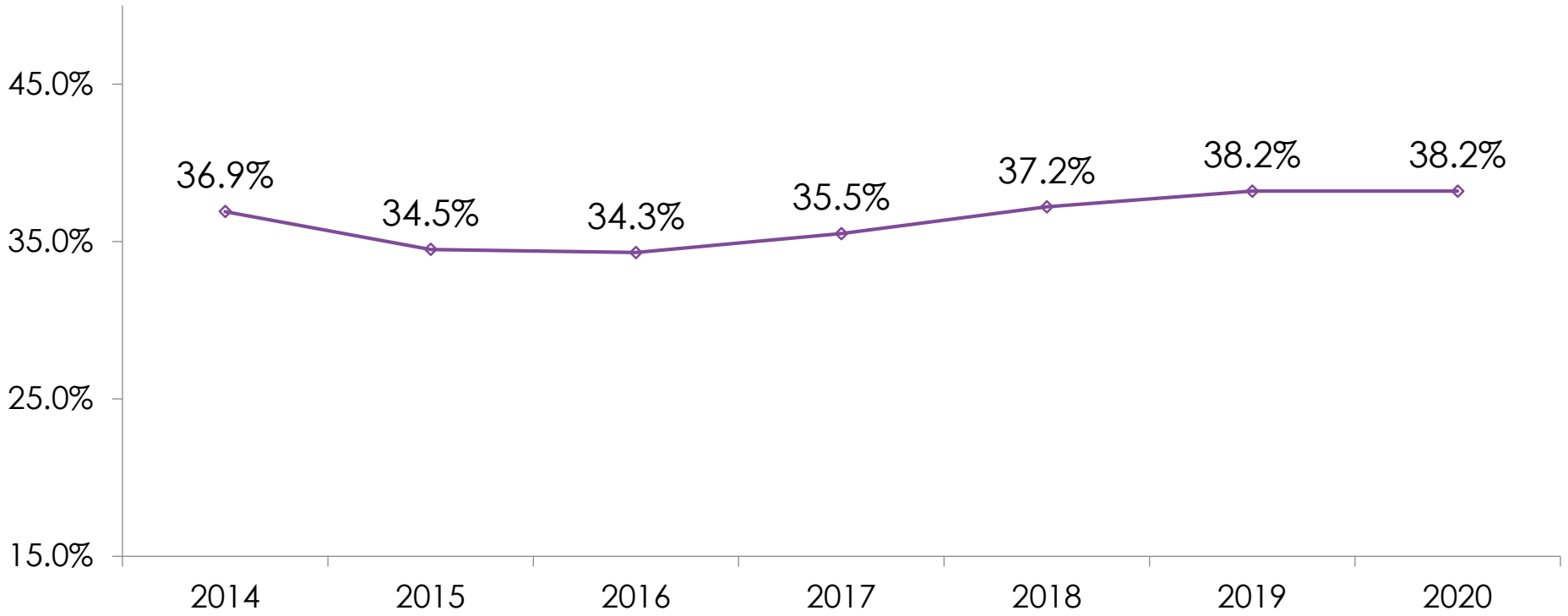
Average SCH to Associate Degree

	2016	2017	2018	2018	2020
	90	90	86	84	81
	84	82	84	80	83
Native Students	68.6	67.2	66.7	65.0	64.6

2020
64.6 Hours average SCH to Associate Degree

Northwest Vista College
Native Students

6-Year FTIC Transfer Rates (NSC Data)



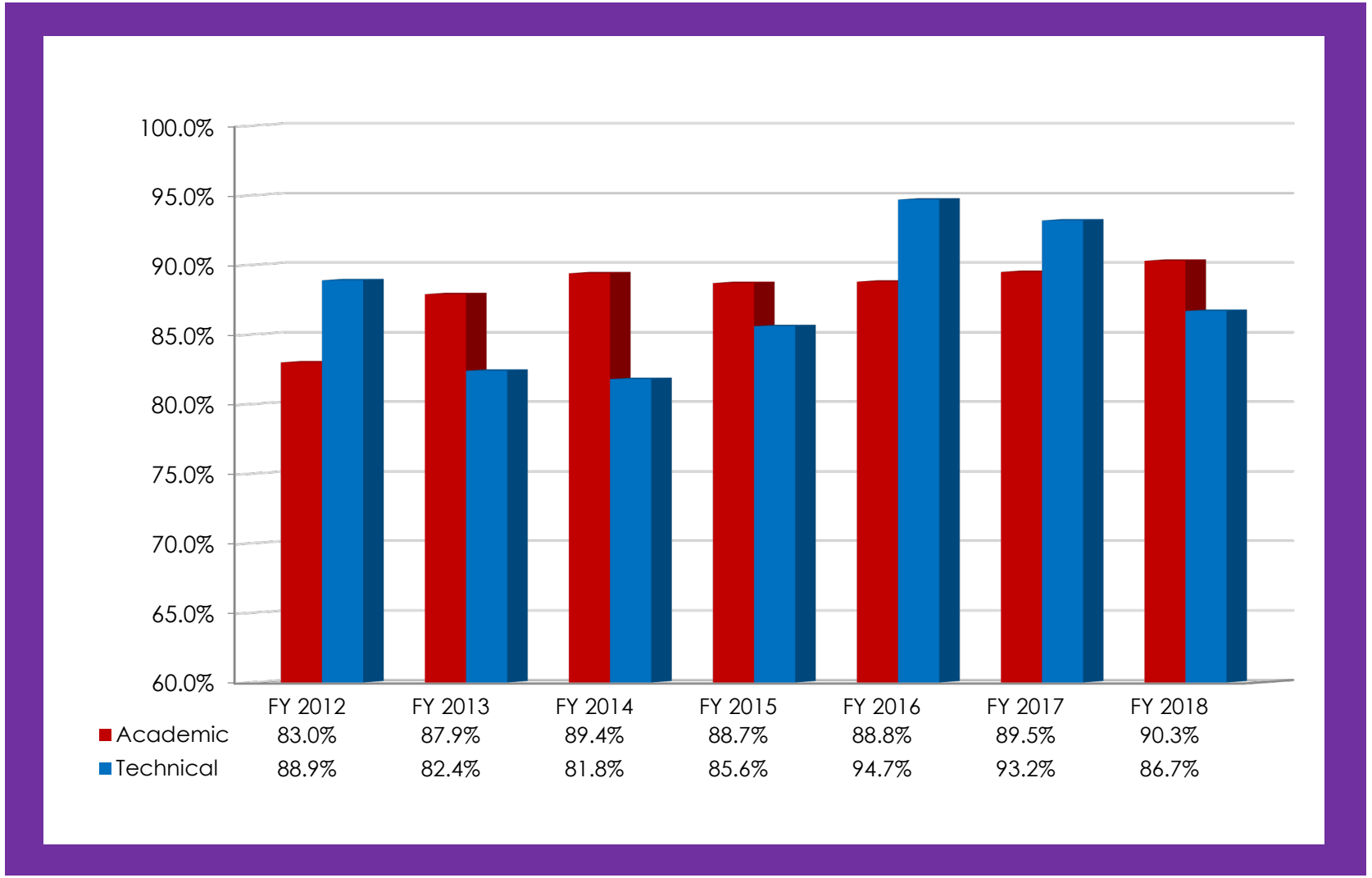
Where NVC Students Transfer (AY '20)

1. UTSA (1,718)
2. Texas A&M SA (507)
3. Texas State University (239)
4. Texas A&M University (221)
5. University of the Incarnate Word (195)

Success at Transfer Institutions
F15 Transfers Graduating F16-F19

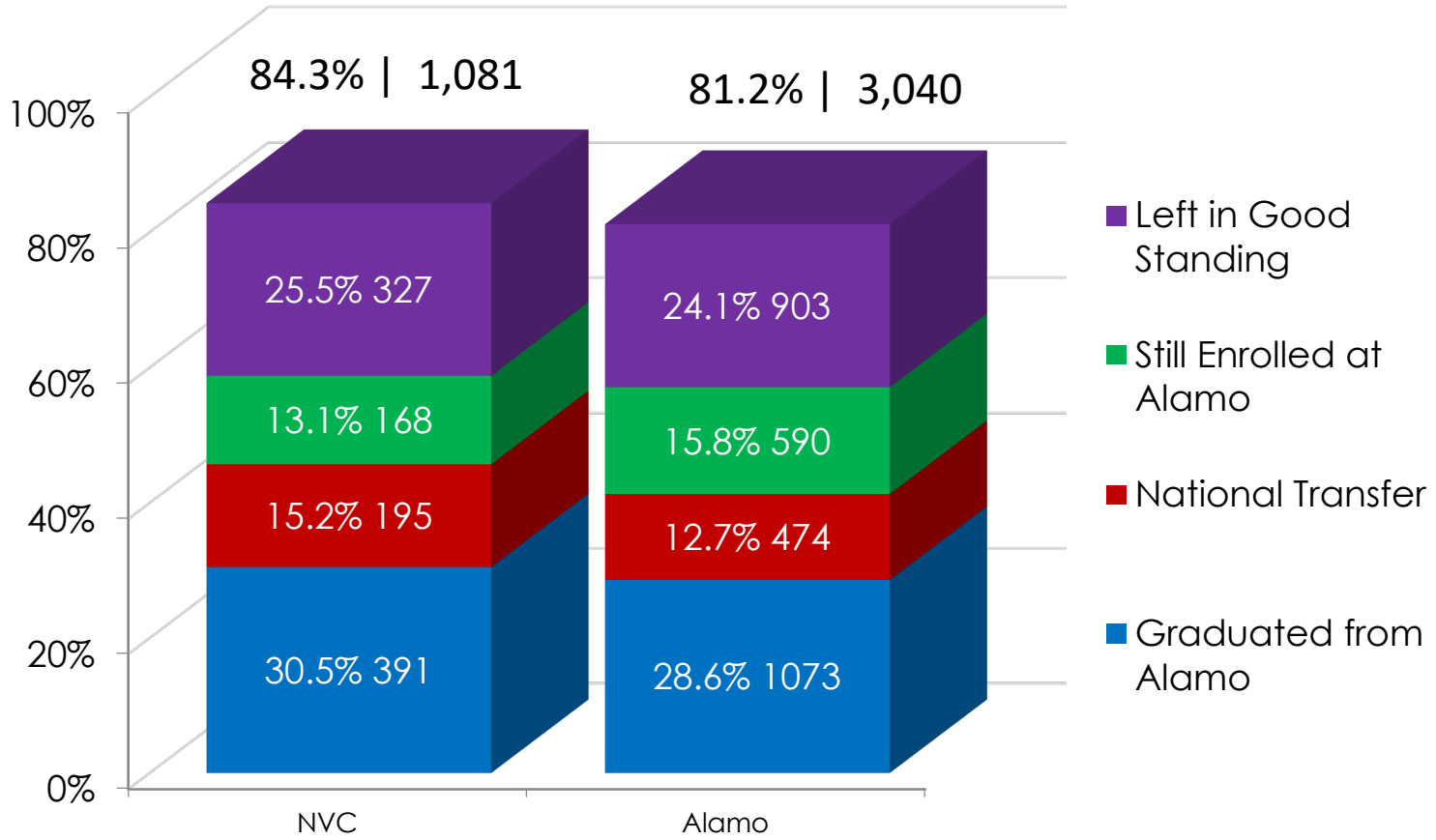
Institution	% Graduating
Alamo	67.6%
NVC	**66.9%**
State Avg.	63.8%
Peer Group Avg.	62.1%

Students **Employed and/or Enrolled** Within 6 Months of Graduation

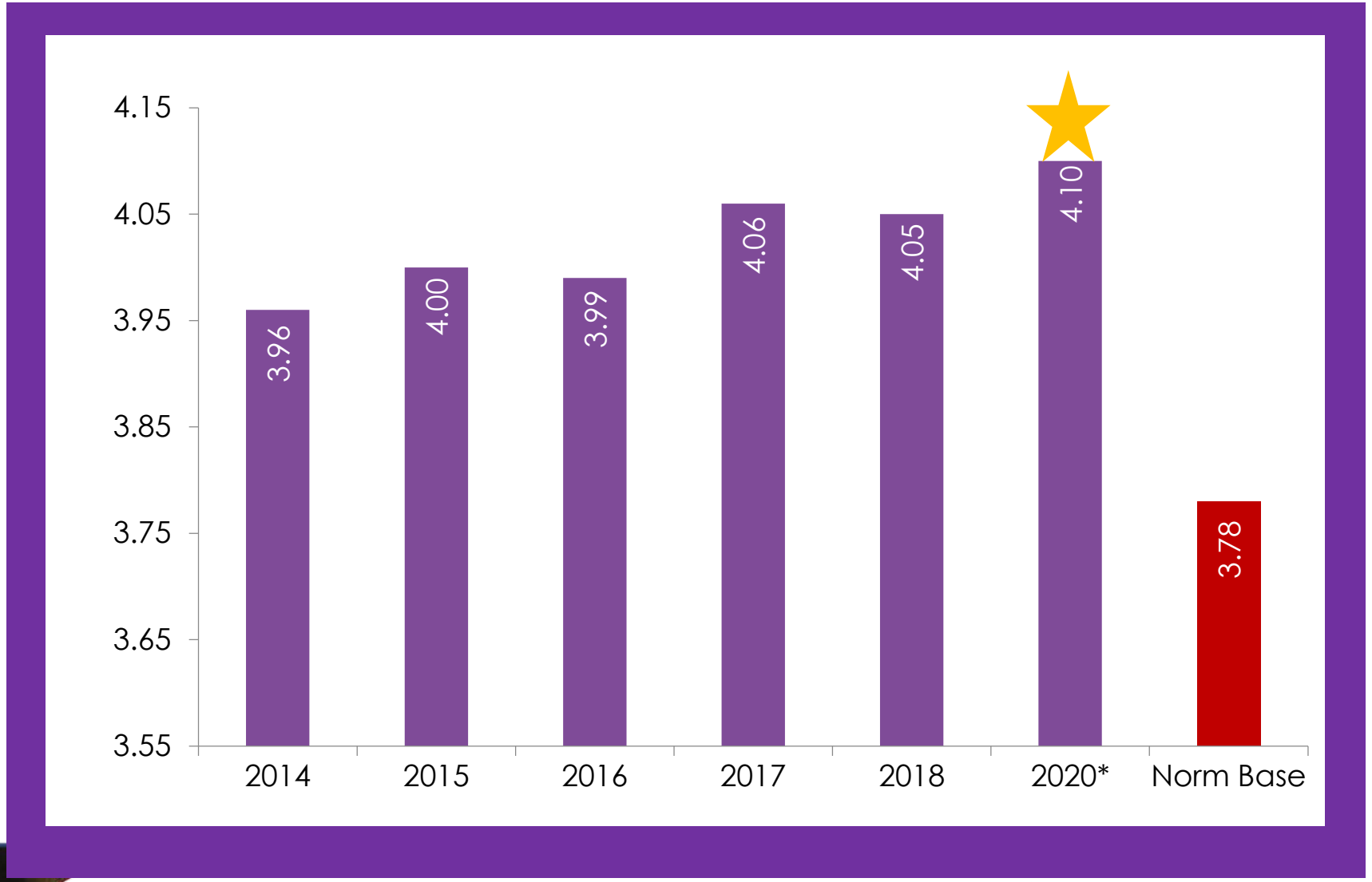


	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Academic	83.0%	87.9%	89.4%	88.7%	88.8%	89.5%	90.3%
Technical	88.9%	82.4%	81.8%	85.6%	94.7%	93.2%	86.7%

Fall FT2017 FTIC 3-Year Tracking



PACE Results – Northwest Vista College



Achievements and Recognitions – Northwest Vista College

- 2020 Most Promising Places to Work in Community Colleges - Diverse Issues in Higher Education
- 2021 Ranked Number 2 in Texas and number 21 nationally - NICHE
- 2020-21 Ranked in the top 25 nationally: The Best Community Colleges in America – 24/7 Wall Street
- 2021 ASPEN Top 150
- 100 Best Community Colleges in America: Number 21 nationally – STACKER
- Hispanic Outlook Magazine: Top 100 Schools for Hispanics:
  - Number 9 nationally: number of Hispanic graduates
  - Number 23 nationally: Hispanic Enrollment
  - Number 9 nationally: Teacher Education
  - Number 2: nationally: Engineering

Student Success Agenda – Northwest Vista College

- **Regain momentum in Improving Productive Grade Rates**
  - Increase PGR from 78.5% to 80.8%
- **Regain momentum in improving Course Completion**
  - Increase course completion rates from 91.3% to 92.5%
- **Regain momentum in improving fall to fall persistence**
  - Increase FTIC Fall to Fall Persistence for full times students from 62% to 66% and part time students from 44.3% to 50%
- Continue to expand the impact and wrap-around services provided through the Student Advocacy Center

Student Success Agenda (Continued)

- **Significantly increase the academic support for High Challenge Courses**
  - Reduce number of High Challenge Courses from 17 to 10 courses
- Supplemental Instruction Tutors – embedded and assigned to High Challenge Math course sections
- Align course delivery modality with student success outcomes
- Continue to provide onsite tutoring through NVC's four open labs
- Create opportunities for students to coach and tutor peers
- Provide Growth Mindset training to all NVC Faculty

Questions?

Appendices

Graduates as a % of FTE Enrollment

Institution	Percentage
South Texas College	42.2%
San Jacinto CCD	40.4%
NVC	**37.7%**
Alamo	37.4%
El Paso CCD	35.3%
Dallas County CCD	30.8%
Tarrant County CCD	28.5%
Lone Star College System	28.2%
Collin County CCD	27.7%
Austin Community College	26.7%
Houston Community College	22.4%

PACE Four Climate Factors – Northwest Vista College

Factor	2016	2017	2018	2020
Institutional Structure	3.7	3.8	3.8	3.9
Supervisory Relationship	4.0	4.1	4.1	4.1
Teamwork	4.0	4.1	4.2	4.2
Student Focus	4.2	4.3	4.2	4.3

Productive Grade Rates by Equity Subgroup

Demographic	Fall 2016	Fall 2017	Fall 2018	Fall 2019	Fall 2020
Asian	88.30%	87.30%	91.85%	89.62%	89.04%
Black AFR Amer	76.11%	77.24%	78.40%	76.82%	74.24%
Hispanic	78.83%	79.58%	79.15%	77.73%	76.90%
White	83.36%	84.24%	84.55%	83.64%	82.62%
Other	82.58%	82.49%	82.98%	81.79%	81.45%
Female	82.04%	82.79%	82.54%	81.22%	80.29%
Male	78.10%	78.60%	78.71%	77.34%	76.00%
Non-Vet	80.38%	81.29%	80.91%	79.64%	78.66%
Vet	78.75%	77.18%	80.15%	78.15%	76.89%
Overall	**80.21%**	**80.89%**	**80.84%**	**79.49%**	**78.52%**

Fall to Fall Persistence Rates by Equity Subgroup

Demographic	Fall 2015 to Fall 2016			Fall 2016 to Fall 2017			Fall 2017 to Fall 2018			Fall 2018 to Fall 2019			Fall 2019 to Fall 2020		
	FT	PT	TH	FT	PT	TH	FT	PT	TH	FT	PT	TH	FT	PT	TH
Male	65.4%	46.3%	55.5%	64.8%	49.6%	56.3%	63.6%	45.8%	54.6%	66.7%	52.1%	58.5%	56.3%	38.4%	48.6%
Female	70.4%	51.6%	60.0%	74.0%	51.5%	62.0%	69.1%	55.6%	62.3%	70.6%	50.7%	61.0%	67.8%	49.9%	60.5%
Vet	63.3%	52.7%	59.4%	72.5%	44.3%	58.0%	63.3%	51.6%	57.8%	71.0%	53.3%	62.5%	57.6%	39.0%	49.4%
Non-Vet	68.5%	49.1%	57.8%	69.5%	51.0%	59.4%	66.9%	51.1%	58.8%	68.8%	51.3%	59.7%	62.8%	44.8%	55.3%
Pell	67.5%	52.1%	60.1%	70.2%	50.0%	59.4%	64.5%	48.8%	56.9%	66.4%	48.7%	57.8%	59.8%	42.6%	53.2%
Non-Pell	68.4%	47.3%	56.1%	69.3%	51.0%	59.2%	68.7%	53.1%	60.5%	71.7%	53.5%	61.7%	65.3%	45.6%	56.3%
African-American	67.1%	46.9%	55.7%	73.8%	41.9%	57.1%	63.6%	45.6%	54.5%	60.5%	54.4%	57.3%	57.3%	41.6%	49.6%
Asian	82.9%	43.2%	62.5%	69.4%	53.8%	64.0%	80.0%	47.5%	61.4%	79.1%	71.4%	76.1%	75.0%	56.8%	68.3%
Hispanic	67.5%	50.0%	58.2%	70.6%	51.8%	60.1%	67.8%	53.0%	60.4%	68.8%	49.6%	58.9%	62.3%	45.0%	55.3%
White	67.5%	48.4%	56.8%	65.2%	50.5%	57.3%	61.1%	48.2%	54.4%	70.4%	54.2%	61.4%	61.9%	40.6%	52.3%
Other	70.3%	46.7%	59.7%	72.0%	31.0%	50.0%	73.3%	43.8%	58.1%	72.4%	56.3%	63.9%	63.3%	47.8%	56.6%
Overall	**67.7%**	**49.2%**	**57.9%**	**71.1%**	**50.5%**	**59.3%**	**66.6%**	**51.1%**	**58.8%**	**68.7%**	**51.4%**	**59.9%**	**62.0%**	**44.3%**	**54.8%**

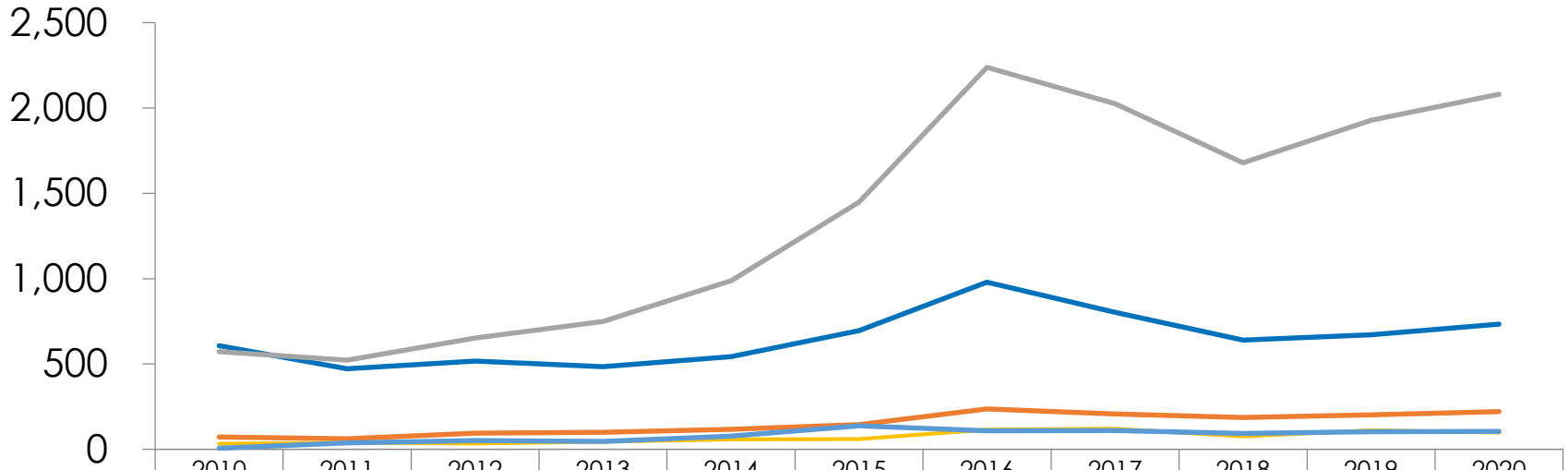
High-Challenge Courses

- BIOL 2401, 2402
- CHEM 1111, 1305, 1311
- HUMA 1311
- MATH 0320, 0410, 1324, 1332, 1342, 2412, 2413, 2414
- PHIL 2303

High-Challenge Courses

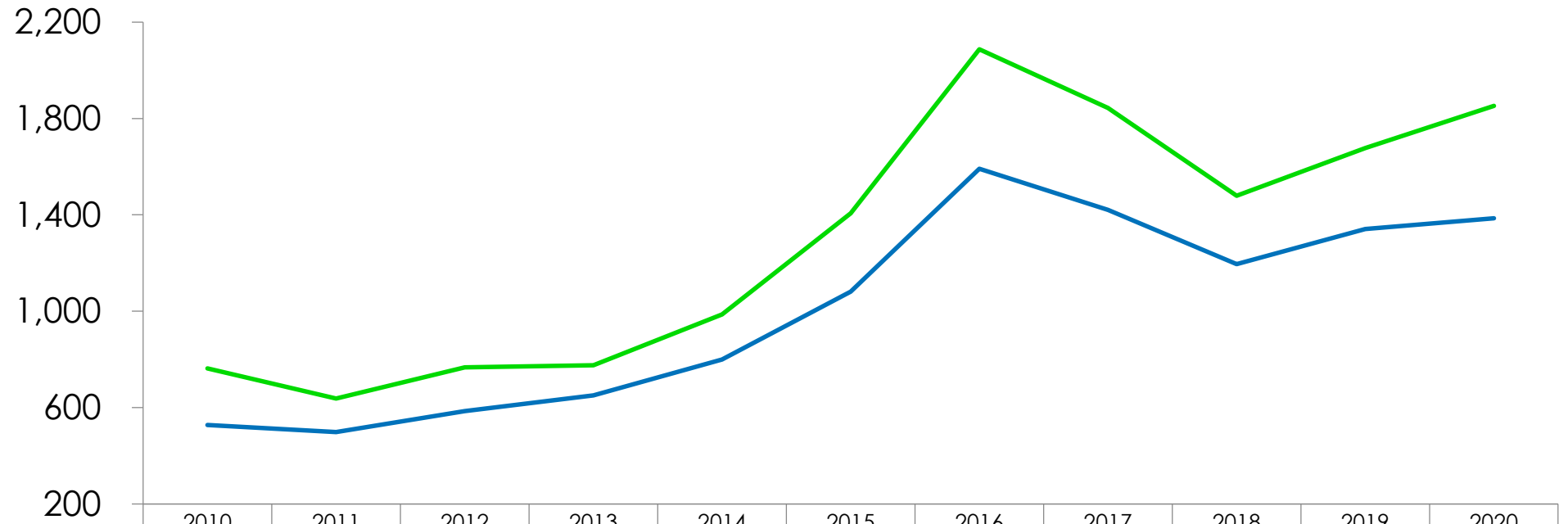
Subject	Course Number	Course Title	Ttl Enroll	Success Rate
BIOL	1406	BIOL for Science Majors I	334	64.40%
BIOL	2401	Human A&P I	410	49.80%
BIOL	2402	Human A&P II	284	51.10%
CHEM	1111	Gen Chem Lab I	169	62.70%
CHEM	1311	Gen Chem Lec I	310	65.20%
CHEM	1305	Intro Chem Lec I	163	53.40%
HUMA	1311	MA Fine Arts Appreciation	138	68.10%
MATH	320	Intermediate Algebra	293	55.60%
MATH	410	Elementary Algebra	650	63.20%
MATH	1324	Math for BUSI and SOC SCI	438	67.60%
MATH	1332	Contemporary Math	189	60.80%
MATH	1342	Elem Stat Methods	302	67.50%
MATH	1414	College Algebra (pre-cal)	282	61.70%
MATH	2412	Precalculus	244	51.60%
MATH	2413	Calculus I	207	53.60%
MATH	2414	Calculus II	109	50.50%
PHIL	2303	Intro to Logic	105	51.40%

Degrees & Certificates Awarded by Ethnicity



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
White	607	473	518	485	543	695	980	802	640	672	733
African American	72	62	95	100	118	145	237	207	187	202	221
Hispanic	572	523	653	750	988	1,449	2,238	2,024	1,679	1,928	2,081
Asian	32	40	34	44	59	60	115	121	75	113	98
Other	6	37	52	47	78	138	109	111	94	103	106

Degrees & Certificates Awarded by Gender



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Male	527	498	585	650	799	1,081	1,591	1,421	1,196	1,341	1,386
Female	762	637	767	776	987	1,406	2,088	1,844	1,479	1,677	1,853

3-Year Graduation Rates by Equity Subgroup

Demographic	Fall 2013 Cohort			Fall 2014 Cohort			Fall 2015 Cohort			Fall 2016 Cohort			Fall 2017 Cohort		
	FT	PT	Ttl	FT	PT	Ttl	FT	PT	Ttl	FT	PT	Ttl	FT	PT	Ttl
Male	18.3%	10.0%	13.2%	22.5%	11.5%	15.7%	25.5%	10.4%	17.7%	31.9%	12.9%	21.3%	25.4%	13.8%	19.5%
Female	34.3%	12.9%	21.3%	34.2%	15.2%	22.8%	35.4%	15.3%	24.3%	36.0%	17.9%	26.4%	34.6%	22.2%	28.4%
Vet	26.9%	21.2%	24.1%	31.0%	6.7%	18.5%	29.7%	18.9%	25.7%	36.3%	13.3%	24.3%	34.5%	22.9%	29.1%
Non-Vet	26.3%	11.0%	16.9%	28.9%	13.9%	19.7%	30.7%	12.8%	20.9%	33.9%	15.6%	23.9%	30.0%	17.9%	23.9%
Pell	28.5%	11.7%	18.6%	28.1%	13.6%	19.5%	28.4%	13.9%	21.4%	34.4%	16.3%	24.7%	29.3%	19.8%	24.7%
Non-Pell	24.3%	11.3%	16.1%	30.1%	13.4%	19.7%	32.8%	12.5%	21.1%	33.8%	14.8%	23.3%	31.5%	17.0%	24.0%
African-American	31.1%	7.0%	16.1%	14.9%	10.8%	12.0%	28.9%	15.3%	21.3%	21.4%	14.0%	17.5%	28.6%	8.9%	18.6%
Asian	28.6%	11.5%	17.5%	45.2%	10.6%	24.4%	48.6%	16.2%	31.9%	38.8%	19.2%	32.0%	36.7%	25.0%	30.0%
Hispanic	25.7%	11.0%	16.7%	29.5%	13.7%	20.1%	30.7%	13.3%	21.5%	34.8%	15.8%	24.2%	29.7%	18.4%	24.1%
White	26.9%	14.3%	19.2%	28.8%	13.9%	19.6%	29.0%	12.2%	19.6%	34.7%	15.2%	24.2%	31.4%	20.1%	25.6%
Other	25.9%	12.3%	18.3%	27.3%	14.8%	20.0%	23.7%	6.7%	16.2%	36.0%	6.9%	20.4%	43.3%	15.6%	29.0%
Overall	**25.9%**	**11.5%**	**17.3%**	**29.4%**	**13.5%**	**19.6%**	**30.9%**	**13.1%**	**21.2%**	**34.7%**	**15.4%**	**23.9%**	**30.5%**	**18.3%**	**24.3%**

Alamo Colleges District
Workforce Committee Report

Xavier Urrutia
Interim Vice Chancellor

Economic and Workforce Development

ALAMO COLLEGES DISTRICT

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Partner Updates:

WORKFORCE SOLUTIONS ALAMO -ADRIAN LOPEZ

- **Unemployment Rate**:
  - 5.2% for Workforce Board Area / 5.3% for Metro Area – San Antonio, New Braunfels and Seguin
- **Current Jobs Data**:
  - 150,000 jobs advertised online (largely private sources) / 21,000 posted on Work in Texas
  - Positions in demand: registered nurses, sales representatives, customer service, truckdrivers, retail, and IT
  - Job seekers selecting occupations not necessarily aligned with jobs that exist; the number one job that they are selecting is customer service representative; there is a need for messaging from industries on which job are in demand and currently exist .
  - Continuing to work with employers on hiring events - 60+ events scheduled

SA WORKS – CHRISTOPHER MAMMMEN

- **San Antonio Economic Development Foundation – SAEDF:** Changing name to **Greater SATX**; SA Works remains the workforce arm of Greater SATX
- **Summer internships:** Fewer students interested than in previous years due to transition after virtual year; Internship opportunities will continue in the fall; Program received COSA funding for area youth
- **Manufacturing Marketing Campaign:** Initiative targeted at parents and potential job seekers interested in manufacturing to launch in late July; Goal to provide knowledge on what manufacturing is in our community
- **SA Works Job Seekers**: Conduct survey of the community to take pulse of job seekers; Who is ready to work in-person and virtually, ready for job training, or has changed careers

Partner Updates:

PROJECT QUEST - DAVID ZAMMIELLO

- Transitioned to 100% face-to-face effective July 6. Office located at Workforce Center of Excellence next to SWC. Reintroducing some face to face engagements in the community however will be paced.
- Environmental trends we have observed: In April/May we saw a significant drop off in interest and engagement. Interest has spiked in June back to March levels. We have seen a tremendous response in June. Uptick in referrals from Alamo Workforce Solution.
- 330 individuals sign up for a QIS session; 1200 in pipeline and over 50% reside in one ACD colleges campus; 50% are in various stages in ACD and long term training. Will see pipeline continue to grow through end of the fiscal year.
- Continue to support participants and seeing handoffs between organizations. 153 job placements for Train for Jobs SA.

Alamo Colleges Updates:

SA Ready to Work

- COSA has released the RFP for the Ready to Work Initiative – For Intake/Assessment/Case Management
- ACD Staff & Board need to be aware of communication restrictions with COSA including Mayor & Council regarding the program or RFP
- ACD will develop a consolidated response to the RFP due August 31st

Train for Jobs SA

- Career Services & Placement – Focus Area
  - New Career Navigator position brought onboard to support
- Outreach – 7,500 Door Hangers – 78237, 78202, 78210
- Data Integrity – July Data 'Scrub' & Validation
- Intake of 1,032 Participants to Date by ACD
- Budget amendment/projections submitted to the City for possible no-cost extension

Alamo Colleges Updates:

Eastside Education and Training Center

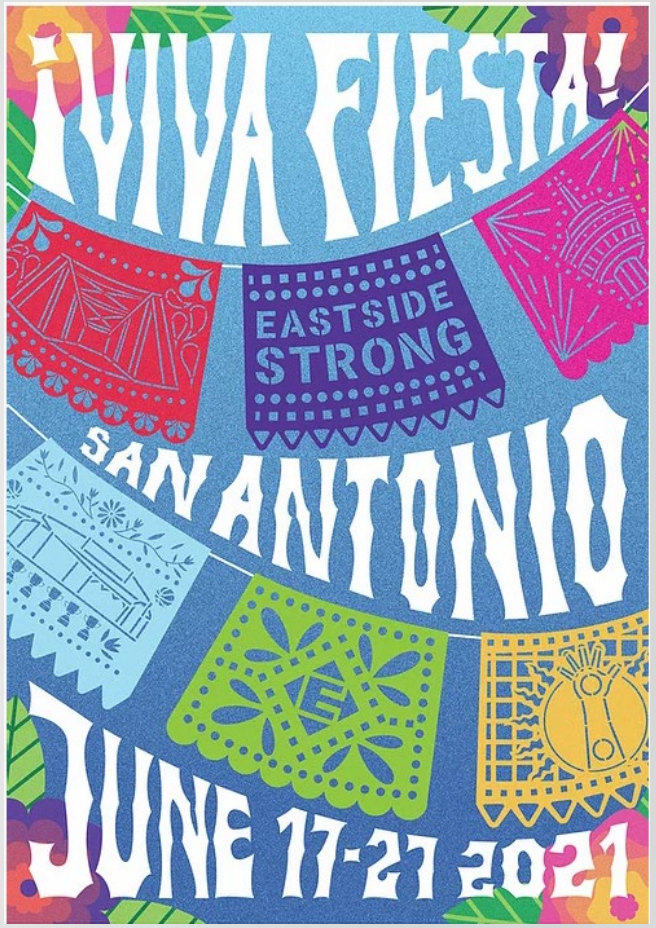
- HEB Tournament of Champions
  - Tuesday, September 14th
  - 8:00 am - Noon
- 200+ HEB vendor CEOs
  - “Sweat” equity & $50,000 investment
- Meeting weekly w/HEB project lead
  - List of projects
  - Messaging

H-E-B Tournament of Champions (hebtoc.com)

Alamo Colleges Updates:

Eastside Education and Training Center

- Fiesta Poster thru SAGE partnership
  - Proceeds to benefit on-site clothes closet
  - News spotlight: https://spectrumlocalnews.com/tx/san-antonio/news/2021/06/23/fiesta-poster-helps-to-fund-community-closet-in-san-antonio
- EDA Grant – Construction On-Going
  - Extension has been requested
    - Construction Materials Lead Time
  - Final Acceptance: 10/15/21



Alamo Colleges Updates:

Continuing Education

Bank of America Technology Grant (June 2021 - May 2022)

Bank of America awarded a $50k technology grant to the Alamo Colleges Foundation & Continuing Education. This grant will aid students participating in IT and Healthcare related training programs with technology and equipment.

- Students enrolled in Train for Jobs SA or SA Ready to Work IT and Healthcare programs are eligible.
- CE-ICD to coordinate the purchase and distribution of laptops.
- Technology/Equipment not to exceed $600 per student and up to 85 students.
- Student progress/attendance will be monitored periodically to ensure the terms of agreement are being upheld.
- Students are eligible to keep the laptop once they have successfully completed their CE training.
- In some programs, students have the opportunity to transition from CE to Academic Programs.

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Overview for Contract Amendment - Purchase of Employment Placement Services for Students

Linda Boyer-Owens, MA, SPHR, SCRM-SCP

Associate Vice Chancellor for Human Resources &

Organizational Development

Gary O'Bar, C.P.M.

Director, Purchasing & Contract Administration

ALAMO COLLEGES DISTRICT

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Recommended Amendment to Purchasing Contract

Background:

- July 2019, the Board of Trustees awarded a contract to MANPOWER US, Inc. as part of a pool of suppliers providing for the purchase of Temporary Employment Services on an as-needed basis for an estimated annual combined amount of $1.2M.

- Since purchasing services under this contract new requirements have been identified to include job placement services for students to fulfill the employment needs in many areas including: Clerical, Administrative, Early Childhood Education, Information Technology, Laborer, and Professional.

Recommended Amendment:

Authorize amending the contract with Manpower US, Inc. providing for the purchase of Employment Placement Services for Students for an estimated $2,041,875 for a one-year period.

Funding is provided from Higher Education Emergency Relief Funds (HEERF) Grants.

Recommended Amendment to Purchasing Contract

Student Work-Based Earn and Learn Support

- The ACD HR Recruiting Team will leverage its placement skills and expertise to launch a large-scale effort to increase by 900 the number of ACD students placed in work-based learning opportunities in FY22.
- This effort will increase the number of student earn and learn opportunities beyond existing work study, ACD employment, and community-based internship opportunities for our students.
- Manpower is recommended as a strategic implementation partner to assist HR in a rapid scale-up of placement opportunity sourcing and student placement matching. Placements will be made into positions that compliment the student's career plans and field of study/Institute for a work-based learning experience.
- Manpower will serve as the temporary employer for each student (temporary worker) and provide payroll services as they currently provide to temporary agency personnel.
- This partnership will help ACD strengthen skillsets and capacity to continue to expand the number of student students benefitting from work-based learning opportunities over the longer term.

Thank you.

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Discussion and Possible Action on Amending a Contract with Manpower US, Inc. providing for Purchase of Employment Placement Services for Students

Presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER

"The Board of Trustees hereby approves amending the contract with Manpower US, Inc. providing for the purchase of Employment Placement Services for Students for an estimated $2,041,875 for a one-year period as requested by the office of the Vice Chancellor for Finance & Administration."

PURPOSE

This contract action seeks authorization to amend the contract with Manpower US, Inc. providing for a new scope of work; and an increase to the amount of services that can be purchased. Since purchasing services from Manpower US, Inc. a new scope work requirement has been identified requiring the increased authorization. Approval of this action enables negotiated changes to the contract that will result in continued service delivery to meet current and future student demands; avoidance of startup costs/delays; and stability to the program's service delivery.

The scope of work requires the Contractor to provide job placement services at an hourly rate set by the Alamo Colleges District, whom will pay the Contractor the amount providing for the student and the amount, as a percentage mark-up fee, to provide the services. Students will be provided job placement assistance to fulfill the employment needs in many areas including: Clerical, Administrative, Early Childhood Education, Information Technology, Laborer, and Professional.

BACKGROUND

In July 2019, the Board of Trustees awarded a contract to Manpower US, Inc. as part of a pool of suppliers providing for the purchase of Temporary Employment Services on an as-needed basis for an estimated annual combined amount of $1.2M. The estimated amount shown is inclusive of the contractor fees awarded in the contract, and represents the Alamo Colleges District's best estimates for a one-year period. The amount paid will be based on the number of students participating and substantially based on the scope of work and the contract fees.

IMPLICATIONS

Financial: Estimated at $2,041,875 for a one-year period. Funding is provided from Higher Education Emergency Relief Funds (HEERF) Grants.
Strategic Plan: Goal I – Student Success; Goal III Performance Excellence
Employee Services: None
Attachments: Price Tabulation

Gary O'Bar,C.P.M. Gary O'Bar,C.P.M. cn=Gary O'Bar,C.P.M., o=Alamo Colleges District, ou=Purchasing & Contract Administration, email=gobar@alamo.edu, c=US 2021.07.08 10:55:45 -05'00'

Gary O'Bar, C.P.M.
Director, Purchasing & Contract Administration

Linda Boyer-Owens Digitally signed by Linda Boyer-Owens Date: 2021.07.08 09:57:42 -05'00'

Linda Boyer-Owens
Associate Vice Chancellor for Human Resources & Organizational Development

Dr. Diane Snyder Digitally signed by Dr. Diane Snyder Date: 2021.07.08 10:01:38 -05'00'

Dr. Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

Dr. Mike Flores
Chancellor

ALAMO COLLEGES DISTRICT

Price Tabulation

Amending a Contract with Manpower US, Inc. Providing for
Purchase of Employment Placement Services for Students

Item	Description	Price
1	Percentage Mark Up Fee	33%
2	Estimated Amount Mark Up Fee	$2,041,875

Proposed Amendments for Policy C.1.9 Appropriate Use of Information Technology Resources

Dr. Tom Cleary

Vice Chancellor for Planning, Performance, and Information Systems

ALAMO COLLEGES DISTRICT

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Recommended Edits

1. Inclusion of Texas Administrative Code 202.70 to provide measures that protect digital assets

2. State user responsibility to safeguard ACD data

3. Confirm access to and releasing of data/information

4. Include required security awareness training

5. Procedure C.1.9.1 will be updated with corresponding edits

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2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Discussion and Possible Action on Approval of Revision of C.1.9 (Policy) Appropriate Use of Information Technology Resources

Presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER

"The Board hereby approves the revisions to Alamo Colleges Policy C.1.9 Appropriate Use of Information Technology Resources"

PURPOSE

This policy is being amended to refine safety protocol for Alamo Colleges District digital assets.

BACKGROUND

With enhanced virtual learning, teaching, and working, the Alamo Colleges District updated the existing C.1.9 (Policy) Appropriate Use of Information Technology Resources to standardize procedures for official ACD communications ensuring record confidentiality and security.

IMPLICATIONS

Financial: None
Strategic Plan: Goal I Student Success; Goal II: Principle-Centered Leadership; Goal III Performance Excellence
Employee Services: None
ATTACHMENTS: 1 – Proposed redlined Policy C.1.9

_____

Dr. Mike Flores
Chancellor

C.1.9 (Policy) Appropriate Use of Information Technology Resources
Responsible Department: Vice Chancellor for Planning, Performance and Information Systems
Board Adoption: 8-18-09
Last Amended: ~~12-15-15~~7-27-2021

Alamo College District (ACD) information technology resources include but are not limited to computer hardware ~~and~~, software and data including peripheral equipment such as mobile devices, scanners and printers, networking resources, electronic communications such as email, voice mail, text message and chat, internet, intranet, ~~College District~~ACD and college websites, and all related data and information. These resources are intended for ~~College District~~ACD business only and are ~~College District~~ACD property. They are not to be used for employee personal gain or private use (such as non-~~College District~~ACD volunteer work), or to advocate for any non-~~College District~~ACD related business or purpose. ACD is bound by Texas Administrative Code (TAC) 202.70 to provide measures that protect digital assets against all unauthorized access, disclosure, modification or destruction and to assure availability, integrity, utility, authenticity and confidentiality (including privacy).

Scope

This policy and Procedure C.1.9.1 apply to all information technology resource users, including but not limited to administrators, faculty, students, staff, Board members, agents, volunteers, vendors, and the community, both on campus and at remote sites. All information technology resource users shall comply with this policy and Procedure C.1.9.1.

Nondiscrimination

The use of information technology resources shall not be denied or abridged because of race, color, religion, gender, national origin, age, genetic information, sexual orientation, disability or veteran status.

User Responsibilities

Access to information technology resources owned or operated by ACD ~~the College District~~ is a privilege granted to authorized users ("users"). Users are responsible for:

1. ~~1.~~ Reviewing, understanding, and complying with all ~~College District~~ACD policies, standards, procedures, rules and all laws related to access, use, and security of ~~College District~~ACD information technology resources;
2. ~~2.~~ Safeguarding data as an enterprise asset, assuring access to those entitled by the role they play in administering operational duties;
3. Assure controlled release of information for business reasons only;
4. Adhering to all hardware and software license agreements that are in force on any College District system, network, or server;
5. Complete all required security awareness training;

6. ~~3.~~ Asking systems administrators or data owners for clarification of access and acceptable use issues not specifically addressed in ~~College District~~ACD policies, rules or procedures; and
7. ~~4.~~ Reporting possible violations to the appropriate entities.

Appropriate Use

ACD ~~College District~~ information and technology resources are to be used for official ~~College District~~ACD purposes only, including use by students directly related to completion of ~~College District~~ACD class assignments or other educational pursuits required by the ~~College District~~ACD, and use by employees directly related to instruction, research, and other ~~College District~~ACD business in the course and scope of their assigned ~~College District~~ACD duties.

Users shall comply with all ~~College District~~ACD policies, procedures, and rules, and with software licensing agreements, contracts, and city, state, and federal laws.

The ~~College District~~ACD designates email as its official method of communicating to all students and employees by way of their provided @alamo.edu email address and students by way of their provided @student.alamo.edu email address. Official communications are intended only to meet the academic and administrative needs of the ~~College District~~ACD.

Inappropriate Use

Users shall not engage in any of the activities prohibited by this policy or procedure.

Users shall not use ~~College District~~ACD information technology resources for conducting non-~~College District~~ACD activities or to access or attempt to access information not necessary for the user's official ~~College District~~ACD assigned duties or ~~College District~~ACD assigned course work, and they shall not allow unauthorized parties to use these resources.

Users shall not download or install unauthorized software or other applications or conduct unauthorized removal or modification of data, applications or equipment, and shall not intentionally damage, destroy or threaten to destroy information technology resources.

Users shall not access or attempt to access another employee's or student's email without authorization, and shall not access, attempt to access, store, send or forward pornographic material or material that is ~~-~~threatening, abusive, or obscene or creates an environment

that detracts from the recipient's ability to effectively complete his or her job or course assignments, ~~-~~regardless of intent.

Users shall not send or forward charitable, commercial, political, or other advertisements, or material soliciting funds or services, selling tickets or distributing petitions or literature for any purpose other than official ~~College District~~ACD business.

Users will not share ACD data and/or information without appropriate authorization of applicable data owners that administer their functional domain.

Procedure C.1.9.1 Appropriate Use of Information Technology Resources

Legal Reference - TACC Policy Reference Manual
CS(LEGAL) - Information Security
DBD(LEGAL) - Employment Requirements and Restrictions: Conflict of Interest

Recommended Amendments of the Civil Rights Policy and Procedures for Students and Employees

H.1.1 (Policy) Equal Education and Employment Opportunities

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation

Linda Boyer-Owens
Associate Vice Chancellor of Human Resources and Organizational Development
Alamo College District Title IX/VII/IV/ADA/504 Coordinator

Roxella Cavazos
Associate General Counsel

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Civil Rights Policy Updates: H.1.1 and H.1.2

- Alamo Colleges Civil Rights Policies apply to all statutes, including Title IX, and all students and employees
- New DOE regulations amend Title IX regulations for students. Ongoing civil rights and Title IX changes are expected.
- New Title IX regulations apply only to the sexual harassment, sexual assault, domestic violence, dating violence and stalking of students.
- The new Title IX regulations do not apply to other forms of sex discrimination, including gender discrimination that arises in other settings.
- The new Title IX regulations have specific requirements for investigation and hearing of a complaint, including requiring live hearings
- Proposed Amended Policy and Procedure is divided into:
    - Process A - mandatory steps and processes required by the new Title IX regulations for student complaints
    - Process B - retains the steps and processes stated in the current Civil Rights Procedure for all other claims by students and employees

Thank you.

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Discussion and Possible Action on Approval and Revision of Policies H.1.1 and H.1.2

Presented for recommended approval to the ALAMO COLLEGES DISTRICT BOARD OF TRUSTEES on July 27, 2021.

MINUTE ORDER:
The Board of Trustees hereby approves the attached policy revisions H.1.1. Civil Rights: Equal Education and Employment Opportunities and, Policy H.1.2 Civil Rights Discrimination, Harassment.

PURPOSE:
Review and update Policies H.1.1 and H.1.2 for key changes (Attachment 3) and approval.

BACKGROUND:
Updates to Policies H.1.1 and H.1.2, are recommended to ensure ongoing alignment with current Department of Education Title IX regulations and compliant internal practices.

The recommended updates particularly codify new DOE processing, hearing and appeal requirements for student Title IX complaints of sexual harassment, sexual assault, domestic violence, dating violence and stalking. A new "Process A" is established to address these complaints. The existing process for all other civil rights complaints remains unchanged as set forth in "Process B". Associated Procedures, H.1.2.1, H.1.2.2 and H.1.2.3 have been updated and are presented to the Board for information only.

With these updates the 5-year review cycle for all of the College District's Civil Rights policies and procedures is complete. Ongoing change of the Title IX policy and procedure provisions is expected as the DOE completes a formal review now underway.

IMPLICATIONS:

Financial:	None
Strategic Objective:	Goal I. Student Success and Goal III. Performance Excellence
Human Resources:	Build and foster an environment for learning and work that is safe and respectful in keeping with the Alamo Colleges Mission and Values and civil rights laws.

ATTACHMENTS:

ATTACHMENT 1.	Key Changes to H.1.1 and H.1.2
ATTACHMENT 2.	Proposed Policy H.1.1 Redlined Version
ATTACHMENT 3.	Proposed Policy H.1.1 Clean Version
ATTACHMENT 4.	Updated Attachment to H.1.1 Redlined Version
ATTACHMENT 5.	Updated Attachment to H.1.1 Clean Version
ATTACHMENT 6.	Proposed Policy H.1.2 Redlined Version
ATTACHMENT 7.	Proposed Policy H.1.2 Clean Version
ATTACHMENT 8.	Updated Procedure H.1.2.1 Redlined Version
ATTACHMENT 9.	Updated Procedure H.1.2.1 Clean Version
ATTACHMENT 10.	Updated Procedure H.1.2.2 Redlined Version
ATTACHMENT 11.	Updated Procedure H.1.2.2 Clean Version
ATTACHMENT 12.	Updated Procedure H.1.2.3 Redlined Version
ATTACHMENT 13.	Updated Procedure H.1.2.3 Clean Version

Linda Boyer-Owens Date
Associate Vice Chancellor of Human Resources & Organizational Development

Dr. Diane E. Snyder Date
Vice Chancellor for Finance & Administration

Dr. Mike Flores Date
Chancellor

ALAMO COLLEGES DISTRICT

ATTACHMENT 2.

H.1.1 (Policy) Civil Rights: Equal Education and Employment Opportunities
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 2-23-16, 7-27-21

This policy applies to employees, students, the workplace and learning environment, and all educational programs and activities. The College District prohibits discrimination, harassment and retaliation against any employee, student, or applicant for employment or admission to the educational programs or activities on the basis of protected criteria, including but not limited to, race, color, national origin, ancestry, sex, gender, pregnancy, sexual orientation, transgender status, gender identity, gender expression, religion, creed, citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), genetic information, domestic violence victim status, and any other protected category under applicable local, state or federal law.

Any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational or employment opportunities of or access to or participation in educational programs or activities, benefits, services, or facilities of any employee or student on the basis of actual or perceived membership in the protected classes listed above is in violation of this College District policy prohibiting discrimination, harassment, and retaliation. When brought to the attention of the College District, any such discrimination, harassment, or retaliation will be investigated and appropriately remedied by the College District according to the civil rights procedures based on this policy. The College District designates the following employee as the lead person to coordinate efforts to comply with responsibilities under Title IX/VII/IV/ADA/504 and other civil rights statutes:

Alamo Colleges District Title IX/ VII/IV/ADA/504 Coordinator

Name:	Linda Boyer-Owens
Position:	Associate Vice Chancellor Human Resources and Organizational Development
Address:	Alamo Colleges District
	2222 N. Alamo Street, Room 230A-West Wing
San Antonio,	TX 78215
Telephone:	(210) 485-0230
Email:	lboyer-owens@alamo.edu

Attachment A. identifies the Title IX Coordinator Organization, including the Title IX Coordinators designated at each College.

~~Alamo Colleges adheres to all federal and state civil rights laws banning discrimination, harassment, and retaliation in public institutions of higher education and the workplace. Alamo Colleges will not discriminate, harass, or retaliate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence~~

victim status, any other protected category under applicable local, state or federal law, or personswho have opposed discrimination or participated in any complaint process on campus or before agovernment agency.

We are further committed to hire the best-qualified person to fill each available position and reward each employee based on his or her job performance. We will ensure that all personnel and academic actions will be administered without regard to race, color, sex, pregnancy, religion,creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, any other protected category under applicable local, state or federal law, or persons who have opposed discrimination or participated in any complaint process on campus or before a government agency.

The Title IX/VII/ADA/504 team is charged with fulfilling this commitment. If we can be of assistance, please do not hesitate to contact us.

Title IX – AlamoCARES
Alamo Colleges Resource Guide for Students on Sexual Misconduct

Equal Education and Employment Opportunities
No person shall, on the basis of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, any other protected category under applicable local, state or federal law, or persons who have opposed discrimination or participated in any complaint process on campus or before a government agency, be excluded from participation in, denied the benefits of, or subjected to discrimination in employment or under any program or activity sponsored or conducted by the College District.

Title VII, IX and ADA/Section 504 Coordinator
The College District designates the following position to coordinate its efforts to comply with Title VII, Title IX of the Education Amendments of 1972, and Title II of the Americans wit

Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504of the Rehabilitation Act of 1973, as amended:

Name: Linda Boyer-Owens
Position: Associate Vice Chancellor for Human Resources and Organizational

ATTACHMENT 2.

H.1.1 (Policy) Civil Rights: Equal Education and Employment Opportunities
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 2-23-16, 7-27-21

DevelopmentOffice Address: 201 W. Sheridan Building A, San Antonio, Texas 78204
Office Telephone: (210) 485-
0200

Complaints

Students, employees and others who feel that they may have been discriminated or retaliated against, harassed, or who feel that the College District has not adequately fulfilled its civil rights obligations under the provisions of Title VII Title IX, Section 504, or the ADA should address their concerns to the Coordinator or file a complaint pursuant to the College District's Policy on Civil Rights Discrimination, Harassment and Retaliation, (H.1.2), Civil Rights Complaint Procedure (H.1.2.1) and Civil Rights Appeal Procedure (H.1.2.2).

Investigation

The Title IX/VII/ADA/504 Coordinator or designated Deputy Coordinator will assign trained College District officials to conduct prompt, fair and impartial processes to investigate and resolve complaints. The investigation and Civil Rights Harassment Complaint Process for resolving complaints shall ensure the complainant and accused are afforded an equitable process conducted in accordance with the College District's established process; the right to an advocate of their choice who may be present during any disciplinary proceeding; and, a final decision or change to the final result in writing.

Deputy Coordinators

Deputy Coordinators are designated and trained to assist students, faculty and staff in the complaint process and work in concert with the Title IX/VII/ADA/504 Coordinator to facilitate prompt and effective intake, investigation, complaint hearings, and resolution of civil rights complaints. Coordinators facilitate communication, training and awareness among students, faculty and staff of the College District's commitment to providing a learning and work environment that is free of discrimination and sexual harassment. The current Deputy Coordinators are named in Attachment A: Title IX/VII/ADA/504 Coordinator Organization.

Investigators and Advocates

The Title IX/VII/ADA/504 Coordinator will establish a pool of qualified employees who are trained annually to investigate complaints of civil rights discrimination, harassment, retaliation and sexual violence. Investigators will provide timely investigation results to support the complaint resolution process. Investigators are also trained and may be asked to serve as advocate for the complainant or accused party to a complaint. The pool of qualifieInvestigators will include faculty, staff and administrator

Primary Prevention and Awareness

ATTACHMENT 2.

H.1.1 (Policy) Civil Rights: Equal Education and Employment Opportunities
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 2-23-16, 7-27-21

~~The Title IX/VII/ADA/504 Coordinator and Deputy Coordinators will conduct ongoing prevention and awareness raising training, programs and campaigns for students, faculty, staff and administrators to foster an environment that is free from discrimination, harassment retaliation and violence in accordance with the College District policies and procedures established for this purpose. Training for students, faculty, staff and administrators will include:~~
~~Alamo College's prohibition on sexual assault, dating violence, domestic violence, and stalking;~~
~~The definition of sexual assault, dating violence, domestic violence, stalking, and othersexual misconduct;~~
~~The definition of consent;~~
~~"Safe and positive" options for bystander intervention;~~
~~Recognition of signs of abusive behavior and how to avoid potential attacks.~~

~~Annual Affirmation~~
~~The Chancellor will issue an annual affirmation of the College District's prohibition of Civil Rights Discrimination, Harassment, Retaliation, and all forms of Sexual Violence and Sexual Misconduct (including dating, domestic and stalking) on behalf of the Alamo Colleges community~~

Attachment A: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator Organization.

Legal Reference – ~~TACC Policy Reference Manual 2020~~ TASB Community College Policy Reference Manual
FA(LEGAL)-Equal Educational Opportunity
DAA(LEGAL)-Equal Employment Opportunity

ATTACHMENT 3.

H.1.1 (Policy) Civil Rights: Equal Education and Employment Opportunities
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 2-23-16, 7-27-21

This policy applies to employees, students, the workplace and learning environment, and all educational programs and activities. The College District prohibits discrimination, harassment and retaliation against any employee, student, or applicant for employment or admission to the educational programs or activities on the basis of protected criteria, including but not limited to, race, color, national origin, ancestry, sex, gender, pregnancy, sexual orientation, transgender status, gender identity, gender expression, religion, creed, citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), genetic information, domestic violence victim status, and any other protected category under applicable local, state or federal law.

Any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational or employment opportunities of or access to or participation in educational programs or activities, benefits, services, or facilities of any employee or student on the basis of actual or perceived membership in the protected classes listed above is in violation of this College District policy prohibiting discrimination, harassment, and retaliation. When brought to the attention of the College District, any such discrimination, harassment, or retaliation will be investigated and appropriately remedied by the College District according to the civil rights procedures based on this policy. The College District designates the following employee as the lead person to coordinate efforts to comply with responsibilities under Title IX/VII/IV/ADA/504 and other civil rights statutes:

Alamo Colleges District Title IX/ VII/IV/ADA/504 Coordinator

Name:	Linda Boyer-Owens
Position:	Associate Vice Chancellor Human Resources and Organizational Development
Address:	Alamo Colleges District
	2222 N. Alamo Street, Room 230A-West Wing
San Antonio,	TX 78215
Telephone:	(210) 485-0230
Email:	lboyer-owens@alamo.edu

Attachment A. identifies the Title IX Coordinator Organization, including the Title IX Coordinators designated at each College.

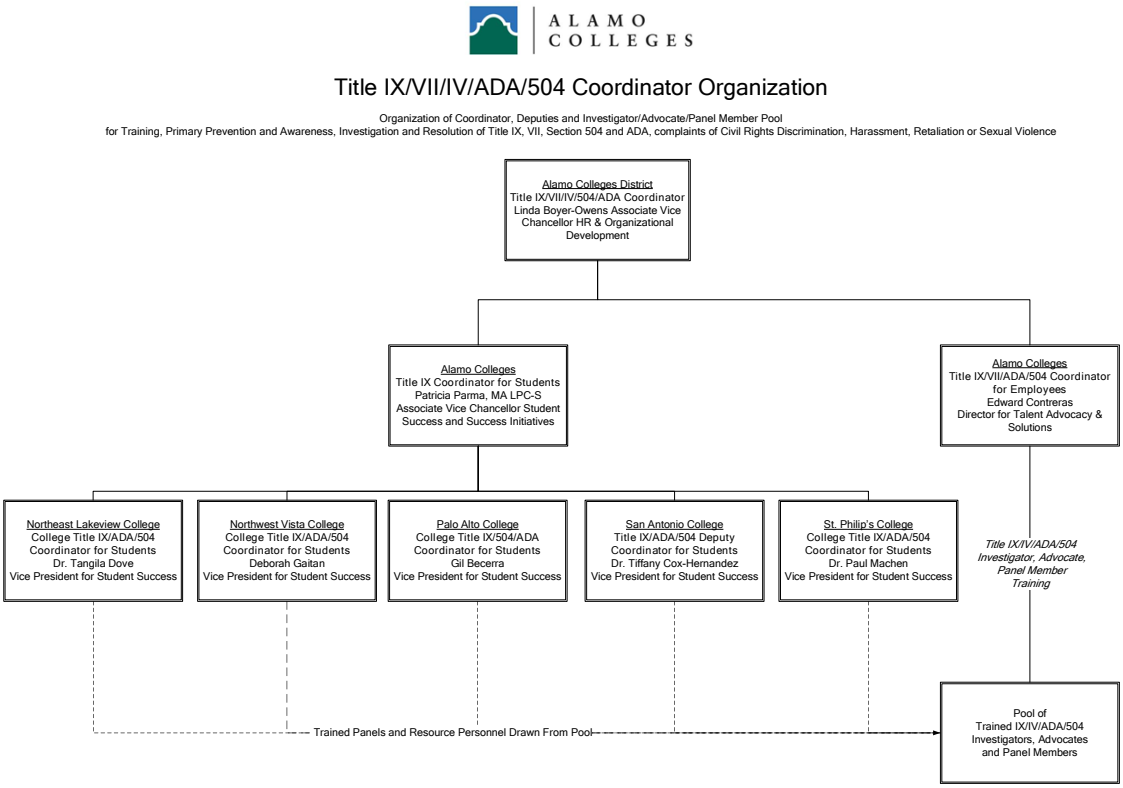
Attachment A: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator Organization.

Legal Reference – TASB Community College Policy Reference Manual
FA(LEGAL)-Equal Educational Opportunity
DAA(LEGAL)-Equal Employment Opportunity

ATTACHMENT 4.

H.1.1 (Attachment A.) Title IX/VII/504 Coordinator Organization
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.1 Civil Rights: Equal Education and Employment
OpportunitiesBoard Adoption: 10-28-14
Last Board Action: 2-23-16, 7-27-21

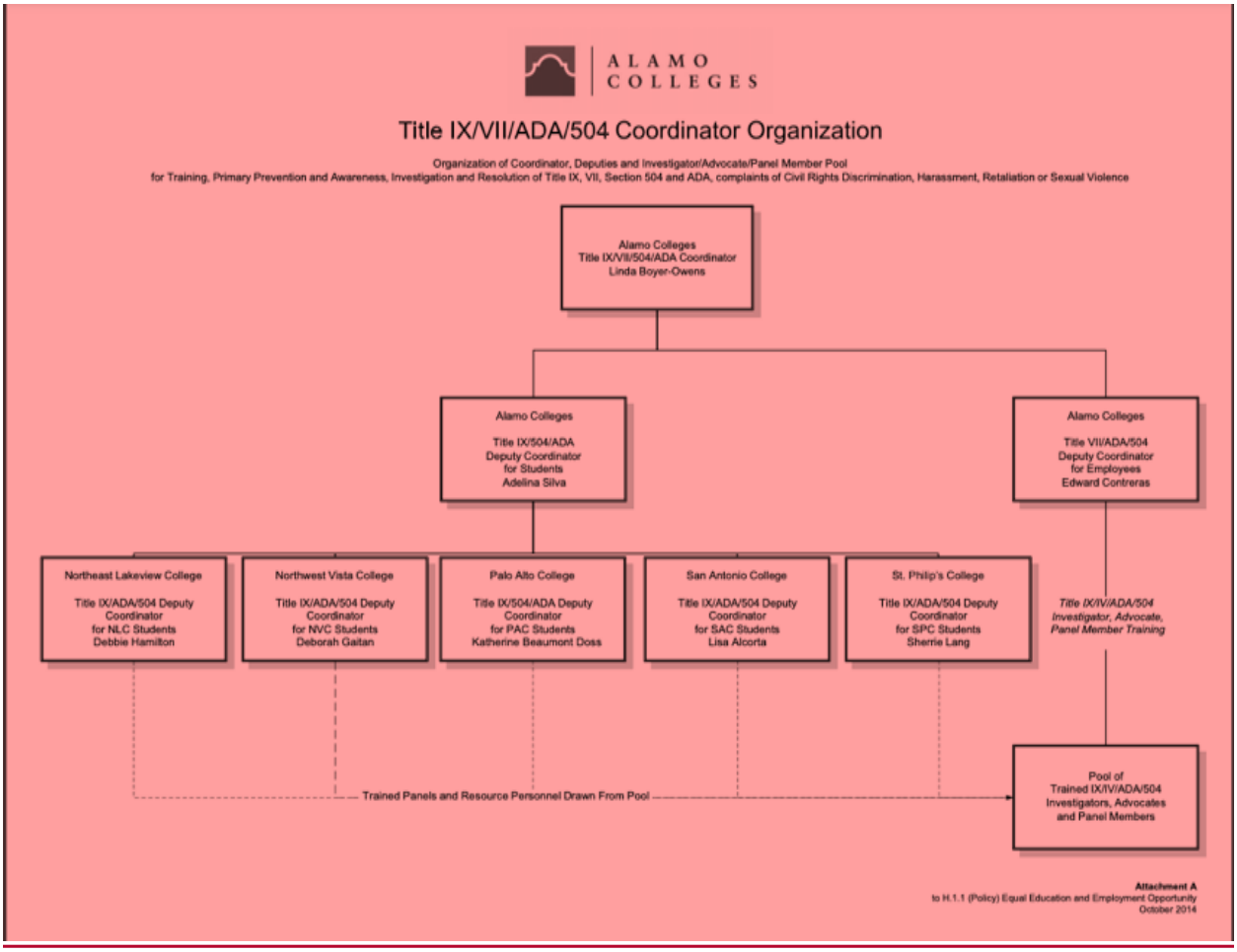
Coordinator Organization Chart UPDATE- July 27, 2021



ATTACHMENT 4.

H.1.1 (Attachment A.) Title IX/VII/504 Coordinator Organization
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.1 Civil Rights: Equal Education and Employment
OpportunitiesBoard Adoption: 10-28-14
Last Board Action: 2-23-16, 7-27-21

RETIRED Coordinator Organization Chart - July 27,2021



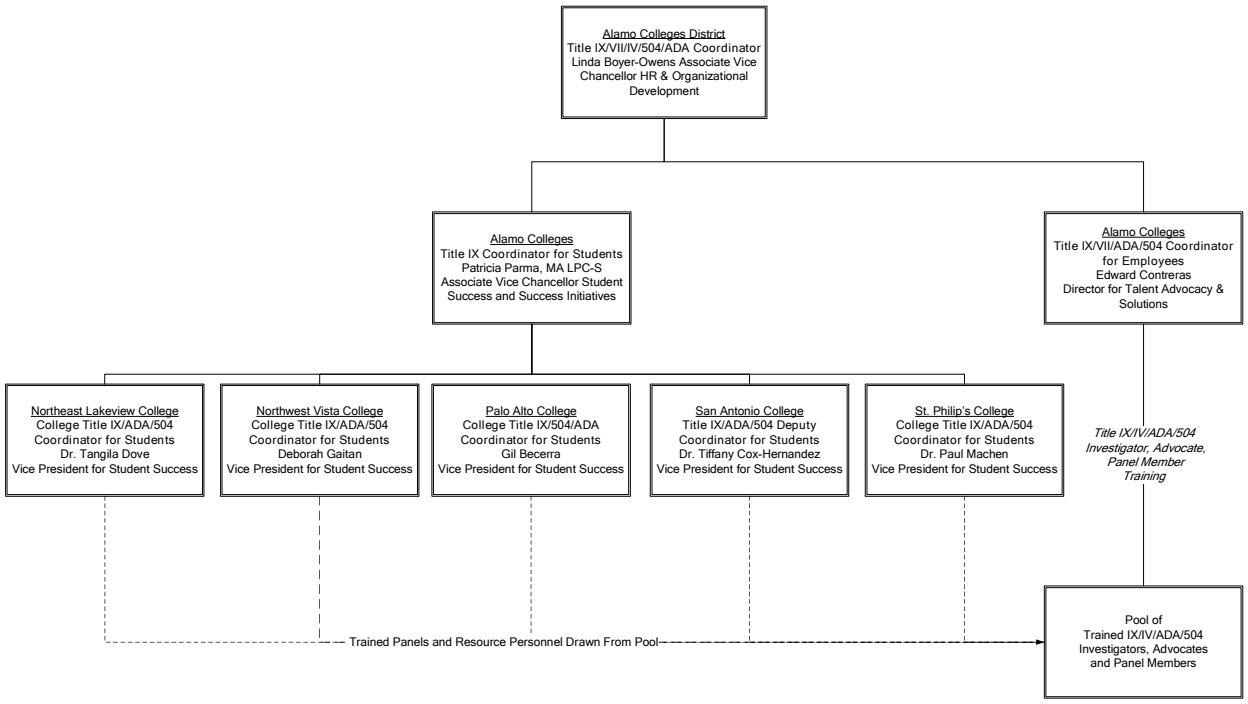
ATTACHMENT 5.

H.1.1 (Attachment A.) Title IX/VII/504 Coordinator Organization
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.1 Civil Rights: Equal Education and Employment OpportunitiesBoard Adoption: 10-28-14
Last Board Action: 2-23-16, 7-27-21

ALAMO COLLEGES

Title IX/VII/IV/ADA/504 Coordinator Organization

Organization of Coordinator, Deputies and Investigator/Advocate/Panel Member Pool
for Training, Primary Prevention and Awareness, Investigation and Resolution of Title IX, VII, Section 504 and ADA, complaints of Civil Rights Discrimination, Harassment, Retaliation or Sexual Violence



~~Atta~~

ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

~~ATT~~

It is the policy of the Alamo Colleges District to provide an educational, employment and business environment free of discrimination, harassment, and retaliation based on protected criteria. Students and employees are responsible for maintaining an educational environment free of discrimination, harassment, retaliation and complying with all policies. Alamo Colleges District is committed to promoting the goals of fairness and equity in all aspects of its operations and educational programs and activities. The policies addressed in this document are subject to resolution using the Civil Rights Complaint and Resolution Procedure H.1.2.1, regardless of the status of the parties involved, whether members of the campus community, students, student organizations, faculty, administrators or staff. Alamo Colleges District reserves the right to act immediately under the following circumstances:

a) Any incidents occurring on premises owned or controlled by the College District or off-campus when the off-campus conduct could have an on-campus impact or impact on the mission or interest of Alamo Colleges District. A substantial College interest is defined to include any action that constitutes a criminal offense as defined by federal or Texas law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the College is located;

b) Any situation where it appears that the accused individual may present a danger or threat to the health or safety of him/herself or others at Alamo Colleges District;

c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;

d) Any situation that is detrimental to the educational interests or goals of the College; and/or;~~.~~

e) Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g., not on Alamo Colleges District networks, websites or between Alamo Colleges District email accounts) when those online behaviors can be shown to cause a substantial on- campus disruption or misrepresent that the communication was authorized by Alamo Colleges District.

Alamo Colleges District Title IX/VII/ IV/ADA/504 Coordinator

The Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator oversees implementation of Alamo Colleges District Affirmative Action and Equal Opportunity plan, disability compliance, and the Alamo Colleges District policy on discrimination, harassment, and retaliation. Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act, and Section 504 of the Rehabilitation Act of 1973, all as amended, are federal civil rights law that prohibit discrimination, harassment, and retaliation on the basis of a protected class. Sex and gender discrimination and sexual harassment are expressly prohibited.

Reports of discrimination, harassment and/or retaliation should be made to a ~~the Title IX/VII/ADA/504~~IX/VII/IV/ADA/504 Coordinator promptly, but in no event more than 90 days after the event constituting the discrimination, harassment, or retaliation. Investigation by Alamo

ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

does not revive any limitations period that apply to a complaint by law. Reporting is addressed more specifically in H.1.2.1 Civil Rights Complaint and Resolution Procedure. Inquiries about this policy and procedure may be made internally by employees and students to:

Alamo Colleges District Title IX/VII/ IV/ADA/504 Coordinator
Name: Linda Boyer-Owens
Position: Associate Vice Chancellor Human Resources & Organizational Development
Address: 2222 N. Alamo Street, Room 230A-West Wing ~~201 W. Sheridan~~,
San Antonio, Texas 78204-1429
Telephone: (210) 485-0230
Email: lboyer-owens@alamo.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

1. College District Policy on Nondiscrimination

Alamo Colleges District adheres to all federal and state civil rights laws banning discrimination, harassment, and retaliation in public institutions of higher education and the workplace. Alamo Colleges District will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, any other protected category under applicable local, state or federal law, or persons who have opposed discrimination or participated in any complaint process on campus or before a government agency. Students and employees are required to comply with this policy. Retaliation in any form for having brought a complaint or report of discrimination or harassment based on any protected criteria, including sex and gender, is expressly prohibited.

~~Atta~~

ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

~~ATT~~

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, and/or social access, benefits and/or opportunities of any members of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College District policy on nondiscrimination. When brought to the attention of the College District, any such discrimination, harassment, or retaliation will be investigated and appropriately remedied by the College District according to the procedures in the Civil Rights Complaint and Resolution Procedure. Complaints or reports of discrimination, harassment, and retaliation should be addressed to:

Alamo Colleges District Title IX/ VII/IV/ADA/504 Coordinator
Name: Linda Boyer-Owens
Position: Associate Vice Chancellor Human Resources & Organizational Development
Address: 2222 N. Alamo Street, Room 230A-West Wing ~~201 W. Sheridan~~,
San Antonio, Texas 78204-1429
Telephone: (210) 485-0230
Email: lboyer-owens@alamo.edu

2. College District Policy on Disability Discrimination and Accommodations

Alamo Colleges District is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity, such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Alamo Colleges District Title IX/VII//ADA/504 Coordinator is responsible for coordinating efforts to comply with this disability laws, including investigation of any employee or student complaintalleging noncompliance, denial of a reasonable accommodation, or excluding or denying individuals with disabilities from an equal opportunity to educational programs, benefits and services. Complaints or reports should be addressed to:

Alamo Colleges District Title IX/ VII/IV/ADA/504 Coordinator
Name: Linda Boyer-Owens
Position: Associate Vice Chancellor Human Resources & Organizational Development
Address: 2222 N. Alamo Street, Room 230A-West Wing ~~201 W. Sheridan~~,
San Antonio, Texas 78204-1429
Telephone: (210) 485-0230
Email: lboyer-owens@alamo.edu

a. Students with Disabilities

Alamo Colleges District is committed to providing students with disabilities with

reasonable accommodations and support needed to ensure equal access to the academic programsand activities of the Colleges.

All accommodations are made on a case-by-case basis. A student may request an accommodation or disability services by first contacting the Office of Disability Support Services (DSS) located at the college the student attends or will be attending. DSS coordinates services for students with disabilities. DSS reviews documentation provided by the student and, in consultation with the student, determines which accommodations and services are appropriate to the student's particular needs and academic programs. DSS then issues a Letter of Accommodation for each of the student's instructors to give notice of the accommodation or service to be provided.

b. Employees with Disabilities

Pursuant to the ADA and Section 504, Alamo Colleges District will provide reasonable accommodation(s) to all qualified employees with known disabilities to enable them to perform the essential functions of the job, unless the requested reasonable accommodation would result in undue hardship to Alamo Colleges District Employees requesting accommodation may be required to provide medical certification from the employee's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability; and
(4) suggested accommodations. Requests for accommodations should be submitted on the forms provided by Human Resources. Human Resources will engage in an interactive process with the employee to determine the reasonable accommodation(s).

3. College District Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a respectful working and educational environment, and Alamo Colleges District is committed to providing a work and educational environment free of harassment based on protected class. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Alamo Colleges District's policy. Retaliation for having made a complaint about discrimination or harassment or participating in an investigation is strictly prohibited.

a. Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by law. Harassment is unwelcome conduct that is based on race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, any other protected category under applicable local, state or federal law, or persons who have opposed discrimination or participated in any complaint process on campus or before a government agency. Harassment as to employees becomes unlawful where (1)

enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment as to students becomes unlawful where the conduct is unwelcomed and so severe, pervasive, and objectively offensive that it interferes with the access or participation in the educational process and programs at Alamo Colleges District.

A hostile environment may be created by oral, written, graphic, or physical conduct that is ~~sufficiently~~ severe, ~~persistent~~ or pervasive so as to interfere with, limit or deny the ability of an individual ~~to participate in or benefit from educational programs or activities or~~ employment access, benefits or opportunities or that is severe, pervasive and objectively offensive so as to interfere with students' access to or participation in an educational program or activity. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment.

Alamo Colleges District prohibits and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law or persons who have opposed discrimination or participated in any complaint process on campus or before a government agency.

b. Sexual Harassment

Federal and Texas law regard sexual harassment as a form of sex~~/gender~~ discrimination and, therefore, as an unlawful discriminatory practice. Sexual harassment consists of:

> Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual~~/gender~~ nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, educational environment, or academic status, (2) submission to or rejection of such conduct by an individual is used as the basis of employment, educational, or academic decisions affecting such individual, or (3) such conduct is sufficiently severe or, pervasive ~~or persistent~~ that it has the effect of unreasonably interfering with an individual's work environment or severe, pervasive and objectively offensive that it has the effect of interfering with the educational environment or access to educational programs and activities. ~~, educational environment, or academic performance by creating an intimidating, hostile, or offensive working, educational, [residential] and/or social environment.~~
>
> ~~(1)~~ Consensual Relationships – Employees, Officials

~~Atta~~

ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

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The College District seeks to maintain a professional educational and work environment. Romantic or sexual relationships between individuals in unequal positions are inherently problematic and potentially inconsistent with the College District's mission. Employees in positions of authority must be sensitive to the potential for sexual harassment as well as conflicts of interest in personal relationships with their subordinates or with their students.

The very existence of such a relationship exposes the College District to potential claims under Title VII and other laws. Romantic or sexual relationships between trustees and students or between employees in positions of authority and their professional responsibilities, and may be cause for disciplinary action up to and including termination of employment.

When disparities in authority are present between two individuals involved in a romantic or sexual relationship, what may appear to be a consensual relationship to one of the parties may not in fact be consensual. Examples of such relationships that might be deemed to be sexual harassment include, but are not limited to:

- The subordinate party or student feels unwanted pressure to become involved and/or to continue the relationship.
- The subordinate party or student feels compelled to change behavior and/or job duties because of the relationship.
- The relationship has the purpose or effect of creating a work or academic environment in which others are negatively affected by the existence of the relationship.

Romantic or sexual relationships between trustees and students and between employees and their subordinates or students over whom they exercise authority are prohibited whether or not they result in sexual harassment. Such relationships can create problems of actual or perceived conflicts of interest, exploitation, Favoritism, bias, and low morale, and these relationships undermine the integrity of the educational, supervisory and evaluation processes.

A prohibited romantic or sexual relationship shall be deemed to exist when the relationship is between:

- A trustee and a student (including work-study students);
- An employee and a student (including work-study students) when the employee is a student's instructor, advisor, counselor, tutor, or is otherwise supervisory to or in the direct chain of supervision over the student; or
- Employees when one employee is in the direct line of authority of the other.

In the event of a factual dispute about whether a relationship between an employee and a student may impact the student, the matter will be resolved through the Civil Rights Complaint and Resolution process.

(2) Consensual Relationships - Between Students

Consensual Relationships that conform to the policies of the College District, Student Code of Conduct and the specific provisions of this policy regarding consent are permitted. Consent is defined in section c.5 of this policy.

c. Sexual Misconduct

Sexual misconduct is a broad term used to encompass unwelcome conduct of a sexual nature that is prohibited by Title IX and Alamo Colleges District sexual harassment, sex/gender discrimination, sexual assault, rape, stalking, and relationship violence (including domestic and dating violence). It is a violation of this policy and the law, including Title IX, to commit these acts or to attempt to commit them, Sexual Misconduct can occur in any sex or gender configuration (i.e., between the opposite sex or same sex) regardless of sex, gender, transgender status, sexual orientation, gender identity or gender expression. Sexual Misconduct on the part of employees and students is strictly prohibited by Alamo Colleges District.

Texas law defines various violent and/or non-consensual sexual acts as crimes for whicha person may be prosecuted. Additionally, Alamo Colleges District has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Alamo Colleges District considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions/disciplinary actions, including suspension or expulsion for students and termination for employees. However, Alamo Colleges District reserves the right to impose any level of sanction/discipline, up to and including suspension or expulsion/termination for any act of sexual misconduct or other gender-based offenses based on the facts and circumstances of the particular complaint. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, transgender status, sexual orientation and/or gender identity or gender expression of those involved. Acts of sexual misconduct which constitute violations of the law and Alamo Colleges District policy include the following:

(1) Sexual Harassment (as defined above)

(2) Non-Consensual Sexual Intercourse

Defined as:

- any sexual penetration or intercourse (anal, oral or vaginal),
- however slight,

- with any object or part of the body,
- by a person upon another person,
- that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact. Non-Consensual Sexual Intercourse has been commonly referred to as "rape." Non-Consensual Intercourse is a crime and punishable under the Texas Penal Code § 22.011(a) as "Sexual Assault" and § 22.021 as "Aggravated Sexual Assault."

(3) Sexual Violence/Non-Consensual Sexual Contact

Sexual violence refers to physical acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or useof drugs or alcohol, or because of an intellectual or other disability prevents the student from having the capacity to give consent).

Sexual Violence is defined as:

- any intentional sexual touching,
- however slight,
- with any object or part of the body,
- by a person upon another person,
- that is without consent and/or by force.
- Or other intentional bodily contact of a sexual nature.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact ina sexual manner. Sexual violence is a form of sexual harassment, and sexual harassment is prohibited by Title IX, Title VII, and state law.

(4) Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the knowledge or consent of the person observed).
- Taking pictures or video or audio recording another in a sexual act, or in

any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent). Improper photography or visual recording and the promoting of improper photography, as defined by the Texas Penal Code § 21.15, are punishable crimes.

- Prostitution.
- Sexual Exploitation also includes engaging in sexual intercourse with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.
-

(5) Consent

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of

resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

For purposes of the Texas Penal Code § 22.011(b), a sexual assault is without consent for a number of reasons, including the following:

(a) the actor compels the other person to submit or participate by the use of physical force;

(b) the actor compels the other person to submit or participate by threatening to use force or violence against the other person and the other person believes the actor has the present ability to execute the threat;

(c) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(d) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act orof resisting it;

(e) the other person has not consented and the actor knows the other person isunaware that the sexual assault is occurring;

(f) the actor has intentionally impaired the other person's power to appraise orcontrol the other person's conduct by administering any substance without the other person's knowledge;

(g) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes the actor has the ability to execute the threat; and

(h) the actor is a public servant who coerces the other person to submit or participate. In Texas, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.

4. Alamo Colleges District Policy on Other Civil Rights Offenses

The following conduct is prohibited by College District Policy:

(a) Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class;

(b) Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class;

(c) Hazing, defined as acts likely to cause physical or psychological harm or social

ostracism to any person within the University/College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Student Code of Conduct the basis of actual or perceived membership in a protected class; Hazing is also illegal under Texas law and prohibited by College District policy.

(d) Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class or other

class, including sex/gender and sexual orientation. Cyberbullying is bullying that takes place using electronic technology. Bullying sometimes overlaps discriminatory harassment under Title VII and Title IX. Bullying is prohibited by this policy and other laws which prohibit harassment on the basis of protected criteria. Bullying not on the bases of a protected class is also prohibited the Texas Education Code and District Policy.

(e) Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, domestic and/or relationship violence);

(f) Dating Violence, as defined by § 71.0021 in the Texas Family Code, means an act, other than a defensive measure to protect oneself, by an actor that:

(i) is committed against a victim: (a) with whom the actor has or has had a dating relationship; or (b) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relations or marriage; and

(ii) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(iii) "Dating relationship" under the Texas Family Code means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship.

(iv) Dating Violence constitutes "Family Violence" under Texas law.

(g) Domestic Violence is referred to as "Family Violence" in Texas. The Texas Family Code at § 71.004 defines "Family violence" as:(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual

assault, but does not include defensive measures to protect oneself; (2) abuse, asthat term is defined by sections 261(1), (C), (E), and (G), by a member of a family or household toward a child or the family or household; or (3) dating violence, as that term is defined by Section 71.0021 of the Texas Family Code.

(h) Stalking involves an intentional course of repeated conduct or behavior over a period of time, directed at a specific person, or member of the specific person's family or household or an individual with whom the specific person has a dating relationship which abused, tormented, embarrassed or offended. Stalking and cyberstalking are behaviors prohibited by Texas law and the College District.

(i) Hate Crimes are defined by the Texas Government Code as crimes that are motivated by prejudice, hatred, or advocacy of violence and defined by the Federal Hate Crime Act as crimes that manifest evidence of bias or prejudice against a group identified by race, color, disability, religion, national origin, ancestry, age, gender, or sexual orientation. Hate crimes include offenses such as murder, assault, kidnapping, arson, criminal mischief, and graffiti. Hate crimes are prohibited by Texas and federal law and this policy.

(j) Violation of any other College District rules, when the violation is motivated by the actual or perceived membership of the victim in a protected class, may be pursued using this policy and process.

6. College District Policy on Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a complainant or for assisting in providing information relevant to a claim of harassment is a serious violation of College District policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX/VII/IV/ADA/504 Coordinator or designated Deputy Coordinator identified in Attachment A to this Policy and will be promptly investigated. Alamo Colleges District is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

7. Statement of Complainant's Rights, Whether Employee or Student

A complainant is the person who makes a complaint of civil rights discrimination, harassment or retaliation under this policy.

(a) A complainant has the right to file a criminal complaint.
(b) A complainant has the option to, or not to, notify and seek assistance from law enforcement and/or Alamo Colleges District authorities.
(c) A complainant and the College District have the right to seek restraining, judicial no-contact and protective orders, internal no contact orders, and criminal trespass warnings

to ensure personal safety and maintain a safe campus and work environment.

(d) A complainant has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures a fair, prompt, and equitable process for both parties.

(e) A complainant has the right to present his or her case, including the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure for complainant and respondent.

(f) A complainant has the right to be treated with respect by College officials.

(g) A complainant has the right to take advantage of Alamo Colleges District support resources (such as College Counseling, College Health Services for students, or EAP services for employees).

(h) A complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).

(i) A complainant has the right to have an adviser, attorney, or other advocate of the complainant's choice and at the complainant's cost present during the Civil Rights Appeal Procedure.

(j) A complainant has the right to refuse to have an allegation resolved through conflict resolution procedures.

(k) A complainant has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.

(l) A complainant has the right to be free from retaliation for engaging in protected activity.

(m) A complainant has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and procedures and to participate in the process whether the injured party or the College District is the complainant.

(n) A complainant has the right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible. A complainant has the right to challenge any finding, decision, determination, sanction, or action taken and the right for Student Code of Conduct procedures to be followed where applicable.

8. Statement of Respondent's Rights, Whether an Employee or Student:

A Respondent is the person against whom a complaint is lodged or made under this policy.

(a) A respondent has the right have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures an equitable process to both parties.

(b) A respondent has the right to be advised of the complaint against him or her and to the same due process rights as the complainant.

(c) A respondent has the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure as the complainant.

(d) (d) A respondent has the same right as a complainant to present his or her case, to present witnesses and other evidence, and to challenge the complaint made against respondent.

(e) A respondent has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).

(f) A respondent has the right to have an adviser, attorney, or other advocate of the respondent's choice and at the respondent's cost present during the Civil Rights Appeal Procedure.

(g) A respondent has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.

(h) A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant. A respondent has the right to be treated with respect by College officials.

(i) A respondent has the right to take advantage of campus support resources (such as Counseling, College Health Services for students, or EAP services for employees).

(j) A respondent has the right to refuse to have an allegation resolved through conflict resolution procedures.

(k) A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant.

(l) A respondent has the right to be informed in writing of the outcome/resolution of the complaint, any sanctions imposed against the respondent, and the rationale for the outcome.

(m) A respondent has the right to challenge any finding, decision, determination, sanction, or action taken against respondent and the right for Student Code of Conduct procedures to be followed where applicable.

9. Recognizing the Signs of Abusive Behavior and How to Avoid Potential Attacks

Alamo Colleges District is committed to a safe and supportive learning and working environment for all students, staff, faculty, and visitors. We are dedicated to creating an environment that fosters safety for all by preventing and responding to incidents that are disruptive, threatening, abusive or violent.

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ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

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The entire college community has a role in changing knowledge and attitudes and shares responsibility for recognizing and ending abusive behavior and its devastating impact. In order to accomplish this, the Alamo Colleges District adopted strategies to respond to violence and seeks to develop comprehensive, collaborative approaches to ultimately prevent the behaviors from happening. These strategies, administered by the Alamo Colleges District in partnership with community medical, mental health and social services, include:

- Identify and/or provide early options for individuals experiencing abuse or violence prior to the need for crisis intervention services.
- Identify and/or institute incentives, core competencies, and resources for health, mental health, and social service professionals to promote and sustain the prevention, identification, and intervention of abusive or violent behavior.
- Establish criteria and guidelines to ensure that all victims have access to comprehensive, culturally sensitive and victim centered services, including health care and social services.
- Identify and support effective recommendations for appropriate identification, intervention, and consequences for those who commit abusive or violent acts.

a. Recognizing Abusive Behavior

Abusive behavior can manifest in many forms and often escalates from threats and verbal abuse to violence. While physical injury is the most obvious danger, the emotional and psychological consequences of abuse are also severe. The abuse can include belittling or controlling behaviors that lead to feelings of self-loathing, helplessness, and desperation. The most telling sign of an unhealthy and abusive relationship is fear of the person committing the acts. To recognize the telltale signs and symptoms of emotional abuse and violent behaviors, the situation should be assessed for the following:

b. General warning signs of abuse

Persons who are being abused may:

- Seem afraid or anxious to please their partner;
- Go along with everything their partner says and does;
- Check in often with their partner to report where they are and what they're doing;
- Receive frequent, harassing phone calls from their partner;
- Talk about their partner's temper, jealousy, or possessiveness.

c. Warning signs of physical violence

Persons who are being physically abused may:

- Have frequent injuries, with the excuse of "accidents;"
- Frequently miss work, school, or social occasions, without explanation;
- Dress in clothing designed to hide bruises or scars (e.g. wearing long sleeves in the summer or sunglasses indoors).

d. Warning signs of isolation

Persons who are being isolated by their abuser may:

- Be restricted from seeing family and friends;
- Rarely go out in public without their partner;
- Have limited access to money, credit cards, or the car.

e. Psychological warning signs of abuse

Persons who are being abused may:

- Have very low self-esteem, even if they used to be confident;
- Show major personality changes (e.g. an outgoing person becomes withdrawn);
- Be depressed, anxious, or suicidal.

The Alamo Colleges District counselors are available for consultation, resources and referrals to medical and social services. Students and situations of concern may be reported to any college official named specifically or anonymously through the Strategies of Behavioral Intervention (SOBI) process or to the Ethics hotline at **1-844-302-0425.**

10. Safe and Positive Options for Bystanders

A bystander is someone who sees a situation but may or may not know what to do, may think others will act or may be afraid to do something. Intervening in abusive or potentially violent behavior first requires an ability to identify the warning signs and then consider whether the situation demands action. Before getting involved, the priority is to evaluate safe and positive ways to act to prevent or intervene. *If the situation is already violent or is escalating quickly, do not directly intervene. Call the police.*

Bystander intervention is a nonviolent one. Trying to "rescue" a victim or fight off an abuser can endanger the intervener as well as the victim. If choosing to get involved, evaluate the best way to intervene:

- **Distract –** use an *indirect and non-confrontational way to intervene with a goal to prevent a situation from escalating*
- **Delegate -** ask someone who knows the victim or abuser to intervene or alert someone in authority
- **Direct -** subtly make your presence known, *keeping an eye on the situation* while

communicating your concern through body language.

Annual bystander training on how to safely intervene in instances where there is risk of an incident or when one may be occurring is provided to students, faculty and staff. Contact the Title IX Coordinator for training opportunities.

11. Civil Rights Harassment/Discrimination and Sexual Violence Primary Prevention and Awareness

The Alamo Colleges District Board of Trustees recognizes that prevention is a primary tool to help eliminate complaints of civil rights based harassment, discrimination; and retaliation conditions. Therefore, the Chancellor or designee shall take all necessary steps to prevent and eliminate sexual harassment including, but not limited to:

(a) Publishing this policy and the related policy for all present and future employees and students;

(b) Conducting prevention and awareness campaigns for faculty, staff, administrators and students;

(c) Creating an information brochure;

(d) Providing notice of the non-discrimination policy;

(e) Providing clear grievance procedures;

(f) Identifying the contact information for the Title IX Officer;

(g) Demonstrating a prompt and effective response protocol;

(h) Seeing that mandatory annual in-house training workshops on civil rights and sexual harassment, discrimination, and sexual violence are established and performed;

(i) Publishing harassment prevention and response materials, where appropriate;

(j) Supplementing, where appropriate, employee and student handbooks to include the College District policy and procedure on civil rights and sexual harassment, discrimination, and sexual violence.

(k) Annually affirming the Alamo Colleges District commitment to a safe campus and workplace environment that is free of sexual and civil rights harassment, discrimination and sexualviolence.

~~Atta~~

ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

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Attachment A

Title IX/VII/IV/ADA/504 Coordinator Contact List

A complaint of certain or potential discrimination, harassment or retaliation may be made to any of the following Coordinators or Deputies, or with Alamo Colleges District Police Department (ACPD) or filed online at www.alamo.edu/TitleIXCoordinator/

Alamo Colleges District District Title IX/VII/IV/ADA/504 Coordinator
Linda Boyer-Owens
Associate Vice Chancellor for Human Resources
& Organizational Development
Alamo Colleges District
2222 N. Alamo Street, 230A-West Wing
San Antonio, TX 78215
210-485-0230
lboyer-owens@alamo.edu

Title IX/VII/IV/ADA/504 Coordinator for Employees
Edward Contreras
Director of Talent, Advocacy and Solutions-Human Resources
Alamo Colleges District
2222 N. Alamo Street, 230A-West Wing
San Antonio, TX 78215
210-485-0216
econtreras@alamo.edu

Title IX Coordinator for Students
Patricia B. Parma
Associate Vice Chancellor for Student Success and Success Initiatives
Office of the Vice Chancellor for Student Success
Alamo Colleges District
2222 N. Alamo Street, Room E331
San Antonio, TX 78215
210-485-0452
pparma@alamo.edu

College Title IX Coordinator-Northeast Lakeview College
Dr. Tangila Dove
Interim Vice President for Student Success
Northeast Lakeview College
1201 Kitty Hawk Road
Universal City, TX 78148
210-486-5421

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ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
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Board Adoption: 10-28-14
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twatts@alamo.edu

College Title IX Coordinator-Northwest Vista College
Debi Gaitan
Vice President for Student Success
Northwest Vista College
3535 N. Ellison Drive
San Antonio, TX 78251
210-486-4454
dgaitan@alamo.edu

College Title IX Coordinator-Palo Alto College
Gilbert Becerra Jr.
Vice President for Student Success
Palo Alto College
1400 W. Villaret Blvd.
San Antonio, TX 78224
210-486-3930
gbecerra8@alamo.edu

College Title IX Coordinator-St. Philip's College
Dr. Paul Machen
Vice President for Student Success
St. Philip's College
1801 Martin Luther Drive
San Antonio, TX 78203
210-486-2252
pmachen@alamo.edu

College Title IX Coordinator-San Antonio College
Dr. Tiffany Hernandez-Cox
Vice President for Student Success
San Antonio College
1819 N. Main Avenue
San Antonio, TX 78212
210-486-1410
tcox29@alamo.edu

Title IX Lead at District Student Success
Benjamin Romo
Student Compliance Coordinator
Office of the Vice Chancellor for Student Success
Alamo Colleges District
2222 N. Alamo Street, Room E331
San Antonio, TX 78215

~~Atta~~

ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
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Board Adoption: 10-28-14
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210-485-0873
bromo19@alamo.edu

Title IX Lead at Northeast Lakeview College
Tracy Floyd
Director of Student Success
Northeast Lakeview College
1201 Kitty Hawk Road
Student Commons Bldg., Room 210
Universal City, TX 78148
210-486-5610
tfloyd@alamo.edu

Title IX Lead at Northwest Vista College
Jennifer Comedy-Holmes
Dean of Student Success
Northwest Vista College
3535 N. Ellison Drive
Cypress Campus Center, Room 204F
San Antonio, TX 78251
210-486-4857
jcomedy-holmes@alamo.edu

Title IX Lead at Palo Alto College
Tyler Alyse Archer
Director of Student Conduct/Title IX
Palo Alto College
1400 W. Villaret Blvd.
Student Center, Room 101A
San Antonio, TX 78224
210-486-3755
tarcher1@alamo.edu

Title IX Lead at St. Philip's College
John Martin
Director of Student Conduct/Title IX
St. Philip's College
1801 Martin Luther Drive
Sutton Learning, Room 102Q
San Antonio, TX 78203
210-486-2746
jmartin139@alamo.edu

Title IX Lead at San Antonio College
Camille Cartwright

~~Atta~~

ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
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~~ATT~~
Director of Student Conduct/Title IX
San Antonio College
1819 N. Main Avenue
Nursing Allied Health Bldg., Room 110
San Antonio, TX 78212
210-486-1207
ccartwright3@alamo.edu

~~Role~~	~~Name~~	~~Telephone~~	~~Email~~
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ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

It is the policy of the Alamo Colleges District to provide an educational, employment and business environment free of discrimination, harassment, and retaliation based on protected criteria. Students and employees are responsible for maintaining an educational environment free of discrimination, harassment, retaliation and complying with all policies. Alamo Colleges District is committed to promoting the goals of fairness and equity in all aspects of its operations and educational programs and activities. The policies addressed in this document are subject to resolution using the Civil Rights Complaint and Resolution Procedure H.1.2.1, regardless of the status of the parties involved, whether members of the campus community, students, student organizations, faculty, administrators or staff. Alamo Colleges District reserves the right to act immediately under the following circumstances:

a) Any incidents occurring on premises owned or controlled by the College District or off-campus when the off-campus conduct could have an on-campus impact or impact on the mission or interest of Alamo Colleges District. A substantial College interest is defined to include any action that constitutes a criminal offense as defined by federal or Texas law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the College is located;

b) Any situation where it appears that the accused individual may present a danger or threat to the health or safety of him/herself or others at Alamo Colleges District;

c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;

d) Any situation that is detrimental to the educational interests or goals of the College; and/or;

e) Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g., not on Alamo Colleges District networks, websites or between Alamo Colleges District email accounts) when those online behaviors can be shown to cause a substantial on- campus disruption or misrepresent that the communication was authorized by Alamo Colleges District.

Alamo Colleges District Title IX/VII/ IV/ADA/504 Coordinator

The Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator oversees implementation of Alamo Colleges District Affirmative Action and Equal Opportunity plan, disability compliance, and the Alamo Colleges District policy on discrimination, harassment, and retaliation. Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act, and Section 504 of the Rehabilitation Act of 1973, all as amended, are federal civil rights law that prohibit discrimination, harassment, and retaliation on the basis of a protected class. Sex and gender discrimination and sexual harassment are expressly prohibited.

Reports of discrimination, harassment and/or retaliation should be made to a IX/VII/IV/ADA/504 Coordinator promptly, but in no event more than 90 days after the event constituting the discrimination, harassment, or retaliation. Investigation by Alamo Colleges District

does not revive any limitations period that apply to a complaint by law. Reporting is addressed more specifically in H.1.2.1 Civil Rights Complaint and Resolution Procedure. Inquiries about this policy and procedure may be made internally by employees and students to:

Alamo Colleges District Title IX/VII/ IV/ADA/504 Coordinator
Name: Linda Boyer-Owens
Position: Associate Vice Chancellor Human Resources & Organizational Development
Address: 2222 N. Alamo Street, Room 230A-West Wing ,
San Antonio, Texas 78204-1429
Telephone: (210) 485-0230
Email: lboyer-owens@alamo.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

1. College District Policy on Nondiscrimination

Alamo Colleges District adheres to all federal and state civil rights laws banning discrimination, harassment, and retaliation in public institutions of higher education and the workplace. Alamo Colleges District will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, any other protected category under applicable local, state or federal law, or persons who have opposed discrimination or participated in any complaint process on campus or before a government agency. Students and employees are required to comply with this policy. Retaliation in any form for having brought a complaint or report of discrimination or harassment based on any protected criteria, including sex and gender, is expressly prohibited.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, and/or social access, benefits and/or opportunities of any

members of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College District policy on nondiscrimination. When brought to the attention of the College District, any such discrimination, harassment, or retaliation will be investigated and appropriately remedied by the College District according to the procedures in the Civil Rights Complaint and Resolution Procedure. Complaints or reports of discrimination, harassment, and retaliation should be addressed to:

Alamo Colleges District Title IX/ VII/IV/ADA/504 Coordinator
Name: Linda Boyer-Owens
Position: Associate Vice Chancellor Human Resources & Organizational Development
Address: 2222 N. Alamo Street, Room 230A-West Wing ,
San Antonio, Texas 78204-1429
Telephone: (210) 485-0230
Email: lboyer-owens@alamo.edu

2. College District Policy on Disability Discrimination and Accommodations

Alamo Colleges District is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity, such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Alamo Colleges District Title IX/VII//ADA/504 Coordinator is responsible for coordinating efforts to comply with this disability laws, including investigation of any employee or student complaintalleging noncompliance, denial of a reasonable accommodation, or excluding or denying individuals with disabilities from an equal opportunity to educational programs, benefits and services. Complaints or reports should be addressed to:

Alamo Colleges District Title IX/ VII/IV/ADA/504 Coordinator
Name: Linda Boyer-Owens
Position: Associate Vice Chancellor Human Resources & Organizational Development
Address: 2222 N. Alamo Street, Room 230A-West Wing ,
San Antonio, Texas 78204-1429
Telephone: (210) 485-0230
Email: lboyer-owens@alamo.edu

a. Students with Disabilities

Alamo Colleges District is committed to providing students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programsand activities of the Colleges.

All accommodations are made on a case-by-case basis. A student may request an

accommodation or disability services by first contacting the Office of Disability Support Services (DSS) located at the college the student attends or will be attending. DSS coordinates services for students with disabilities. DSS reviews documentation provided by the student and, in consultation with the student, determines which accommodations and services are appropriate to the student's particular needs and academic programs. DSS then issues a Letter of Accommodation for each of the student's instructors to give notice of the accommodation or service to be provided.

b. Employees with Disabilities

Pursuant to the ADA and Section 504, Alamo Colleges District will provide reasonable accommodation(s) to all qualified employees with known disabilities to enable them to perform the essential functions of the job, unless the requested reasonable accommodation would result in undue hardship to Alamo Colleges District Employees requesting accommodation may be required to provide medical certification from the employee's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability; and
(4) suggested accommodations. Requests for accommodations should be submitted on the forms provided by Human Resources. Human Resources will engage in an interactive process with the employee to determine the reasonable accommodation(s).

c. College District Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a respectful working and educational environment, and Alamo Colleges District is committed to providing a work and educational environment free of harassment based on protected class. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Alamo Colleges District's policy. Retaliation for having made a complaint about discrimination or harassment or participating in an investigation is strictly prohibited.

a. Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by law. Harassment is unwelcome conduct that is based on race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, any other protected category under applicable local, state or federal law, or persons who have opposed discrimination or participated in any complaint process on campus or before a government agency. Harassment as to employees becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment as to students becomes

unlawful where the conduct is unwelcomed and so severe, pervasive, and objectively offensive that it interferes with the access or participation in the educational process and programs at Alamo Colleges District.

A hostile environment may be created by oral, written, graphic, or physical conduct that is severe, or pervasive so as to interfere with, limit or deny the ability of an individual employment access, benefits or opportunities or that is severe, pervasive and objectively offensive so as to interfere with students' access to or participation in an educational program or activity. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment.

Alamo Colleges District prohibits and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law or persons who have opposed discrimination or participated in any complaint process on campus or before a government agency.

b. Sexual Harassment

Federal and Texas law regard sexual harassment as a form of sex discrimination and, therefore, as an unlawful discriminatory practice. Sexual harassment consists of:

> Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, educational environment, or academic status, (2) submission to or rejection of such conduct by an individual is used as the basis of employment, educational, or academic decisions affecting such individual, or (3) such conduct is sufficiently severe or, pervasive that it has the effect of unreasonably interfering with an individual's work environment or severe, pervasive and objectively offensive that it has the effect of interfering with the educational environment or access to educational programs and activities. Consensual Relationships – Employees, Officials
>
> The College District seeks to maintain a professional educational and work environment. Romantic or sexual relationships between individuals in unequal positions are inherently problematic and potentially inconsistent with the College District's mission. Employees in positions of authority must be sensitive to the potential for sexual harassment as well as conflicts of interest in personal relationships with their subordinates or with their students.

The very existence of such a relationship exposes the College District to potential claims under Title VII and other laws. Romantic or sexual relationships between trustees and students or between employees in positions of authority and their professional responsibilities, and may be cause for disciplinary action up to and including termination of employment.

When disparities in authority are present between two individuals involved in a romantic or sexual relationship, what may appear to be a consensual relationship to one of the parties may not in fact be consensual. Examples of such relationships that might be deemed to be sexual harassment include, but are not limited to:

1. The subordinate party or student feels unwanted pressure to become involved and/or to continue the relationship.
2. The subordinate party or student feels compelled to change behavior and/or job duties because of the relationship.
3. The relationship has the purpose or effect of creating a work or academic environment in which others are negatively affected by the existence of the relationship.

Romantic or sexual relationships between trustees and students and between employees and their subordinates or students over whom they exercise authority are prohibited whether or not they result in sexual harassment. Such relationships can create problems of actual or perceived conflicts of interest, exploitation, Favoritism, bias, and low morale, and these relationships undermine the integrity of the educational, supervisory and evaluation processes.

A prohibited romantic or sexual relationship shall be deemed to exist when the relationship is between:

4. A trustee and a student (including work-study students);
5. An employee and a student (including work-study students) when the employee is a student's instructor, advisor, counselor, tutor, or is otherwise supervisory to or in the direct chain of supervision over the student; or
6. Employees when one employee is in the direct line of authority of the other.

In the event of a factual dispute about whether a relationship between an employee and a student may impact the student, the matter will be resolved through the Civil Rights Complaint and Resolution process.

ii. Consensual Relationships - Between Students

Consensual Relationships that conform to the policies of the College District, Student Code of Conduct and the specific provisions of this policy regarding

consent are permitted. Consent is defined in section c.5 of this policy.

c. Sexual Misconduct

Sexual misconduct is a broad term used to encompass unwelcome conduct of a sexual nature that is prohibited by Title IX and Alamo Colleges District sexual harassment, sex/gender discrimination, sexual assault, rape, stalking, and relationship violence (including domestic and dating violence). It is a violation of this policy and the law, including Title IX, to commit these acts or to attempt to commit them, Sexual Misconduct can occur in any sex or gender configuration (i.e., between the opposite sex or same sex) regardless of sex, gender, transgender status, sexual orientation, gender identity or gender expression. Sexual Misconduct on the part of employees and students is strictly prohibited by Alamo Colleges District.

Texas law defines various violent and/or non-consensual sexual acts as crimes for whicha person may be prosecuted. Additionally, Alamo Colleges District has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Alamo Colleges District considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions/disciplinary actions, including suspension or expulsion for students and termination for employees. However, Alamo Colleges District reserves the right to impose any level of sanction/discipline, up to and including suspension or expulsion/termination for any act of sexual misconduct or other gender-based offenses based on the facts and circumstances of the particular complaint. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, transgender status, sexual orientation and/or gender identity or gender expression of those involved. Acts of sexual misconduct which constitute violations of the law and Alamo Colleges District policy include the following:

(1) Sexual Harassment (as defined above)

(2) Non-Consensual Sexual Intercourse

Defined as:

- any sexual penetration or intercourse (anal, oral or vaginal),
- however slight,
- with any object or part of the body,
- by a person upon another person,
- that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact. Non-Consensual Sexual Intercourse has been commonly referred to as “rape.” Non-

Consensual Intercourse is a crime and punishable under the Texas Penal Code § 22.011(a) as "Sexual Assault" and § 22.021 as "Aggravated Sexual Assault."

(3) Sexual Violence/Non-Consensual Sexual Contact

Sexual violence refers to physical acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or useof drugs or alcohol, or because of an intellectual or other disability prevents the student from having the capacity to give consent).

Sexual Violence is defined as:

- any intentional sexual touching,
- however slight,
- with any object or part of the body,
- by a person upon another person,
- that is without consent and/or by force.
- Or other intentional bodily contact of a sexual nature.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact ina sexual manner. Sexual violence is a form of sexual harassment, and sexual harassment is prohibited by Title IX, Title VII, and state law.

(4) Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the knowledge or consent of the person observed).
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent). Improper photography or visual recording and the promoting of improper photography, as defined by the Texas Penal Code § 21.15, are punishable crimes.
- Prostitution.

- Sexual Exploitation also includes engaging in sexual intercourse with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

(5) Consent

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

For purposes of the Texas Penal Code § 22.011(b), a sexual assault is without consent for a number of reasons, including the following:

(a) the actor compels the other person to submit or participate by the use of physical force;

(b) the actor compels the other person to submit or participate by threatening to use

force or violence against the other person and the other person believes the actor has the present ability to execute the threat;

(c) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(d) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act orof resisting it;

(e) the other person has not consented and the actor knows the other person isunaware that the sexual assault is occurring;

(f) the actor has intentionally impaired the other person's power to appraise orcontrol the other person's conduct by administering any substance without the other person's knowledge;

(g) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes the actor has the ability to execute the threat; and

(h) the actor is a public servant who coerces the other person to submit or participate. In Texas, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.

d. Alamo Colleges District Policy on Other Civil Rights Offenses

The following conduct is prohibited by College District Policy:

(a) Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class;

(b) Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class;

(c) Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University/College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Student Code of Conduct the basis of actual or perceived membership in a protected class; Hazing is also illegal under Texas law and prohibited by College District policy.

(d) Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class or other

class, including sex/gender and sexual orientation. Cyberbullying is bullying that takes place using electronic technology. Bullying sometimes overlaps discriminatory harassment under Title VII and Title IX. Bullying is prohibited by this policy and other laws which prohibit harassment on the basis of protected criteria. Bullying not on the bases of a protected class is also prohibited the Texas Education Code and District Policy.

(e) Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, domestic and/or relationship violence);

(f) Dating Violence, as defined by § 71.0021 in the Texas Family Code, means an act, other than a defensive measure to protect oneself, by an actor that:

(i) is committed against a victim: (a) with whom the actor has or has had a dating relationship; or (b) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relations or marriage; and

(ii) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(iii) "Dating relationship" under the Texas Family Code means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship.

(iv) Dating Violence constitutes "Family Violence" under Texas law.

(g) Domestic Violence is referred to as "Family Violence" in Texas. The Texas Family Code at § 71.004 defines "Family violence" as:(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, asthat term is defined by sections 261(1), (C), (E), and (G), by a member of a family or household toward a child or the family or household; or (3) dating violence, as that term is defined by Section 71.0021 of the Texas Family Code.

(h) Stalking involves an intentional course of repeated conduct or behavior over a period of time, directed at a specific person, or member of the specific person's family or household or an individual with whom the specific person has a dating relationship which abused, tormented, embarrassed or offended. Stalking and cyberstalking are behaviors prohibited by Texas law and the College District.

(i) Hate Crimes are defined by the Texas Government Code as crimes that are motivated

by prejudice, hatred, or advocacy of violence and defined by the Federal Hate Crime Act as crimes that manifest evidence of bias or prejudice against a group identified by race, color, disability, religion, national origin, ancestry, age, gender, or sexual orientation. Hate crimes include offenses such as murder, assault, kidnapping, arson, criminal mischief, and graffiti. Hate crimes are prohibited by Texas and federal law and this policy.

(j) Violation of any other College District rules, when the violation is motivated by the actual or perceived membership of the victim in a protected class, may be pursued using this policy and process.

6. College District Policy on Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a complainant or for assisting in providing information relevant to a claim of harassment is a serious violation of College District policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX/VII/IV/ADA/504 Coordinator or designated Deputy Coordinator identified in Attachment A to this Policy and will be promptly investigated. Alamo Colleges District is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

7. Statement of Complainant's Rights, Whether Employee or Student

A complainant is the person who makes a complaint of civil rights discrimination, harassment or retaliation under this policy.

(a) A complainant has the right to file a criminal complaint.
(b) A complainant has the option to, or not to, notify and seek assistance from law enforcement and/or Alamo Colleges District authorities.
(c) A complainant and the College District have the right to seek restraining, judicial no-contact and protective orders, internal no contact orders, and criminal trespass warnings to ensure personal safety and maintain a safe campus and work environment.
(d) A complainant has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures a fair, prompt, and equitable process for both parties.
(e) A complainant has the right to present his or her case, including the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure for complainant and respondent.
(f) A complainant has the right to be treated with respect by College officials.
(g) A complainant has the right to take advantage of Alamo Colleges District support resources (such as College Counseling, College Health Services for students, or EAP

services for employees).

(h) A complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).

(i) A complainant has the right to have an adviser, attorney, or other advocate of the complainant's choice and at the complainant's cost present during the Civil Rights Appeal Procedure.

(j) A complainant has the right to refuse to have an allegation resolved through conflict resolution procedures.

(k) A complainant has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.

(l) A complainant has the right to be free from retaliation for engaging in protected activity.

(m) A complainant has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and procedures and to participate in the process whether the injured party or the College District is the complainant.

(n) A complainant has the right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible. A complainant has the right to challenge any finding, decision, determination, sanction, or action taken and the right for Student Code of Conduct procedures to be followed where applicable.

8. Statement of Respondent's Rights, Whether an Employee or Student:

A Respondent is the person against whom a complaint is lodged or made under this policy.

(a) A respondent has the right have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures an equitable process to both parties.

(b) A respondent has the right to be advised of the complaint against him or her and to the same due process rights as the complainant.

(c) A respondent has the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure as the complainant.

(d) (d) A respondent has the same right as a complainant to present his or her case, to present witnesses and other evidence, and to challenge the complaint made against respondent.

(e) A respondent has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).

(f) A respondent has the right to have an adviser, attorney, or other advocate of the respondent's choice and at the respondent's cost present during the Civil Rights Appeal

Procedure.

(g) A respondent has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.

(h) A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant. A respondent has the right to be treated with respect by College officials.

(i) A respondent has the right to take advantage of campus support resources (such as Counseling, College Health Services for students, or EAP services for employees).

(j) A respondent has the right to refuse to have an allegation resolved through conflict resolution procedures.

(k) A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant.

(l) A respondent has the right to be informed in writing of the outcome/resolution of the complaint, any sanctions imposed against the respondent, and the rationale for the outcome.

(m) A respondent has the right to challenge any finding, decision, determination, sanction, or action taken against respondent and the right for Student Code of Conduct procedures to be followed where applicable.

9. Recognizing the Signs of Abusive Behavior and How to Avoid Potential Attacks

Alamo Colleges District is committed to a safe and supportive learning and working environment for all students, staff, faculty, and visitors. We are dedicated to creating an environment that fosters safety for all by preventing and responding to incidents that are disruptive, threatening, abusive or violent.

The entire college community has a role in changing knowledge and attitudes and shares responsibility for recognizing and ending abusive behavior and its devastating impact. In order to accomplish this, the Alamo Colleges District adopted strategies to respond to violence and seeks to develop comprehensive, collaborative approaches to ultimately prevent the behaviors from happening. These strategies, administered by the Alamo Colleges District in partnership with community medical, mental health and social services, include:

- Identify and/or provide early options for individuals experiencing abuse or violence prior to the need for crisis intervention services.
- Identify and/or institute incentives, core competencies, and resources for health, mental

health, and social service professionals to promote and sustain the prevention, identification, and intervention of abusive or violent behavior.

• Establish criteria and guidelines to ensure that all victims have access to comprehensive, culturally sensitive and victim centered services, including health care and social services.

• Identify and support effective recommendations for appropriate identification, intervention, and consequences for those who commit abusive or violent acts.

a. Recognizing Abusive Behavior

Abusive behavior can manifest in many forms and often escalates from threats and verbal abuse to violence. While physical injury is the most obvious danger, the emotional and psychological consequences of abuse are also severe. The abuse can include belittling or controlling behaviors that lead to feelings of self-loathing, helplessness, and desperation. The most telling sign of an unhealthy and abusive relationship is fear of the person committing the acts. To recognize the telltale signs and symptoms of emotional abuse and violent behaviors, the situation should be assessed for the following:

b. General warning signs of abuse

Persons who are being abused may:

- Seem afraid or anxious to please their partner;
- Go along with everything their partner says and does;
- Check in often with their partner to report where they are and what they're doing;
- Receive frequent, harassing phone calls from their partner;
- Talk about their partner's temper, jealousy, or possessiveness.

c. Warning signs of physical violence

Persons who are being physically abused may:

- Have frequent injuries, with the excuse of "accidents;"
- Frequently miss work, school, or social occasions, without explanation;
- Dress in clothing designed to hide bruises or scars (e.g. wearing long sleeves in the summer or sunglasses indoors).

d. Warning signs of isolation

Persons who are being isolated by their abuser may:

- Be restricted from seeing family and friends;
- Rarely go out in public without their partner;
- Have limited access to money, credit cards, or the car.

e. Psychological warning signs of abuse

Persons who are being abused may:

- Have very low self-esteem, even if they used to be confident;
- Show major personality changes (e.g. an outgoing person becomes withdrawn);
- Be depressed, anxious, or suicidal.

The Alamo Colleges District counselors are available for consultation, resources and referrals to medical and social services. Students and situations of concern may be reported to any college official named specifically or anonymously through the Strategies of Behavioral Intervention (SOBI) process or to the Ethics hotline at **1-844-302-0425.**

10. Safe and Positive Options for Bystanders

A bystander is someone who sees a situation but may or may not know what to do, may think others will act or may be afraid to do something. Intervening in abusive or potentially violent behavior first requires an ability to identify the warning signs and then consider whether the situation demands action. Before getting involved, the priority is to evaluate safe and positive ways to act to prevent or intervene. *If the situation is already violent or is escalating quickly, do not directly intervene. Call the police.*

Bystander intervention is a nonviolent one. Trying to "rescue" a victim or fight off an abuser can endanger the intervener as well as the victim. If choosing to get involved, evaluate the best way to intervene:

- **Distract –** use an *indirect and non-confrontational way to intervene with a goal to prevent a situation from escalating*
- **Delegate -** ask someone who knows the victim or abuser to intervene or alert someone in authority
- **Direct -** subtly make your presence known, *keeping an eye on the situation* while communicating your concern through body language.

Annual bystander training on how to safely intervene in instances where there is risk of an incident or when one may be occurring is provided to students, faculty and staff. Contact the Title IX Coordinator for training opportunities.

11. <u>Civil Rights Harassment/Discrimination and Sexual Violence Primary Prevention and Awareness</u>

The Alamo Colleges District Board of Trustees recognizes that prevention is a primary tool to help eliminate complaints of civil rights based harassment, discrimination; and retaliation conditions. Therefore, the Chancellor or designee shall take all necessary steps to prevent and eliminate sexual harassment including, but not limited to:

(a) Publishing this policy and the related policy for all present and future employees and students;

(b) Conducting prevention and awareness campaigns for faculty, staff, administrators and students;

(c) Creating an information brochure;

(d) Providing notice of the non-discrimination policy;

(e) Providing clear grievance procedures;

(f) Identifying the contact information for the Title IX Officer;

(g) Demonstrating a prompt and effective response protocol;

(h) Seeing that mandatory annual in-house training workshops on civil rights and sexual harassment, discrimination, and sexual violence are established and performed;

(i) Publishing harassment prevention and response materials, where appropriate;

(j) Supplementing, where appropriate, employee and student handbooks to include the College District policy and procedure on civil rights and sexual harassment, discrimination, and sexual violence.

(k) Annually affirming the Alamo Colleges District commitment to a safe campus and workplace environment that is free of sexual and civil rights harassment, discrimination and sexualviolence.

ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

Attachment A

Title IX/VII/IV/ADA/504 Coordinator Contact List

A complaint of certain or potential discrimination, harassment or retaliation may be made to any of the following Coordinators or Deputies, or with Alamo Colleges District Police Department (ACPD) or filed online at www.alamo.edu/TitleIXCoordinator/

Alamo Colleges District District Title IX/VII/IV/ADA/504 Coordinator
Linda Boyer-Owens
Associate Vice Chancellor for Human Resources
& Organizational Development
Alamo Colleges District
2222 N. Alamo Street, 230A-West Wing
San Antonio, TX 78215
210-485-0230
lboyer-owens@alamo.edu

Title IX/VII/IV/ADA/504 Coordinator for Employees
Edward Contreras
Director of Talent, Advocacy and Solutions-Human Resources
Alamo Colleges District
2222 N. Alamo Street, 230A-West Wing
San Antonio, TX 78215
210-485-0216
econtreras@alamo.edu

Title IX Coordinator for Students
Patricia B. Parma
Associate Vice Chancellor for Student Success and Success Initiatives
Office of the Vice Chancellor for Student Success
Alamo Colleges District
2222 N. Alamo Street, Room E331
San Antonio, TX 78215
210-485-0452
pparma@alamo.edu

College Title IX Coordinator-Northeast Lakeview College
Dr. Tangila Dove
Interim Vice President for Student Success
Northeast Lakeview College
1201 Kitty Hawk Road
Universal City, TX 78148
210-486-5421

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

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twatts@alamo.edu

College Title IX Coordinator-Northwest Vista College
Debi Gaitan
Vice President for Student Success
Northwest Vista College
3535 N. Ellison Drive
San Antonio, TX 78251
210-486-4454
dgaitan@alamo.edu

College Title IX Coordinator-Palo Alto College
Gilbert Becerra Jr.
Vice President for Student Success
Palo Alto College
1400 W. Villaret Blvd.
San Antonio, TX 78224
210-486-3930
gbecerra8@alamo.edu

College Title IX Coordinator-St. Philip's College
Dr. Paul Machen
Vice President for Student Success
St. Philip's College
1801 Martin Luther Drive
San Antonio, TX 78203
210-486-2252
pmachen@alamo.edu

College Title IX Coordinator-San Antonio College
Dr. Tiffany Hernandez-Cox
Vice President for Student Success
San Antonio College
1819 N. Main Avenue
San Antonio, TX 78212
210-486-1410
tcox29@alamo.edu

Title IX Lead at District Student Success
Benjamin Romo
Student Compliance Coordinator
Office of the Vice Chancellor for Student Success
Alamo Colleges District
2222 N. Alamo Street, Room E331
San Antonio, TX 78215
210-485-0873

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

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bromo19@alamo.edu

Title IX Lead at Northeast Lakeview College
Tracy Floyd
Director of Student Success
Northeast Lakeview College
1201 Kitty Hawk Road
Student Commons Bldg., Room 210
Universal City, TX 78148
210-486-5610
tfloyd@alamo.edu

Title IX Lead at Northwest Vista College
Jennifer Comedy-Holmes
Dean of Student Success
Northwest Vista College
3535 N. Ellison Drive
Cypress Campus Center, Room 204F
San Antonio, TX 78251
210-486-4857
jcomedy-holmes@alamo.edu

Title IX Lead at Palo Alto College
Tyler Alyse Archer
Director of Student Conduct/Title IX
Palo Alto College
1400 W. Villaret Blvd.
Student Center, Room 101A
San Antonio, TX 78224
210-486-3755
tarcher1@alamo.edu

Title IX Lead at St. Philip's College
John Martin
Director of Student Conduct/Title IX
St. Philip's College
1801 Martin Luther Drive
Sutton Learning, Room 102Q
San Antonio, TX 78203
210-486-2746
jmartin139@alamo.edu

Title IX Lead at San Antonio College
Camille Cartwright
Director of Student Conduct/Title IX
San Antonio College

ATTACHMENT 6.

H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 10-28-14
Last Board Action: 8-10-16
Last Amended: 1-17-17, 11-15-18, 7-27-21

1819 N. Main Avenue
Nursing Allied Health Bldg., Room 110
San Antonio, TX 78212
210-486-1207
ccartwright3@alamo.edu

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
Responsible Department: Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 - Civil Rights Discrimination, Harassment and Retaliation
Approved: 10-28-14
Last Amended: 1-17-17, 7-26-21

The Alamo Community College District (the "College District" or "Alamo Colleges") prohibits discrimination and harassment based on protected criteria and retaliation for opposing discrimination or harassment or participating in a complaint proceeding on campus or a governmental agency. This procedure is established to ensure an environment that affords equal educational and employment opportunities to all students and employees, including faculty and administrators, in the working and academic environments at the Alamo Colleges. This procedure seeks to resolve complaints promptly and effectively with respect for all parties.

This procedure provides two processes (grievance procedures) for the College District and Colleges to receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes listed below.

Process A applies only to student complaints of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, as defined, and referenced by 2020 amendments to Title 34, Code of Federal Regulations, Part 106, the implementing regulations for Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 *et seq*. ("Title IX"). Those new Title IX regulations are 34 CFR §§106.8, 106.30, 106.44, and 106.45.

Process B applies to all other civil rights complaints which are not addressed by Process A, i.e., do not meet the definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking against a student and jurisdictional requirements of §§106.30, 106.44, and 106.45 of the Title IX regulations and complaints which arise under other civil rights statutes. *(See 34 CFR §106.8(c))*. Complaints of student gender discrimination and retaliation under Title IX fall under Process B.

Title IX/VII/ADA/504 Coordinators and Leads

The College District has designated responsibility to Coordinators and Leads to conduct the Civil Rights processes for students and employees who receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes, including Title IX. These designees are the same for Process A and Process B. Their names and contact information are listed in Appendix A to this procedure.

Inquiries about the application of Title IX and its regulations to the College District may be referred to the District Title IX/VII/ADA/504 Coordinator, Assistant Secretary of the Department of Education, or both. *34 CFR §106.8(b)(1)*. The contact information is as follows:

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
Responsible Department: Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 - Civil Rights Discrimination, Harassment and Retaliation
Approved: 10-28-14
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Alamo Colleges District Title IX/Title VII/Title IV/ADA/504 Coordinator
Linda Boyer-Owens
Associate Vice Chancellor for Human Resources & Organizational Development
Alamo Community College District
2222 N. Alamo, 230A-West Wing
San Antonio, TX 78215
210-485-0230
lboyer-owens@alamo.edu

Assistant Secretary of the Department of Education
U.S. Department of Education
Office of Civil Rights
400 Maryland Avenue SW
Washington, D.C. 20202-1100
Customer Service Hotline # (800) 421-3481
TDD# (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

I. Reporting Discrimination, Harassment, and Retaliation: Employees and Students.

A. General Reporting. Any person may report discrimination or harassment based on any protected criteria (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment, including sexual harassment) by mail, telephone, or electronic mail; using a College District or College electronic portal; using the contact information listed for a Title IX Coordinator; or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report, including the electronic portal for Title IX complaints. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, by mail to the office address listed for Title IX Coordinators in Appendix A, or through the District or College electronic portal. S*ee34 CFR §106.8(a).*

B. Reporting by Formal Complaint. A signed formal complaint, instead of a general report, may be filed with any Title IX Coordinator in person, by mail, by electronic mail using the contact information listed in Appendix A, or through the designated District or College electronic portal. *34 CFR §106.30(a).*

C. Reporting Deadline. A report or formal complaint alleging discrimination, harassment, or retaliation must be submitted or filed within thirty (30) calendar days from the date of the last act of alleged act of discrimination, harassment, or retaliation.

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Last Amended: 1-17-17, 7-26-21

D. College to Handle Report. A report or formal complaint of discrimination, harassment, or retaliation by a student against a student will be assigned to the College Title IX Coordinator and Title IX Lead at the college where the alleged discrimination, harassment, or retaliation occurred. If the alleged discrimination, harassment, or retaliation is reported to a different college or the District, it will be transferred the report or complaint to the college where the discrimination, harassment, or retaliation occurred and document the transfer of the report or complaint.

E. District to Handle Report. A report or formal complaint of discrimination, harassment, or retaliation by or against an employee will be assigned to the District Title IX/VII/ADA/504 Coordinator for Employees.

A report or formal complaint of discrimination, harassment, or retaliation involving a student or a student against an employee will be assigned to the District Title IX Coordinator for Employees who will work in collaboration with the College Title IX Coordinator and Title IX Lead at the college the student attends. Any student sanctions to be imposed against a student as a result of a responsibility finding will be assigned to the College Title IX Coordinator and will be processed under the Student Code of Conduct. Any discipline of an employee based on a finding of responsibility against the employee will be handled by the District Title IX Coordinator for Employees and processed under the employee procedures for progressive discipline or termination of employment. A work study student will be considered a student for purposes of Title IX and not an employee so that a complaint by or against a work study student will be processed by a College.

G. Delay of Sanctions/Discipline. Any sanctions against a student or discipline against an employee based on a finding of responsibility for discrimination, harassment, or retaliation will not be imposed until after the appeal time has expired or a decision on appeal is rendered, whichever occurs later.

II. PROCESS A:
Applicable Only to Complaints of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence and Stalking Under Title IX

Process A applies *only* to complaints of sexual harassment. For purposes of Title IX, sexual harassment is conduct on the basis of sex and includes sexual assault, dating violence, domestic violence and stalking. *34 CFR §106.30(a)(3).* After a report or complaint of sexual harassment is received and determined to meet the criteria of Title IX, the following Process A will apply.

A. Process A: Definitions.

1. *"Actual knowledge"* means notice of sexual harassment or allegations of sexual harassment to a Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the College District or Colleges. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The standard of actual knowledge is not met when the only official of the College District 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 College District or Colleges. *Notice"* for purposes of *"actual knowledge"* includes but is not limited to a report of sexual harassment to a Title IX Coordinator as described in *34 CFR §106.8(a). 34 CFR §106.30(a).*

2. *"College District"* means the Alamo Community College District (ACCD) and its five independently accredited colleges: Northeast Lakeview College, Northwest Vista College, Palo Alto College, St. Philip's College, and San Antonio College. "Alamo Colleges District" and "Alamo Colleges" are synonymous for the College District.

3. *"Complainant"* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Where a Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the complaint. *34 CFR §106.30(a).* A third person who reports sexual harassment does not become a party (complainant) to a formal complaint. Parents and guardians may report sexual harassment but do not become parties to a formal complaint even if they signed a complaint.

4. *"Dating violence"* under Title IX has the meaning assigned in the Violence Against Women Act ("VAWA"), 34 U.S.C. § 12291(a). *34 CFR §106.30(a)(3).* Under VAWA, "dating violence" means violence committed by a person:

(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. *34 U.S.C. § 12291(a)(10).*

5. *"Domestic violence"* under Title IX has the meaning assigned in VAWA. *34 CFR §106.30(a)(3).* Under VAWA, "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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 jurisdiction. *34 U.S.C. § 12291(a)(8).*

6. *"Education program or activity"* includes locations, events, or circumstances over which the College District exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student

organization that is officially recognized by the College District or one of the colleges. *34 CFR §106.44(a).*

7. *"Formal complaint"* means a document filed and signed by a complainant or signed by a Title IX Coordinator, alleging sexual harassment against a respondent, and requesting that the College District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College District or one of its colleges. *34 CFR §106.30(a).*

As used above, *"document filed by a complainant"* means a written document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. *34 CFR §106.30(a).* Parents and guardians of minor students retain their legal rights to act on behalf of the minor as complainant or respondent in Title IX matters, including filing a formal complaint for the minor student child.
34 CFR §106.6(g).

8. *"Grievance process"* and *"complaint process"* are synonymous terms for purposes of this procedure. The Title IX regulations state, "a recipient must adopt and publish *grievance* procedures that provide for the prompt and equitable resolution of student and employee *complaints* alleging any action that would be prohibited by this part and a *grievance* process that complies with §106.45 for formal *complaints* as defined in §106.30." *34 CFR §106.8(c).*

9. *"Recipient"* in this procedure means the College District and/or one or more Colleges, all of which receive federal financial assistance. *34 CFR §106.2(a)(i).*

10. *"Respondent"* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. *34 CFR §106.30(a).*

11. *"Sex discrimination."* A recipient's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute gender discrimination under Title IX. *34 CFR §106.45(a).* A complaint of gender discrimination would be processed under Process B.

12. "*Sexual Assault"* under Title IX has the meaning assigned in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), 20 U.S.C. 1092(f)(6)(A)(v). *34 CFR §106.30(a)(3).* Under the Clery Act, "sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

13. *"Sexual harassment"* under Title IX means conduct on the basis of sex that satisfies one or more of the following:

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
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(a) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; *34 CFR §106.30(a)(1).*
(b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education programs or activities. *34 CFR §106.30(a)(2);*
(c) "Sexual assault" as defined in the Clery Act. *34 CFR §106.30(a)(3).*
(d) "Dating violence" as defined in VAWA. *34 CFR §106.30(a)(3);*
(e) "Domestic violence" as defined in VAWA). *34 CFR §106.30(a)(3);* or
(f) "Stalking" as defined in VAWA. *34 CFR §106.30(a)(3).*

14. *"Stalking"* under Title IX has the meaning assigned in VAWA. *34 CFR §106.30(a)(3).* Under VAWA, "stalking" means 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).*

15. *"Student"* means a person who has applied for admission or gained admission. *34 CFR §106.2(r).* A work study student will be considered a student for purposes of Title IX and not an employee so that a complaint by or against a work study student will be processed by a College.

16. *"Supportive measures"* means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. *34 CFR §106.30(a).*

"Supportive measures" may include but are not limited to services offered in the community, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator handling a complaint or report may fashion other supportive measures which are appropriate to the situation. A Title IX Coordinator will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College District or Colleges to provide the supportive measures. The applicable Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures for a student or employee. *34 CFR §106.30(a).*

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B. Process A: Grievance Process – Overview of Title IX Concepts.

1. Title IX Coverage. This Process A grievance procedure applies only to sexual harassment occurring against a person in the United States. *34 CFR §106.8(d)*. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College District or one of the colleges. *34 CFR §106.30(a).*

2. Presumption of Non-Responsibility. All Title IX Coordinators, Title IX Leads, investigators, decisionmakers, and any person who facilitates an informal resolution process must operate at all times with the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. *34 CFR §106.45(b)(1)(iv).*

3. Gag Order Prohibited. Neither the College District, Colleges, Title IX Coordinators nor any investigator may restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. *34 CFR §106.45(b)(5)(iii).*

4. Standard of Evidence Declared. The standard of evidence to be used to determine responsibility for all formal complaints of sexual harassment is the preponderance of the evidence standard. The preponderance of the evidence standard applies to all other formal complaints against students and employees, including faculty. 3*4 CFR §106.45(b)(1)(vii).*

5. Objective Evaluation of Evidence Required. This procedure requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence— and that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. *34 CFR §106.45(b)(1)(ii).*

6. Impartiality Required. Every individual designated as a Title IX Coordinator, Title IX Lead, investigator, decisionmaker, or any person designated by the College District or a College to facilitate an informal resolution process is required to not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. *34 CFR §106.45(b)(1)(iii).* None of the foregoing persons may serve in more than one capacity during the grievance process.

7. Duration of Grievance Process. The Title IX regulations require the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX. 3*4 CFR §106.8(c).* To comply with this requirement, the grievance process in this procedure should be concluded within ninety (90) calendar days from the date of receipt of a report or formal

complaint to the date on which an appeal is decided or the date on which the time to appeal expires if no appeal is filed, subject to any extensions of time. *34 CFR §106.45(b)(1)(v).* The 90-calendar day time period excludes holidays and days on which the College District and Colleges are closed for operations, such as the holiday and spring breaks and closures for weather or other emergencies.

8. Extensions of Time. The 90-calendar day time period for the grievance process may be extended by temporary delays or extensions of time granted. Any party (complainant or respondent), the College District, a College, investigator or decision-maker may request in writing for good cause at any time during the grievance process an extension of time to accomplish a duty or requirement in this procedure. Good cause may include considerations, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. *34 CFR §106.45(b)(1)(v).* Requests for extension of time should be submitted in writing to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint with copies served on the complainant and respondent and their advisors, if any. Extensions of time should be judiciously requested to avoid dismissal because the complainant or respondent is no longer a student.

9. Required Training #1. The District Title IX Coordinator, District Title IX Coordinator for Employees, and District Title IX Coordinator for Students will ensure that the College Deputy Title IX Coordinators, Title IX Leads, investigators, decision-makers, and any person who facilitates an informal resolution process receive training on the definition of sexual harassment stated in Section I(A)(13) above, the scope of the education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. *34 CFR §106.45(b)(1)(iii).*

10. Required Training #2. The District Title IX Coordinator, District Title IX Coordinator for Employees, and District Title IX Coordinator for Students will ensure that decision-makers receive training on any technology to be used at a live hearing and on 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. *34 CFR §106.45(b)(1)(iii).*

11. Required Training #3. The District Title IX Coordinator, District Title IX Coordinator for Employees, and District Title IX Coordinator for Students will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence as required by 34 CFR § 106.45(b)(5)(vii) and discussed in Section II(E)(7) below. Any materials used to train Title IX Coordinators, Title IX Leads, investigators, decision-makers, and any person who facilitates an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. *34 CFR §106.45(b)(1)(iii).*

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
Responsible Department: Title IX/VII/IV/ADA/504 Coordinator
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12. Equitable Treatment Before Sanctions. Complainants and respondents will be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following Process A which complies with the new federal regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures. Remedies must be designed to restore or preserve equal access to the College District's education program or activity. Such remedies may include the individualized services defined as ''supportive measures." *34 CFR §106.45(b)(1)(i).*

13. Available Sanctions and Remedies. The possible disciplinary sanctions and remedies that a College may implement against a student following any determination of responsibility are listed in the Student Code of Conduct, which is incorporated herein by reference, and as may be determined appropriate for the circumstances, including but not limited to placing a student in online classes, allowing a student to withdraw without penalty and take the class in a following semester, and allowing a student to retake exams or complete assignments by the end of the semester. The possible disciplinary sanctions and remedies that the District may implement against an employee following any determination of responsibility are listed in the Progressive Discipline and Termination Procedures in Section D of Board Policies, available on the College District website and incorporated herein by reference. *34 CFR §106.45(b)(1)(vi).*

14. Notice of Meetings Required. At all times during the Process A grievance process, the District Title IX Coordinator for Employees or College Title IX Coordinator and Title IX Lead handling the formal complaint will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate. *34 CFR § 106.45(b)(5)(v).*

15. Equal Right to an Advisor. The parties will have equal opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. The College District has the right to exercise reasonable restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. *34 CFR § 106.45(b)(5)*(iv).

C. Process A: Response to Report or Complaint of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence and Stalking.

1. Duty to Not Be Deliberately Indifferent. If the College District or a college has actual knowledge of sexual harassment in an education program or activity against a person in the United States, it must respond promptly in a manner that is not deliberately indifferent to a report or formal complaint. A recipient is deliberately indifferent only if its response to sexual harassment is clearly

unreasonable in light of the known circumstances. *34 CFR § 106.44(a).* The duty to not be deliberately indifferent is not satisfied if it is based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment. *34 CFR § 106.44(a).*

2. Supportive Measures Required. If the College District or a College has actual knowledge of sexual harassment in an education program or activity against a person in the United States, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report will treat a complainant and respondent equitably to offer supportive measures and will follow the grievance process discussed below *before* the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. *34 CFR §106.44(a).* The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report also will respond to the report to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures, and explain to the complainant the process for filing a formal complaint. *34 CFR §106.44(a).* Supportive measures must be provided even if the reporting began with the filing of a formal complaint. A range of supportive measures available to complainants and respondents is listed in Section II(A)(16) above. 3*4 CFR §106.45(b)(1)(ix).*

3. Student Emergency Removal. A College may remove a student-respondent from the education program or activity only on emergency basis and provided that the College 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 justify removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. *34 CFR §106.44(c).* Emergency removal is the exception and not the rule. An individualized safety and risk analysis must be documented by the College Title IX Coordinator and Title IX Lead.

4. Employee Administrative Leave. A non-student employee-respondent may be placed on administrative leave during the pendency of the grievance process provided no rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act are modified. *34 CFR §106.44(d).*

5. Evaluating Report for Title IX Coverage. After supportive measures are provided, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report must determine:

(a) Whether the report is submitted timely within thirty (30) calendar days of the date on which the last alleged act of sexual harassment occurred;
(b) Whether the report complains of sexual harassment in an education program or activity;
(c) Whether the reporter is participating in or attempting to participate in the education program or activity of the College District or a College; and
(d) Whether the report or allegations are against a person in the United States. *34 CFR § 106.45(b)(3)(i).*

If the report does not meet the factors above, it cannot be accepted as a Title IX complaint for purposes of Process A and must be dismissed and closed after any supportive measures are implemented. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report will notify the reporter about the dismissal and process the report under Process B.

6. Report to Formal Complaint. If the report of sexual harassment was not initiated with the filing of a formal complaint and is accepted because it satisfies the factors above, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report will ask the complainant to proceed with filing a signed formal complaint. *34 CFR §106.30(a).* A complainant's wishes to not file a written complaint must be respected, unless the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report determine that the signing of a formal complaint by a Title IX Coordinator is clearly reasonable in light of the known circumstances. If the complainant does not wish to file a formal complaint and a Title IX Coordinator does not sign a formal complaint, then the grievance process will not proceed, no investigation will occur, and the case will be closed. Where a Title IX Coordinator signs a formal complaint, the investigation will commence. In such situation, the Title IX Coordinator is not a complainant or a party during the grievance process and will comply with the requirements for Title IX personnel to be free from conflicts and bias. *34 CFR §106.30(a).*

7. Consolidation of Formal Complaints. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead may consolidate formal complaints as to allegations of sexual harassment 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 of sexual harassment arise out of the same facts or circumstances. References to the singular "party," "complainant," or "respondent" include the plural, as applicable. *34 CFR § 106.45(b)(4).*

8. Complaint Dismissal Before Investigation. If the reporting occurred with the filing of a formal complaint and the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the College District's education program or activity, or did not occur against a person in the United States, then the formal complaint with regard to that conduct must be dismissed. Such a dismissal does not preclude processing under Process B or action under another provision of the Student Code of Conduct. *34 CFR §106.45(b)(3)(i).* Dismissal for

purposes of Title IX also applies if the formal complaint was not submitted timely within 30 calendar days of the date of the last act of harassment. Upon dismissing a formal complaint, the Title IX Coordinator handling the complaint will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. *34 CFR §106.45(b)(3)(iii).*

9. Complaint Dismissal During Grievance Process. The College District or a College may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing: (a) a complainant notifies the District Title IX for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (b) the respondent is no longer enrolled or employed by the College District; or (c) specific circumstances prevent the College District or College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. *34 CFR §106.45(b)(3)(ii).* Upon a dismissal of a formal complaint, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint must promptly send written notice of the dismissal and reason(s) the dismissal simultaneously to the parties. *34 CFR §106.45(b)(3)(iii).*

D. Process A: Grievance Process - Notice of Allegations to Satisfy Due Process.

1. Notice Required. Within five (5) calendar days of receiving a formal complaint, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide a written notice to the known parties with the following information:

(a) Notice that a formal complaint has been filed by a named complainant against a named respondent, and the complaint will be investigated under Process A of the grievance procedure at H.1.1.1 on Civil Rights Discrimination, Harassment, and Retaliation.
(b) Notice of the allegations constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview of the complainant or respondent. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment and the date and location of the alleged incidents, if known. Notice of the allegations includes notice of the allegations to be investigated. *34 CFR §106.45(b)(2)(i)(B).*
(c) A statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. *34 CFR §106.45(b)(2)(i)(B).*
(d) Notice that the parties will be contacted by an investigator and interviewed. Notice that the respondent will be notified that he/she will have an opportunity to respond to the formal complaint and allegations and present his/her side of the story.

(e) Notice that each party may have an advisor of choice during the grievance proceeding, including investigation, who may be, but is not required to be, an attorney, and may inspect and review any evidence obtained as a part of the investigation. *34 CFR §106.45(b)(2)(i)(B).* A request that each party inform the Title IX Coordinator handling the complaint of the name and contact information, including email address, for an advisor selected.

(f) Notice of the College District's grievance and informal resolution processes. *34 CFR §106.45(b)(2)(i)(A).* This requirement may be satisfied by providing a copy of this procedure and the procedure for appeals. Informal resolution is available at any time prior to the live hearing, provided the complaint does not include allegations that an employee sexually harassed a student.

(g) Notice that after the investigation, a live hearing to present oral and documentary evidence will be conducted. *34 CFR §106.45 (b)(6)(i).*

(h) Notice that this procedure, the Student Code of Conduct, and Progressive Discipline Procedure for employees prohibit knowingly making false statements or knowingly submitting false information during the grievance process. *34 CFR §106.45(b)(2)(i)(B).*

(i) Notice that threatening, intimidating, coercing or retaliating against a party, witness or any person participating in the grievance process is prohibited. *34 CFR §106.71.*

(j) Notice that sanctions under the Student Code of Conduct or discipline under the Progressive Discipline Procedure for employees may be imposed if either party is found responsible.

(k) Notice that other communications will be sent to advise of the opportunity to review evidence before the hearing, date of the hearing, and other matters related to the hearing.

2. Notice of Additional Allegations. If in the course of an investigation, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint investigate allegations about the complainant or respondent that are not included in the notice discussed in the above paragraph, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide notice of the additional allegations to the parties whose identities are known. *34 CFR §106.45(b)(2)(ii).*

E. Process A: Grievance Process - Investigation of a Formal Complaint.

1. Investigation Delayed. If the sexual harassment is also reported to campus police or other police department, the investigation under this procedure may be delayed for a reasonable time period not to exceed thirty (30) calendar days for the police department to complete its investigation. However, supportive measures and notice of allegations must be provided. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report or complaint is responsible for following up with the police department on conclusion for their investigation and the complainant to confirm the intent to proceed with the investigation and process under this procedure.

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
Responsible Department: Title IX/VII/IV/ADA/504 Coordinator
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2. Investigator Appointment. The College District bears the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility. *34 CFR §106.45(b)(5)(i).* To meet these burdens, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will appoint an investigator to investigate a formal complaint of sexual harassment. This appointment will occur within ten (10) calendar days of receiving a formal complaint that does not involve conduct reported to campus police or other police department, or within ten (10) days after the expiration of the reasonable time period for a police department to investigate a formal complaint. The investigator must not have any conflict of interest or bias and must have received the training specified in Section II(B)(9-11) above before commencing any investigation. The appointment shall be documented in a letter to the investigator that:

(a) Identifies the parties and generally states the allegations;
(b) Informs that the respondent is presumed not responsible for the alleged conduct throughout the investigative and hearing process. *34 CFR §106.45(b)(1)(iv);*
(c) States the definition of sexual harassment that must be followed under Title IX. *34 CFR §106.30(a)(1-3);*
(d) Provides a copy of this procedure, the written complaint of sexual harassment, and any other information obtained prior to investigation and requests that the documents provided be reviewed before the start of the investigation;
(e) Informs that the investigator is required to interview the complainant and respondent separately;
(f) Informs that to satisfy due process, the investigator will discuss *all* allegations with the respondent and ask the respondent to present his/her side of the story;
(g) Informs that witness names and contact information must be collected from the complainant and respondent and the witnesses of each party must be interviewed;
(h) Informs that throughout the investigation, the parties must be provided an equal opportunity for the parties to name and present witnesses, including fact and expert witnesses, and offer other inculpatory and exculpatory evidence. *34 CFR §106.45(b)(5)(ii);*
(i) Informs that the College District and investigator are required to not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. *34 CFR §106.45(b)(5)(iii);*
(j) Informs that the investigator is required to provide the parties an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney and not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding. *34 CFR §106.45(b)(5)(iv);*

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(k) Informs that the College District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. *34 CFR §106.45(b)(5)(iv).* In this regard, a complainant or respondent must be allowed by an advisor to speak, answer questions, discuss the complaint, and offer evidence during the investigation process. In other words, a complainant or respondent must speak for himself/herself; and

(l) Informs that the investigator is required to treat the parties with respect and dignity; gather any documentary evidence; take notes and document the witness statements, evidence and interviews; communicate with the parties through email and not texts; comply with all requirements stated in this procedure; and preserve the documentation obtained throughout the investigation.

3. Commencement of Investigation. Upon receipt of the appointment and complaint, the investigator will prepare for the investigation by among other things, reviewing the documents provided by the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint and determining other information needed and questions to ask. Within ten (10) calendar days of receiving the complaint and any other information, the investigator will commence the investigation process by interviewing the complainant and respondent separately and following the directions provided in the letter of appointment and other requirements in this procedure. The investigator will provide written notice of the date, time and place of interview with sufficient time for a party to prepare for the interview. *34 CFR §106.45(b)(5)(v).* The investigation should be completed within thirty (30) calendar days from receipt of the appointment.

4. Consents Required for Provider Records. The District Title IX Coordinator for Employees, College Deputy Title IX Coordinators, Title IX Leads, investigators and those participating in the live hearing may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's 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 College District or College obtains a voluntary written consent to do so for use in the grievance process. If the complainant or respondent is a minor, the consent must be obtained from a parent or guardian. *34 CFR §106.45(b)(5)(i).* A consent form to allow the privileged records to be used in the grievance process must be completed and signed and executed by a party or parent or guardian if the party is a minor and be accompanied by a written consent. Written consent must be provided thorough the execution of the College District's consent form under the Family Educational Rights and Privacy Act ("FERPA").

5. Right to Inspect Investigation Evidence. After the investigation is concluded, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide the parties and advisors in writing an equal opportunity to inspect

and review all evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including a copy of the formal complaint and the evidence upon which the College District or College 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 conclusion of the investigation. *34 CFR §106.45(b)(5)(vi).* The parties and advisors shall have ten (10) calendar days to inspect and review the evidence obtained from the investigation.

6. Equal Access to Evidence. After the parties review and inspect the evidence obtained as part of the investigation and prior to completion of the investigative report, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will have five (5) calendar days to send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. *34 CFR §106.45(b)(5)(vi).*

7. Investigative Report. After receiving the parties' responses to the investigation evidence, the investigator will have fifteen (15) calendar days to prepare a written investigative report that fairly summarizes the relevant evidence and send it to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint. The investigator will document the evidence in the report without reaching a conclusion or determination. A form for the report will be provided to the investigator. Within five (5) business days of receiving the investigator's report, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. *34 CFR §106.45(b)(5)(vii).* The written response is due within ten (10) calendar days. Any timely written response will be part of the record to be considered by the decision-maker.

8. Selection of Decision-maker. Within ten (10) calendar days from the date the investigation report is sent to the parties, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will select and appoint in consultation with the District Title IX Coordinator and District Title IX Coordinator for Students, a decision-maker to hear the evidence at and conduct a live hearing. The decision-maker is required to not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and to have had the training specified in Section II(B)(9-11) above, including how to serve impartially and determine issues of relevance. *34 CFR §106.45(b)(1)(iii).* None of the Title IX Coordinators or Title IX Leads listed on Appendix A may serve as decision-makers.

9. Notices of Decision-maker Appointment. Within five (5) calendar days of selecting a decision-maker, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will notify the parties and advisors in writing

of the appointment of the decision-maker in writing and notify the decision-maker of the appointment. The decision-maker must be provided a copy of the complaint, the evidence gathered in the investigation, all responses to the evidence, the investigation report, this procedure, and all notices sent to the parties and investigator. Also, within five (5) calendar days of selecting a decision-maker, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will select a date for the live hearing that is at least fifteen (15) calendar days prior to the hearing or other time of determination regarding responsibility.

F. Process A: Grievance Process - Live Hearings

1. Live Hearing Required. The College District is required to conduct a live hearing of evidence to determine any responsibility (*i.e.*, hear the merits of the complaint or allegations). *34 CFR §106.45(b)(6)(i).* The live hearing will be recorded in real-time by audio, audiovisual recording, or stenographer and make the recording available to the parties for inspection and review. *34 CFR §106.45(b)(6)(i).*

2. Notice of Hearing. Within five (5) calendar days from selecting a live hearing date, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will issue a letter to the parties with the following information:

(a) Notice that a live hearing will be conducted to hear evidence of the allegations of sexual harassment and determine any responsibility; *34 CFR §106.45(b)(6)(i).*
(b) Notice of the date, time, and place of the live hearing with sufficient time for the parties to prepare to participate; *34 CFR §106.45(b)(5)(v).*
(c) Notice that each party must be accompanied by an advisor at the live hearing; *34 CFR §106.45(b)(6)(i).*
(d) A request that the name and contact information of each party's advisor be disclosed immediately if it has not been disclosed already or notification that a party does not have an advisor;
(e) Notice that if a party does not have an advisor designated to be present at the live hearing, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide without fee or charge to that party, an advisor of the College District's or College's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party; *34 CFR §106.45(b)(5)(iv).*
(f) A request that each party disclose the names of his/her witnesses any disability accommodations that any party or witness would need for the live hearing; and
(g) Other information about the conduct of the live hearing, such as the right of an advisor to ask a party and witnesses all relevant questions and follow-up questions, including those challenging credibility. *34 CFR §106.45(b)(6)(i).*

ATTACHMENT 8.

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2. Location of Hearing. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College District's or College's discretion or at the request of either party, any or all parties, witnesses, and other participants may appear at the live hearing in separate rooms with technology enabling participants simultaneously to see and hear each other answering questions. *34 CFR §106.45(b)(6)(i).* The parties may agree to exclude a non-party, non-advisor witness from a live hearing when not being cross examined.

3. Availability of Evidence. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint must make all such 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. *34 CFR §106.45(b)(5)(vi).*

4. Cross Examination Generally. At the hearing, the parties and witnesses may be cross-examined (may be asked questions) by an advisor. Only relevant cross examination or other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question is not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, 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. *34 CFR § 106.45(b)(6)(i).*

5. Cross Examination by Advisors. The decision-maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the College District to otherwise restrict the extent to which advisors may participate in other parts of the grievance process. *34 CFR §106.45(b)(6)(i).* In this regard, a complainant or respondent must be allowed by an advisor to speak, answer questions, discuss the complaint, and offer evidence during the investigation process. In other words, a complainant or respondent must speak for himself/herself.

6. Absence of Party or Witness. A party is required to submit to cross examination. The advisor may not testify on behalf of the party. If a party or witness does not submit to cross examination at the live hearing because he/she is absent, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions. *34 CFR §106.45(b)(6)(i).*

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7. Objective Evaluation of Evidence Required. This grievance process requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence— and provides that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. *34 CFR §106.45(b)(1)(ii).*

G. Process A: Grievance Process - Informal Resolution Before Hearing Determination.

1. Offer. At any time prior to reaching a determination regarding responsibility and provided that no allegations that an employee sexually harassed a student are involved, the District Title IX Coordinator for Employees or College Deputy IX Coordinator and Title IX Lead handling the complaint may offer an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that a formal complaint was filed and the responsible Title IX Coordinator:

(a) Provides to the parties a written notice disclosing: The allegations of sexual harassment; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; *34 CFR §106.45(b)(9)(i).*
(b) Obtains the parties' voluntary written consent and agreement to participate in the informal resolution process. *34 CFR §106.45(b)(9)(ii).* Mutual consent and agreement are required.
(c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. *34 CFR §106.45(b)(9)(iii).*
(d) Obtains the parties' agreement in writing to the resolution achieved and the case will be closed.

2. Prohibitions to Informal Resolution. A College 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 harassment. Similarly, a College may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. *34 CFR §106.45(b)(9).* The informal resolution process is not available to resolve allegations that an employee sexually harassed a student. *34 CFR §106.45(b)(9)(iii).*

H. Process A: Grievance Process - Determination Regarding Responsibility.

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1. Written Determination Required. The decision-maker, who cannot be the same person as the District Title IX Coordinator for Employees, College Deputy Title IX Coordinator, Title IX Lead, or the investigator, must issue a written determination regarding responsibility based on the preponderance of evidence standard. *34 CFR §106.45(b)(7)(i).* The decision-maker is required to objectively evaluate all evidence and apply the preponderance of the evidence standard. *34 CFR §106.45(b)(1)(ii) and (vii); 34 CFR §106.45(b)(7)(i).* Any finding of unwelcomed conduct in a determination must have met the standard that "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 College District's or College's education program or activity." *34 CFR §106.30(a)(2).*

2. Determination Requirements. The written determination must be issued by the decision-maker regarding responsibility within fifteen (15) calendar days from the day the live hearing concluded. *34 CFR §106.45(b)(7).* The determination must be signed and dated and required to include the following:

(a) The allegations in the complaint potentially constituting sexual harassment. *34 CFR §106.45(b)(7)(ii)(A);*
(b) 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. *34 CFR §106.45(b)(7)(ii)(B);*
(c) A statement of the parties and other persons present at the live hearing and the persons who were cross-examined;
(d) The allegations found to be substantiated or unsubstantiated as sexual harassment based on a preponderance of the evidence;
(e) Findings of fact which support the determination. *34 CFR §106.45(b)(7)(ii)(C);*
(f) A statement and rationale for why each allegation was found to be substantiated or unsubstantiated. *34 CFR §106.45(b)(7)(ii)(E);*
(g) A finding of responsibility, if any, or a statement that the respondent is not found responsible;
(h) Any disciplinary sanctions or discipline recommended to be imposed on the student-respondent or employee-respondent;
(i) Conclusions regarding the application of the Student Code of Conduct or employee personnel policies or procedures to the findings of facts. *34 CFR §106.45(b)(7)(ii)(D);*
(j) Any recommendation of remedies designed to restore or preserve equal access to the College's education program or activity. *34 CFR §106.45(b)(7)(ii)(E);* and
(k) The procedures, deadlines, and permissible bases for the complainant and respondent to appeal. 34 *CFR §106.45(b)(7)(ii)(F).*

3. Distribution of Determination. The decision-maker must send the written determination to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling

the complaint who will provide it to the parties simultaneously within five (5) calendar days of receiving the determination.

4. Remedies. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint are responsible for effective implementation of any remedies recommended by the decision-maker. *34 CFR §106.45(b)(7)(iv).*

5. Time to Appeal. An appeal must be submitted to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint within ten (10) calendar days from the date the determination was issued by the decision-maker after the conclusion of a live hearing. The determination regarding responsibility becomes final on the 11th day after the date of the determination decision if no appeal is filed or on the date of the appeal decision if an appeal was filed. *34 CFR §106.45(b)(7)(iii).* The process for appealing a determination is further discussed in the Civil Rights Complaints Appeals Procedure at H.1.1.2.

6. After Appeal Time Expires. After the appeal time has expired, whether or not an appeal was filed and determined, the District Title IX Coordinator for Employees handling the complaint will determine any discipline of the employee-respondent, and the College Deputy Title IX Coordinator handling the complaint will determine disciplinary sanctions against a student-respondent. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will send notification to the parties of the discipline or sanctions being imposed, with a copy to the Student Conduct Officer at the College if the respondent was a student or to Records in Human Resources if the respondent was an employee.

I. Process A: Grievance Process - Recordkeeping.

1. Preservation of Records of Actions Taken. For each response to a general report or formal complaint, the College District and College will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the report or complaint will document the basis for its conclusion that its response was not deliberately indifferent, and document that measures have been taken designed to restore or preserve equal access to the recipient's education program or activity. If a complainant is not provided with supportive measures, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the report or complaint will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College District or College in the future from providing additional explanations or detailing additional measures taken. *34 CFR §106.45(b)(10)(ii).*

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2. Preservation of Formal Complaint Records. The College District and Colleges will maintain for a period of seven (7) years records of the following: *34 CFR §106.45(b)(10)(i).*

(a) Each sexual harassment investigation, including investigator notes, statements from witnesses, the determination regarding responsibility, the audio or audiovisual recording or transcript required by this procedure, the documents containing the disciplinary sanctions or discipline imposed on the respondent, the documents providing supportive measures, the investigation report, all notices to the parties and advisors, and the remedies provided to the complainant designed to restore or preserve equal access to the College District's education program or activity; *34 CFR §106.45(b)(10)(i)(A).*
(b) Any appeal and the result therefrom; *34 CFR §106.45(b)(10)(i)(B).*
(c) Any informal resolution and the result therefrom; *34 CFR §106.45(b)(10)(i)(C).*
(d) All materials used to train Title IX Coordinators, Title IX Leads, investigators, decision-makers, and any person who facilitates an informal resolution process. The College will make these training materials publicly available on its website, or if the College does not maintain a website, the College must make these materials available upon request for inspection by members of the public. *34 CFR §106.45(b)(109)(i)(D).*
(e) The determination, all written communications between the District Title IX Coordinator, College Deputy Title IX Coordinator, Title IX Leads, and the parties, and all documents and responses submitted by the parties. *34 CFR §106.45(b)(10)(i)(A).*
(f) The reports and formal complaints of sexual harassment submitted.

3. Responsible Departments. The office of the District Title IX Coordinator for Employees at Human Resources is responsible for records retention pertaining to reports and complaints involving employees. The College Deputy Title IX Coordinator, Office of the Vice President for Student Success, and College Title IX and Student Conduct offices at each college, are responsible for records retention at the College Level and the documentation pertaining to reports and complaints involving students.

J. Process A: Effect of Other Laws.

1. Constitutional Protections. This Process A procedure:

(a) Does not restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution. *34 CFR §106.6(d)(1);*
(b) Does not deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution. *34 CFR §106.6(d)(2);* or
(c) Does not restrict any other rights guaranteed against government action by the U.S. Constitution. *34 CFR §106.6(d)(3).*

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2. Effect of Other Laws.

(a) The obligations imposed by 34 CFR Part 106 are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 704 and 855 of the Public Health Service Act (42 U.S.C. 292d and 298b-2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation. *34 CFR §106.6(a).*

(b) The obligation to comply with 34 CFR Part 106 is not obviated or alleviated by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, the FERPA regulations at 34 CFR Part 99, or Section 444 of the General Education Provisions Act (GEPA). *34 CFR §106.6(e).*

(c) Nothing in 34 CFR Part 106 may be read in derogation of any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* or any regulations promulgated thereunder. *34 CFR §106.6(f).*

(d) Subject to FERPA requirements, nothing in the Title IX regulations or this procedure may be read in derogation of any legal right of a parent or guardian under state or federal law to act on behalf of a "complainant," "respondent," "party," or other individual, including but not limited to filing a formal complaint. *34 CFR §106.6(g).*

(e) **Preemptive Effect.** To the extent of a conflict between State or local law and Title IX as implemented by §§ 106.30, 106.44, and 106.45, the obligation to comply with §§ 106.30, 106.44, and 106.45 is not obviated or alleviated by any State or local law. *34 CFR §106.6(h).*

(f) Texas Education Code, Chapter 51, Sub-chapters E-2 and E-3, and the associated regulations at 19 Texas Administrative Code, Chapter 3, Sub-chapter A address the reporting and processing requirements for complaints of sexual harassment, sexual assault, dating violence, and stalking. (Domestic violence is not covered by the foregoing Texas statutes).

III. PROCESS B:
Applicable to All Civil Rights Complaints of Discrimination, Harassment, And Retaliation, Except Complaints of Sexual Harassment Under Title IX

As stated above, this civil rights procedure provides two processes (grievance procedures) for the College District and Colleges to receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes listed below.

Process A applies *only* to complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking, as required by 2020 amendments to Title 34, Code of Federal Regulations, Part 106, the implementing regulations for Title IX. ("Title IX"). Those amendments are 34 CFR §§106.8, 106.30, 106.44, and 106.45.

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Process B applies to all other complaints which do not meet the definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking and jurisdictional requirements of §§106.30, 106.44, and 106.45 of the Title IX regulations as well as complaints of gender discrimination under Title IX, complaints which arise under other civil rights statutes, and complaints of retaliation. *(See 34 CFR §106.8(c))*. Complaints may be filed as to the following statutes as provided in Section I above on Reporting Complaints of Discrimination, Harassment and Retaliation.

A. Civil Rights Statutes Which Apply to Employees Only.

1. Title VII - Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq*., as amended, and its federal regulations at 29 CFR §1606.2 *et seq*., prohibit discrimination and harassment against employees based on race, color, national origin, creed, and sex. "National origin" includes ethnicity or ancestry. "Creed" refers to religion.

2. ADA - Title I of the Americans With Disabilities Act of 1990, 42 U.S.C. §12101 *et seq*., as amended, and its federal regulations prohibit discrimination and harassment against employees on the basis of mental or physical disabilities. An employee who requires an accommodation of one or more disabilities covered by the ADA bears the responsibility to initiate a written request for an ADA accommodation with Human Resources. The form request and procedures are available in the employee electronic portal to Human Resources. The employee will be required to provide medical certification from the employee's medical provider that includes: (a) identification of the health provider; (b) the medical provider's diagnosis of the disabling condition; (c) identification of specific limitations and/or suggested restrictions and their relation to the disability; and (d) suggested accommodations. Human Resources will engage in an interactive process with the employee to determine the reasonable accommodation(s).

3. ADEA – The Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 *et seq*., and its federal regulations at 29 CFR part 1625, prohibit discrimination and harassment against employees 40 years and older and permits the use of certain age-related distinctions and factors.

B. Civil Rights Statutes Which Apply to Students Only.

1. Section 504 – Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, and its federal regulations, prohibit discrimination against, and exclusion from participation or denial of benefits in an educational program or activity benefits, of a qualified individual with a disability solely by reason of the disability.

2. ADA – Title II of the Americans With Disabilities Act, 42 U.S.C. §12132 *et seq*., and its regulations at 28 CFR part 35, prohibit discrimination against, and exclusion from participation in an educational or denial of benefits of the services, programs, or activities of a public entity solely by reason of the disability. Students must self-identify the need for academic accommodations based

on disabilities and request accommodations from the Disability Support Services (DSS) office at the college where classes are being taken. An Initial Request for Disability Services form must be completed. Students will be required to provide medical certification to support the disabilities claimed. DSS will determine the reasonable academic accommodations and issue a Letter of Accommodation ("LOA) for the particular course and semester. Students are required to renew requests for accommodations every semester at every Alamo College they are attending. Complaints of denial of accommodations at a particular college will be processed through the DSS office and offices of the Dean of Student Success and Vice President of Student Success.

3. Title VI – Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§2000d-2000d-7 *et seq*., and its regulations at 34 CFR part 100, prohibit discrimination against, and the denial of benefits or exclusion from participation on the basis of race, color and national origin in educational programs and activities that receive federal financial assistance.

4. Title IV – Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c *et seq*., prohibits discrimination on the basis of religion in public primary and secondary schools and higher education.

5. ADEA – The Age Discrimination Act of 1975, 29 U.S.C.§6101 *et seq*., and its regulations at 29 CFR §1626, prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance. The act applies to persons of all ages and permits the use of certain age-related distinctions and factors.

C. Civil Rights Statutes Which Apply to Employees and Students.

1. Title IX - Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 *et seq*., and its federal regulations at 34 CFR §§106.1-106.82 covers sex discrimination in educational programs and activities which receive federal financial assistance. Sex discrimination includes gender discrimination, pregnancy discrimination, sexual orientation and transgender discrimination, sexual harassment, sexual assault, dating violence, domestic violence, and stalking. However, complaints of sexual harassment, sexual assault, dating violence, domestic violence, and stalking will be processed under Process A as required by the Title IX regulations. For Title IX to apply to an employee, the employee must be participating, or attempting to participate in an education program or activity. Otherwise, a complaint of sex discrimination will be processed under Title VII.

2. Texas Civil Rights Law. Texas Education Code, Chapter 51, Sub-chapters E-2 and E-3, and the associated regulations at 19 Texas Administrative Code, Chapter 3, Sub-chapter A address the reporting and requirements for processing complaints of sexual harassment, sexual assault, dating violence, and stalking. The procedure required under Texas law is stated in Board Procedure H.2.1.1.

D. Process B: Retaliation.

ATTACHMENT 8.

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1. Retaliation Prohibited. No institution of higher education or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, Title VII, or any other statute protecting employees or students, their regulations if any, this procedure and its underlying policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX, Title VII, any other statute protecting employees or students, or this procedure. *(See 34 CFR §106.71(a)).*

2. Interference with Rights Per Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct or employee procedure violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination or sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or the regulations constitute retaliation and may be addressed through the Student Code of Conduct or Progressive Discipline procedure for employees, whichever is applicable. *34 CFR §106.71(a).*

3. Conduct Not Retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under Title IX. *34 CFR §106.71(b)(1).* Charging an individual with a Student Code of Conduct or employee procedure violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. *(See 34 CFR §106.71(b)(2).*

4. Retaliation Complaints. Complaints alleging retaliation for having exercised rights under Title IX or any other statute will be processed under this Process B. *(See 34 CFR§ 106.71(a)).*

E. Process B: Other Behaviors Prohibited as to Employees and Students.

1. Harassment. Harassment of an employee or student whether or not based on a protected status is inconsistent with the values of the College District for civility and respect for all and is prohibited by the College District. Harassment is unwelcomed conduct that becomes unlawful as to employees where (a) enduring the offensive conduct becomes a condition of continued employment, or (b) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. As stated in Process A, sexual harassment under Title IX means conduct on the basis of sex where (a) an employee conditions the provision of an aid, benefit, or service on the student's participation in unwelcome sexual conduct; or (b) the unwelcome conduct as determined by a reasonable person is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education programs or activities. Harassment as to students that does not meet the definition of sexual harassment under

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Title IX becomes unlawful where it interferes with the access or participation in the educational process and programs at the Alamo Colleges.

2. Hostile Environment. A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive so as to interfere with, limit or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment.

3. Other Behaviors Prohibited by College District Policy.

a. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class;

b. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class;

c. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College District community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity as defined further in the Student Code of Conduct or the basis of actual or perceived membership in a protected class. Hazing also is illegal under the Texas Penal Code and Texas Education Code.

d. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class or other class, including sex/gender and sexual orientation. Cyberbullying is bullying that takes place using electronic technology. Bullying sometimes overlaps discriminatory harassment under Title VII and Title IX. Bullying is prohibited by this policy and other laws which prohibit harassment on the basis of protected criteria. Bullying not on the bases of a protected class is also prohibited the Texas Education Code and District Policy.

e. Hate Crimes are defined by the Texas Government Code as crimes that are motivated by prejudice, hatred, or advocacy of violence and defined by the Federal Hate Crime Act as crimes that manifest evidence of bias or prejudice against a group identified by race, color, disability, religion, national origin, ancestry, age, gender, or sexual orientation. Hate crimes include offenses such as murder, assault, kidnapping, arson, criminal mischief, and graffiti. Hate crimes are prohibited by Texas and federal law and this policy.

F. Process B: Reporting Discrimination, Harassment, and Retaliation.

ATTACHMENT 8.

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1. Reporting Complaints. Section I above on reporting discrimination, harassment and retaliation applies to Process B. Complainants have the right, and can expect, to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures. Reports and oral complaints must be reduced to writing for an investigation to be conducted by an investigative panel.

2. Immediate Action. Before a report or oral complaint is required to be reduced to writing, the College District reserves the right to act immediately under the following circumstances:

a. The District Title IX/VII/ADA/504 Coordinator will immediately notify the Alamo Colleges Police Department ("ACPD") of any immediate or potential threat to individual, campus, or workplace safety.
b. Any incidents occurring on premises owned or controlled by the College District or off-campus when the off-campus conduct could have an on-campus impact or impact on the mission or interest of Alamo Colleges. A substantial College interest is defined to include any action that constitutes a criminal offense as defined by federal or Texas law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the College is located;
c. Any situation where it appears that the accused individual may present a danger or threat to the health or safety of him/herself or others at Alamo Colleges;
d. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
e. Any situation that is detrimental to the educational mission, interests or goals of the College District or Colleges; and/or
f. Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g., not on Alamo Colleges networks, websites or between Alamo Colleges email accounts) when those online behaviors can be shown to cause a substantial on-campus disruption or misrepresent that the communication was authorized by Alamo Colleges.

3. Other Action. The following will apply after any immediate action is considered.

a. As to all discrimination, harassment, and retaliation complaints and reports, the complainant or reporter is encouraged to provide a written complaint and contact information to enable the College District to proceed with an investigation of the charges and take any remedial action as soon as necessary or possible.
b. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint will assist the complainant in preparing a formal written complaint, which shall include the date, time, place, and a specific description of the alleged conduct that constitutes the alleged discrimination, harassment, retaliation.

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c. Complainants have the right and can expect to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through the applicable civil rights procedures.
d. All initial contacts will be treated with the maximum possible confidentiality, but due process requires disclosure of the allegations and complainant to the respondent. Confidentiality cannot be guaranteed if the complaint becomes the subject of an administrative, arbitral, or court proceeding, including a subpoena.
e. Victims of sexual assault, domestic violence, and stalking should be aware that the ACPD must issue timely warnings when reported incidents pose a substantial threat of bodily harm or danger to members of the campus community. The College District will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.
f. Victims of sexual assault shall not be identified by name in the annual required by the Clery Act.

G. Process B: Summary of Process and Steps.

The complaint and resolution process is designed to receive, investigate, evaluate and resolve a complaint or report of civil rights discrimination, harassment or retaliation within thirty (30) calendar days and will be conducted with that end in mind. A Procedure Diagram outlining the process steps and roles is attached to this procedure (see Attachment A). The primary steps in Process B are summarized as follows:

a. Victim or witness reports or notifies the District Title IX/VII/IV/ADA/504 Coordinator, College Deputy Title IX Coordinator, or the Alamo Colleges Police Department ("ACPD") of a violation or potential violation. In the event of a sexual assault or violence, the reporter should not hesitate to contact the ACPD immediately. ACPD will immediately notify the District Title IX/IV/ADA/504 Coordinator.
b. District Title IX/VII/ADA/504 Coordinator helps reporter prepare a formal complaint.
c. District Title IX/VII/ADA/504 Coordinator notifies ACPD if the matter is also a potential police matter.
d. District Title IX/VII/ADA/504 Coordinator establishes any interim remedies required to protect victim and campus and/or workplace safety (such as suspension of employee or student).

e. District Title IX/VII/ADA/504 Coordinator designates the District Title IX Coordinator for Employees or a College Deputy Title IX Coordinator at the college where the alleged discrimination, harassment or retaliation occurred to process the complaint for resolution under Process B.
f. The District Title IX Coordinator for Employees or College Title Deputy Coordinator

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provides concurrent official notice of the complaint and allegations to the complainant and respondent and appoints an Investigative Panel to investigate the written complaint allegations.

g. The Investigative Panel launches an investigation to include interviewing the complainant, respondent, and witnesses and collecting evidence.
h. The Investigative Panel concludes the investigation and prepares a Preliminary Investigative Report based on a preponderance of the evidence that is provided to the parties for review and responding within five (5) calendar days to provide any additional information for consideration by the Investigative Panel.
i. The Investigative Panel considers and may investigate any additional information provided in a response to the Preliminary Investigative Report.
j. The Investigative Panel Chair prepares and issues a Final Report of Investigative Findings to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint based on a preponderance of the evidence.
k. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint renders an appropriate Resolution of the complaint based on the Investigation Panel's Final Report of Investigative Findings and the preponderance of all evidence collected by the Panel.
l. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint provides a written Resolution concurrently to the complainant and respondent and recommends any employee discipline and/or student sanctions to the responsible administrator for evaluation and action.
m. The responsible Administrator approves or disapproves the recommended discipline and/or sanctions in whole or in part for implementation by the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint after the appeal time expires.
n. Complainant and Respondent each have the opportunity to accept the Resolution or submit an Appeal to the District Title IX/VII/ADA/504 Coordinator.
o. Appeals are processed in accordance with Civil Rights Complaints Appeal Procedure at (H.1.1.2).

H. Process B: Interim Remedial Action

1. Possible Remedies. If, in the judgment of the District Title IX/VII/ADA/504 Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the District Title IX/VII/ADA/504 Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering work arrangements for employees,

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providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

2. Suspension. Alamo Colleges may interim suspend a student, employee, or organization pending the completion of investigation and procedures. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the District Title IX/VII/ADA/504 Coordinator, District Title IX Coordinator for Employees, or designated College Deputy Title IX Coordinator prior to such suspension being imposed or as soon thereafter as reasonably possible to show cause why the suspension should not be implemented. Depending on whether the offending party is an employee or student, the District Title IX VII/ADA/504 Coordinator or an appropriate administrator at the college where the student is enrolled has sole discretion to implement or stay an interim suspension under this policy, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination. During an interim suspension, an employee or student will be denied access to Alamo Colleges facilities and events. As to a student, this restriction may include classes and/or all other College/College District activities or privileges for which the student might otherwise be eligible. In addition, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

3. Other Remedies. Victims and the College District have the right to seek restraining, judicial no-contact and/or protective orders, and internal no-contact and criminal trespass warnings to maintain individual and campus safety.

I. Statement of Complainant's Rights, Whether Employee or Student.

A complainant is the person who makes a complaint of civil rights discrimination, harassment or retaliation under this procedure and its policy.

a. A complainant has the right to file a criminal complaint.
b. A complainant has the option to, or not to, notify and seek assistance from law enforcement and/or Alamo Colleges' authorities.
c. A complainant and the College District have the right to seek restraining, judicial no-contact and protective orders, internal no contact orders, and criminal trespass warnings to ensure personal safety and maintain a safe campus and work environment.
d. A complainant has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures a fair, prompt, and equitable process for both parties.
e. A complainant has the right to present his or her case, including the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure for complainant and respondent.

f. A complainant has the right to be treated with respect by College officials.
g. A complainant has the right to take advantage of Alamo Colleges support resources (such as College Counseling, College Health Services for students, or EAP services for employees).
h. A complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).
i. A complainant has the right to have an adviser, attorney, or other advocate of the complainant's choice and at the complainant's cost present during the Civil Rights Appeal Procedure.
j. A complainant has the right to refuse to have an allegation resolved through conflict resolution procedures.
k. A complainant has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
l. A complainant has the right to be free from retaliation for engaging in protected activity.
m. A complainant has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and procedures and to participate in the process whether the injured party or the College District is the complainant.
n. A complainant has the right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible. A complainant has the right to challenge any finding, decision, determination, sanction, or action taken and the right for Student Code of Conduct procedures to be followed where applicable.

J. Statement of Respondent's Rights, Whether Employee or Student.

A respondent is the person against whom a complaint is lodged or made under this policy.

a. A respondent has the right have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures an equitable process to both parties.
b. A respondent has the right to be advised of the complaint against him or her and to the same due process rights as the complainant.
c. A respondent has the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure as the complainant.
d. A respondent has the same right as a complainant to present his or her case, to present witnesses and other evidence, and to challenge the complaint made against respondent.
e. A respondent has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).
f. A respondent has the right to have an adviser, attorney, or other advocate of the respondent's choice and at the respondent's cost present during the Civil Rights Appeal Procedure.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
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g. A respondent has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
h. A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant. A respondent has the right to be treated with respect by College officials.
i. A respondent has the right to take advantage of campus support resources (such as Counseling, College Health Services for students, or EAP services for employees).
j. A respondent has the right to refuse to have an allegation resolved through conflict resolution procedures.
k. A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant.
l. A respondent has the right to be informed in writing of the outcome/resolution of the complaint, any sanctions imposed against the respondent, and the rationale for the outcome.
m. A respondent has the right to challenge any finding, decision, determination, sanction, or action taken against respondent and the right for Student Code of Conduct procedures to be followed where applicable.

K. Process B: Title IX Coordinator's Investigation Obligations.

The District Title IX/VII/ADA/504 Coordinator shall coordinate a prompt investigation of all complaints and allegations of discrimination, harassment, and retaliation based on protected class. Upon receipt of a civil rights-based complaint, the District Title IX/VII/ADA/504 Coordinator shall:

a. Immediately designate a Deputy Coordinator to conduct the complaint resolution process and issue the final resolution of the case. If the complaint is against an employee, the District Title IX Coordinator for Employees will be designated. If the complaint is against a student, a College Deputy Title IX Coordinator be designated.
b. Immediately appoint two members to the investigative panel from the available trained panel members. If either party to the complaint is a faculty member, the investigative panel shall include at least one faculty member. If either party to the complaint is a staff member, the investigative panel shall include at least one staff member;
c. Within five (5) College District business days, notify the accused (respondent) and complainant of the complaint and investigation by hand delivering the notice to the respondent (accused) with a copy of the notice to the complainant. The District Title IX/VII/ADA/504 Coordinator or designee may extend the time allotted for delivering the notice to the accused in writing before the expiration of the original deadline under extraordinary circumstances. A break between semesters may constitute an extraordinary circumstance.

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d. During this time period (between filing of the complaint and notification of the respondent (accused), the deputy coordinator and investigative panel shall be appointed, briefed and begin the investigation.

L. Process B: Investigation

1. Interviews. An Investigative Panel shall have the authority to interview witnesses and gather documentation. Interviews will be the primary method of collecting information as part of the fact-finding investigation. Attorneys, representatives, advisors, and advocates are not allowed at internal interviews. Witnesses and the respondent are expected to be cooperative and truthful.

2. Confidentiality Under Process B. At all times, except as provided by Title IX, the investigative panel shall take steps to ensure privacy and confidentiality for witnesses, complainant and the respondent (accused) during the investigation, including without limitation, requiring all parties to agree, in writing, that information disclosed during the investigation shall not be disclosed to others unless required by law, court order, subpoena, or to defend the College District in legal or administrative proceedings, including appeals of the decision on the complaint. A violation of privacy or confidentiality shall be grounds for disciplinary action up to and including termination. The rights of a complainant and respondent, as stated in the College District's Policy on Civil Rights Discrimination, Harassment, and Retaliation shall be observed. Under Process A for complaints of sexual harassment, neither the College District, Colleges, Title IX Coordinators nor any investigator may restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. *34 CFR §106.45(b)(5)(iii).*

3. Confidentiality Under Title IX. Except as otherwise provided by the Title IX regulations and this procedure, the College District and Colleges will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the new Title IX regulations at 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 CFR§ 106.71(a).*

4. Investigation Time Period. In most cases, the investigative process will take approximately 60 business days, but the investigation of more complex cases may take longer. The investigation shall be conducted as expeditiously as possible and, where necessary, the administration shall provide panel members with substitutes for pre-assigned responsibilities. A break between semesters may constitute an extraordinary circumstance that justifies an extension of the 60-day period for investigation and resolution, however the summer term will not be considered an appropriate period to forgo the investigation and resolution.

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5. Time Period for Criminal Investigation. In the event of a criminal investigation of sexual misconduct charges, including sexual assault, or an investigation in which a College District police officer is accused of sexual misconduct, sexual harassment, sexual violence, or other form of civil rights harassment or discrimination, the time lines in this procedure may be extended by three (3) to ten (10) days to enable the law enforcement to gather evidence and conduct preliminary investigation. The internal Civil Rights Complaint Resolution process cannot be delayed beyond ten (10) days.

6. Consequence of False Information. Because the investigative panel has a serious responsibility to ascertain the facts, the whole College District has an interest in the accuracy and reliability of the information the investigative panel receives. For that reason, if any witness or alleged violator of this policy is later found to have knowingly provided false information to the investigative panel, the College District reserves the right not to indemnify or defend any employee who knowingly provides false information to the investigative panel in violation of this procedure and the right to take appropriate disciplinary action.

M. Process B: Investigative Panel Findings

1. Final Report Required. Once all the facts and evidence are gathered from all parties and witnesses; and the investigative panel concludes that the fact finding is complete, the investigative panel will issue a Final Report of Investigative Findings.

2. Preliminary Report. Before issuing a Final Report of Investigative Findings to the Title IX/VII/ADA/504 Coordinator or designee, the investigative panel will provide their conclusions concurrently to the complainant and accused parties and the administrator(s) in a Preliminary Report of Findings. The complainant and accused will be given an opportunity to comment and respond to the information presented and provide any additional information that may not have been reviewed by the investigative panel but should be considered prior to a decision and final report being issued regarding the complaint. Any additional information must be provided to the investigative panel within (5) business days.

3. Consideration of Additional Information. Final Report Within the next five (5) business days, the investigative panel will consider any additional information provided and render a Final Report of Investigatory Findings to the District Title IX/VII/ADA/504 Coordinator. The Final Report of Investigatory Findings will include the factual findings and the panel's conclusion whether the preponderance of the evidence obtained in the investigation establishes a violation of College District policy. The final report shall be dated and signed by all members of the investigative panel.

N. Process B: Resolution of Complaint

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
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1. Decision-maker. The District Title IX/VII/ADA/504 Coordinator or designated Deputy Coordinator assigned to conduct the complaint resolution process will determine the appropriate resolution of the complaint based on the factual evidence provided in the Final Report of Investigative Findings and the preponderance of evidence presented in the report.

2. Notice of Resolution. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint will provide a formal written Notice of Complaint Resolution to the complainant and respondent and administrator(s) concurrently in writing, within five (5) business days from receiving the report from the investigative panel. The notice of resolution will identify any findings of policy violation by any party and indicate which Alamo Colleges Administrator is responsible for determining the appropriate disciplinary action or sanctions to be taken. The Complaint Resolution Notice will include information about the timeline for initiating sanctions and/or disciplinary actions as well as the Civil Rights Appeal Process that is available to the complainant and accused.

O. Disciplinary Actions or Sanctions

1. Referral to Administrator. When the Complaint Resolution refers employee discipline and/or student sanction considerations to an Administrator(s), the Administrator or designee will have ten (10) business days to render a determination of action to be taken. Student Sanctions may be referred by the Administrator to the Student Conduct Officer, Dean or other Student Success leader for action. Employee Discipline may be referred to the employee's supervisor and Human Resources for determination and action.

2. Employee Discipline. Complaints against an employee may result in disciplinary action up to and including discharge in accordance with Alamo Colleges Policy (9.1, Progressive Discipline and 10.2, Separation from Employment) and associated Procedures.

3. Student Sanctions. Complaints against students may result in sanctions up to and including Expulsion in accordance with Alamo Colleges Student Code of Conduct (Policy F.4.2 and associated Procedure F.4.2.1).

4. Policy Violations. In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct. Nothing in this procedure limits or delays the College District's right to take appropriate disciplinary actions, up to and including termination, when an employees' behavior warrants the action, and nothing in this procedure shall prevent the College District from taking appropriate action against a person who knowingly makes a false accusation.

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
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5. Notice of Discipline or Sanctions. Once the appropriate disciplinary action or sanctions have been determined, the complainant and accused respondent will be notified concurrently- in writing of the decision by the District Title IX/VII/ADA/504 Coordinator or designated deputy.

P. Process B: Appeals

Both the complainant (complaining party) and the respondent (the accused party) may opt to accept the decision and determination of the action or sanctions imposed or submit an appeal to proceed before an Appeal Hearing Panel within ten (10) business days of the date of the letter communicating the decision of the investigative panel and the determination of disciplinary action or sanctions. The appeal procedure is stated in procedure H.1.1.2 Civil Rights Appeal Procedure.

Legal References:
TASB Community College Policy Manual Reference
34 CFR Part 106;
DIAA(LEGAL) Freedom from Discrimination, Harassment and Retaliation-Sex and Sexual Violence-Employees
FFDA(LEGAL) Freedom from Discrimination, Harassment and Retaliation-Sex and Sexual Violence-Students

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
Responsible Department: Title IX/VII/IV/ADA/504 Coordinator
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APPENDIX A

Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
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Associate Vice Chancellor for Human Resources
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Title IX/VII/ADA/504 Coordinator for Employees
Edward Contreras
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District Title IX Coordinator for Students
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Office of the Vice Chancellor for Student Success
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College Title IX Coordinator-Northeast Lakeview College
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College Title IX Coordinator-Northwest Vista College

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
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College Title IX Coordinator-Palo Alto College
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H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
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ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
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~~The Alamo Community College District (the "College District" or "Alamo Colleges") prohibits discrimination and harassment based on protected criteria and retaliation for opposing discrimination or harassment or participating in a complaint proceeding on campus or a governmental agency. This procedure is established to ensure an environment that affords equal educational and employment opportunities to all students and employees, including faculty and administrators, in the working and academic environments at the Alamo Colleges. This procedure seeks to resolve complaints promptly and effectively with respect for all parties.~~

~~This procedure provides two processes (grievance procedures) for the College District and Colleges to receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes listed below.~~

~~**Process A** applies only to student complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking, as defined and referenced by 2020 amendments to Title 34, Code of Federal Regulations, Part 106, the implementing regulations for Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 *et seq*. ("Title IX"). Those new Title IX regulations are 34 CFR §§106.8, 106.30, 106.44, and 106.45.~~

~~**Process B** applies to all other civil rights complaints which are not addressed by Process A, i.e.; do not meet the definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking against a student and jurisdictional requirements of §§106.30, 106.44, and 106.45 of the Title IX regulations and complaints which arise under other civil rights statutes. *(See 34 CFR §106.8(c))*. Complaints of student gender discrimination and retaliation under Title IX fall under Process B.~~

~~Title IX/VII/ADA/504 Coordinators and Leads~~

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
Responsible Department: Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 - Civil Rights Discrimination, Harassment and Retaliation
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The .College District has designated responsibility to Coordinators and Leads to conduct the Civil Rights processes for students and employees who receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes, including Title IX. These designees are the same for Process A and Process B. Their names and contact information are listed in Appendix A to this procedure.

Inquiries about the application of Title IX and its regulations to the College District may be referred to the District Title IX/VII/ADA/504 Coordinator, Assistant Secretary of the Department of Education, or both. *34 CFR §106.8(b)(1)*. The contact information is as follows:

Alamo Colleges **District Title IX/Title VII/Title IV/ADA/504 Coordinator**
Linda Boyer-Owens
Associate Vice Chancellor for Human Resources & Organizational Development
Alamo Community College District
2222 N. Alamo, 230A-West Wing
San Antonio, TX 78215
210-485-0230
lboyer-owens@alamo.edu

Assistant Secretary of the Department of Education
U.S. Department of Education
Office of Civil Rights
400 Maryland Avenue SW
Washington, D.C. 20202-1100
Customer Service Hotline # (800) 421-3481
TDD# (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

I. Reporting Discrimination, Harassment, and Retaliation: Employees and Students.

A. General Reporting. Any person may report discrimination or harassment based on any protected criteria (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment, including sexual harassment) by mail, telephone, or electronic mail; using a College District or College electronic portal; using the contact information listed for a Title IX Coordinator; or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report, including the electronic portal for Title IX complaints. Such a report may be made at any time (including during non-business hours) by using the telephone

number or electronic mail address, by mail to the office address listed for Title IX Coordinators in Appendix A, or through the District or College electronic portal. S*ee34 CFR §106.8(a).*

B. Reporting By Formal Complaint. A signed formal complaint, instead of a general report, may be filed with any Title IX Coordinator in person, by mail, by electronic mail using the contact information listed in Appendix A, or through the designated District or College electronic portal. *34 CFR §106.30(a).*

C. Reporting Deadline. A report or formal complaint alleging discrimination, harassment, or retaliation must be submitted or filed within thirty (30) calendar days from the date of the last act of alleged act of discrimination, harassment, or retaliation.

D. College to Handle Report. A report or formal complaint of discrimination, harassment or retaliation by a student against a student will be assigned to the College Title IX Coordinator and Title IX Lead at the college where the alleged discrimination, harassment, or retaliation occurred. If the alleged discrimination, harassment, or retaliation is reported to a different college or the District, it will be transferred the report or complaint to the college where the discrimination, harassment, or retaliation occurred and document the transfer of the report or complaint.

E. District to Handle Report. A report or formal complaint of discrimination, harassment, or retaliation by or against an employee will be assigned to the District Title IX/VII/ADA/504 Coordinator for Employees.

A report or formal complaint of discrimination, harassment, or retaliation involving a student or a student against an employee will be assigned to the District Title IX Coordinator for Employees who will work in collaboration with the College Title IX Coordinator and Title IX Lead at the college the student attends. Any student sanctions to be imposed against a student as a result of a responsibility finding will be assigned to the College Title IX Coordinator and will be processed under the Student Code of Conduct. Any discipline of an employee based on a finding of responsibility against the employee will be handled by the District Title IX Coordinator for Employees and processed under the employee procedures for progressive discipline or termination of employment. A work study student will be considered a student for purposes of Title IX and not an employee so that a complaint by or against a work study student will be processed by a College.

G. Delay of Sanctions/Discipline. Any sanctions against a student or discipline against an employee based on a finding of responsibility for discrimination, harassment, or retaliation will not be imposed until after the appeal time has expired or a decision on appeal is rendered, whichever occurs later.

II. PROCESS A:
Applicable Only to Complaints of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence and Stalking Under Title IX

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
Responsible Department: Title IX/VII/IV/ADA/504 Coordinator
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~~**Process A** applies *only* to complaints of sexual harassment. For purposes of Title IX, sexual harassment is conduct on the basis of sex and includes sexual assault, dating violence, domestic violence and stalking. *34 CFR §106.30(a)(3).* After a report or complaint of sexual harassment is received and determined to meet the criteria of Title IX, the following Process A will apply.~~

~~**A. Process A: Definitions.**~~

~~1. *"Actual knowledge"* means notice of sexual harassment or allegations of sexual harassment to a Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the College District or Colleges. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The standard of actual knowledge is not met when the only official of the College District 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 College District or Colleges. *Notice"* for purposes of *"actual knowledge"* includes but is not limited to a report of sexual harassment to a Title IX Coordinator as described in *34 CFR §106.8(a). 34 CFR §106.30(a).*~~

~~2. *"College District"* means the Alamo Community College District (ACCD) and its five independently accredited colleges: Northeast Lakeview College, Northwest Vista College, Palo Alto College, St. Philip's College, and San Antonio College. "Alamo Colleges District" and "Alamo Colleges" are synonymous for the College District.~~

~~3. *"Complainant"* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Where a Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the complaint. *34 CFR §106.30(a).* A third person who reports sexual harassment does not become a party (complainant) to a formal complaint. Parents and guardians may report sexual harassment but do not become parties to a formal complaint even if they signed a complaint.~~

~~4. *"Dating violence"* under Title IX has the meaning assigned in the Violence Against Women Act ("VAWA"), 34 U.S.C. § 12291(a). *34 CFR §106.30(a)(3).* Under VAWA, "dating violence" means violence committed by a person:~~

~~(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and~~
~~(b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. *34 U.S.C. § 12291(a)(10).*~~

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
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5. *"Domestic violence"* under Title IX has the meaning assigned in VAWA. *34 CFR §106.30(a)(3).* Under VAWA, "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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 jurisdiction. *34 U.S.C. § 12291(a)(8).*

6. *"Education program or activity"* includes locations, events, or circumstances over which the College District exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College District or one of the colleges. *34 CFR §106.44(a).*

7. *"Formal complaint"* means a document filed and signed by a complainant or signed by a Title IX Coordinator, alleging sexual harassment against a respondent and requesting that the College District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College District or one of its colleges. *34 CFR §106.30(a).*

As used above, *"document filed by a complainant"* means a written document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. *34 CFR §106.30(a).* Parents and guardians of minor students retain their legal rights to act on behalf of the minor as complainant or respondent in Title IX matters, including filing a formal complaint for the minor student child.
34 CFR §106.6(g).

8. *"Grievance process"* and *"complaint process"* are synonymous terms for purposes of this procedure. The Title IX regulations state, "a recipient must adopt and publish *grievance* procedures that provide for the prompt and equitable resolution of student and employee *complaints* alleging any action that would be prohibited by this part and a *grievance* process that complies with §106.45 for formal *complaints* as defined in §106.30." *34 CFR §106.8(c).*

9. *"Recipient"* in this procedure means the College District and/or one or more Colleges, all of which receive federal financial assistance. *34 CFR §106.2(a)(i).*

10. *"Respondent"* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. *34 CFR §106.30(a).*

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
Responsible Department: Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 - Civil Rights Discrimination, Harassment and Retaliation
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11. *"Sex discrimination."* A recipient's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute gender discrimination under Title IX. *34 CFR §106.45(a).* A complaint of gender discrimination would be processed under Process B.

12. *"Sexual Assault"* under Title IX has the meaning assigned in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), 20 U.S.C. 1092(f)(6)(A)(v). *34 CFR §106.30(a)(3).* Under the Clery Act, "sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

13. *"Sexual harassment"* under Title IX means conduct on the basis of sex that satisfies one or more of the following:

(a) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; *34 CFR §106.30(a)(1).*
(b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education programs or activities. *34 CFR §106.30(a)(2);*
(c) "Sexual assault" as defined in the Clery Act. *34 CFR §106.30(a)(3).*
(d) "Dating violence" as defined in VAWA. *34 CFR §106.30(a)(3);*
(e) "Domestic violence" as defined in VAWA). *34 CFR §106.30(a)(3);* or
(f) "Stalking" as defined in VAWA. *34 CFR §106.30(a)(3).*

14. *"Stalking"* under Title IX has the meaning assigned in VAWA. *34 CFR §106.30(a)(3).* Under VAWA, "stalking" means 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).*

15. *"Student"* means a person who has applied for admission or gained admission. *34 CFR §106.2(r).* A work study student will be considered a student for purposes of Title IX and not an employee so that a complaint by or against a work study student will be processed by a College.

16. *"Supportive measures"* means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. *34 CFR §106.30(a).*

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~~*"Supportive measures"* may include but are not limited to services offered in the community, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator handling a complaint or report may fashion other supportive measures which are appropriate to the situation. A Title IX Coordinator will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College District or Colleges to provide the supportive measures. The applicable Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures for a student or employee. *34 CFR §106.30(a).*~~

~~**B. Process A: Grievance Process – Overview of Title IX Concepts.**~~

~~**1. Title IX Coverage.** This Process A grievance procedure applies only to sexual harassment occurring against a person in the United States. *34 CFR §106.8(d)*. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College District or one of the colleges. *34 CFR §106.30(a).*~~

~~**2. Presumption of Non-Responsibility.** All Title IX Coordinators, Title IX Leads, investigators, decisionmakers, and any person who facilitates an informal resolution process must operate at all times with the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. *34 CFR §106.45(b)(1)(iv).*~~

~~**3. Gag Order Prohibited.** Neither the College District, Colleges, Title IX Coordinators nor any investigator may restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. *34 CFR §106.45(b)(5)(iii).*~~

~~**4. Standard of Evidence Declared.** The standard of evidence to be used to determine responsibility for all formal complaints of sexual harassment is the preponderance of the evidence standard. The preponderance of the evidence standard applies to all other formal complaints against students and employees, including faculty. *34 CFR §106.45(b)(1)(vii).*~~

~~**5. Objective Evaluation of Evidence Required.** This procedure requires an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. *34 CFR §106.45(b)(1)(ii).*~~

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6. Impartiality Required. Every individual designated as a Title IX Coordinator, Title IX Lead, investigator, decisionmaker, or any person designated by the College District or a College to facilitate an informal resolution process is required to not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. *34 CFR §106.45(b)(1)(iii).* None of the foregoing persons may serve in more than one capacity during the grievance process.

7. Duration of Grievance Process. The Title IX regulations require the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX. 3*4 CFR §106.8(c).* To comply with this requirement, the grievance process in this procedure should be concluded within ninety (90) calendar days from the date of receipt of a report or formal complaint to the date on which an appeal is decided or the date on which the time to appeal expires if no appeal is filed, subject to any extensions of time. 3*4 CFR §106.45(b)(1)(v).* The 90-calendar day time period excludes holidays and days on which the College District and Colleges are closed for operations, such as the holiday and spring breaks and closures for weather or other emergencies.

8. Extensions of Time. The 90-calendar day time period for the grievance process may be extended by temporary delays or extensions of time granted. Any party (complainant or respondent), the College District, a College, investigator or decision-maker may request in writing for good cause at any time during the grievance process an extension of time to accomplish a duty or requirement in this procedure. Good cause may include considerations, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. *34 CFR §106.45(b)(1)(v).* Requests for extension of time should be submitted in writing to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint with copies served on the complainant and respondent and their advisors, if any. Extensions of time should be judiciously requested to avoid dismissal because the complainant or respondent is no longer a student.

9. Required Training #1. The District Title IX Coordinator, District Title IX Coordinator for Employees, and District Title IX Coordinator for Students will ensure that the College Deputy Title IX Coordinators, Title IX Leads, investigators, decision-makers, and any person who facilitates an informal resolution process receive training on the definition of sexual harassment stated in Section I(A)(13) above, the scope of the education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. *34 CFR §106.45(b)(1)(iii).*

10. Required Training #2. The District Title IX Coordinator, District Title IX Coordinator for Employees, and District Title IX Coordinator for Students will ensure that decision-makers receive training on any technology to be used at a live hearing and on 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. *34 CFR §106.45(b)(1)(iii).*

11. Required Training #3. The District Title IX Coordinator, District Title IX Coordinator for Employees, and District Title IX Coordinator for Students will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence as required by 34 CFR § 106.45(b)(5)(vii) and discussed in Section II(E)(7) below. Any materials used to train Title IX Coordinators, Title IX Leads, investigators, decision-makers, and any person who facilitates an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. *34 CFR §106.45(b)(1)(iii).*

12. Equitable Treatment Before Sanctions. Complainants and respondents will be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following Process A which complies with the new federal regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures. Remedies must be designed to restore or preserve equal access to the College District's education program or activity. Such remedies may include the individualized services defined as ''supportive measures." *34 CFR §106.45(b)(1)(i).*

13. Available Sanctions and Remedies. The possible disciplinary sanctions and remedies that a College may implement against a student following any determination of responsibility are listed in the Student Code of Conduct, which is incorporated herein by reference, and as may be determined appropriate for the circumstances, including but not limited to placing a student in online classes, allowing a student to withdraw without penalty and take the class in a following semester, and allowing a student to retake exams or complete assignments by the end of the semester. The possible disciplinary sanctions and remedies that the District may implement against an employee following any determination of responsibility are listed in the Progressive Discipline and Termination Procedures in Section D of Board Policies, available on the College District website and incorporated herein by reference. *34 CFR §106.45(b)(1)(vi).*

14. Notice of Meetings Required. At all times during the Process A grievance process, the District Title IX Coordinator for Employees or College Title IX Coordinator and Title IX Lead handling the formal complaint will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate. *34 CFR § 106.45(b)(5)(v).*

15. Equal Right to an Advisor. The parties will have equal opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and

not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. The College District has the right to exercise reasonable restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. *34 CFR § 106.45(b)(5)*(iv).

C. Process A: Response to Report or Complaint of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence and Stalking.

1. Duty to Not Be Deliberately Indifferent. If the College District or a college has actual knowledge of sexual harassment in an education program or activity against a person in the United States, it must respond promptly in a manner that is not deliberately indifferent to a report or formal complaint. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. *34 CFR § 106.44(a).* The duty to not be deliberately indifferent is not satisfied if it is based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment. *34 CFR § 106.44(a).*

2. Supportive Measures Required. If the College District or a College has actual knowledge of sexual harassment in an education program or activity against a person in the United States, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report will treat a complainant and respondent equitably to offer supportive measures and will follow the grievance process discussed below *before* the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. *34 CFR §106.44(a).* The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report also will respond to the report to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures, and explain to the complainant the process for filing a formal complaint. *34 CFR §106.44(a).* Supportive measures must be provided even if the reporting began with the filing of a formal complaint. A range of supportive measures available to complainants and respondents is listed in Section II(A)(16) above. *34 CFR §106.45(b)(1)(ix).*

3. Student Emergency Removal. A College may remove a student respondent from the education program or activity only on emergency basis and provided that the College 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 justify removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. *34 CFR §106.44(c).* Emergency removal is the exception and not

~~the rule. An individualized safety and risk analysis must be documented by the College Title IX Coordinator and Title IX Lead.~~

~~**4. Employee Administrative Leave.** A non-student employee-respondent may be placed on administrative leave during the pendency of the grievance process provided no rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act are modified. *34 CFR §106.44(d).*~~

~~**5. Evaluating Report for Title IX Coverage.** After supportive measures are provided, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report must determine:~~

~~(a) Whether the report is submitted timely within thirty (30) calendar days of the date on which the last alleged act of sexual harassment occurred;~~
~~(b) Whether the report complains of sexual harassment in an education program or activity;~~
~~(c) Whether the reporter is participating in or attempting to participate in the education program or activity of the College District or a College; and~~
~~(d) Whether the report or allegations are against a person in the United States. *34 CFR § 106.45(b)(3)(i).*~~

~~If the report does not meet the factors above, it cannot be accepted as a Title IX complaint for purposes of Process A and must be dismissed and closed after any supportive measures are implemented. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report will notify the reporter about the dismissal and process the report under Process B.~~

~~**6. Report to Formal Complaint.** If the report of sexual harassment was not initiated with the filing of a formal complaint and is accepted because it satisfies the factors above, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report will ask the complainant to proceed with filing a signed formal complaint. *34 CFR §106.30(a).* A complainant's wishes to not file a written complaint must be respected, unless the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report determine that the signing of a formal complaint by a Title IX Coordinator is clearly reasonable in light of the known circumstances. If the complainant does not wish to file a formal complaint and a Title IX Coordinator does not sign a formal complaint, then the grievance process will not proceed, no investigation will occur, and the case will be closed. Where a Title IX Coordinator signs a formal complaint, the investigation will commence. In such situation, the Title IX Coordinator is not a complainant or a party during the grievance process and will comply with the requirements for Title IX personnel to be free from conflicts and bias. *34 CFR §106.30(a).*~~

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~~**7. Consolidation of Formal Complaints.** The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead may consolidate formal complaints as to allegations of sexual harassment 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 of sexual harassment arise out of the same facts or circumstances. References to the singular "party," "complainant," or "respondent" include the plural, as applicable. *34 CFR § 106.45(b)(4).*~~

~~**8. Complaint Dismissal Before Investigation.** If the reporting occurred with the filing of a formal complaint and the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the College District's education program or activity, or did not occur against a person in the United States, then the formal complaint with regard to that conduct must be dismissed. Such a dismissal does not preclude processing under Process B or action under another provision of the Student Code of Conduct. *34 CFR §106.45(b)(3)(i).* Dismissal for purposes of Title IX also applies if the formal complaint was not submitted timely within 30 calendar days of the date of the last act of harassment. Upon dismissing a formal complaint, the Title IX Coordinator handling the complaint will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. *34 CFR §106.45(b)(3)(iii).*~~

~~**9. Complaint Dismissal During Grievance Process.** The College District or a College may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing: (a) a complainant notifies the District Title IX for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (b) the respondent is no longer enrolled or employed by the College District; or (c) specific circumstances prevent the College District or College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. *34 CFR §106.45(b)(3)(ii).* Upon a dismissal of a formal complaint, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint must promptly send written notice of the dismissal and reason(s) the dismissal simultaneously to the parties. *34 CFR §106.45(b)(3)(iii).*~~

~~**D. Process A: Grievance Process - Notice of Allegations to Satisfy Due Process.**~~

~~**1. Notice Required.** Within five (5) calendar days of receiving a formal complaint, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide a written notice to the known parties with the following information:~~

~~(a) Notice that a formal complaint has been filed by a named complainant against a named respondent, and the complaint will be investigated under Process A of the grievance procedure at H.1.1.1 on Civil Rights Discrimination, Harassment, and Retaliation.~~

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(b) Notice of the allegations constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview of the complainant or respondent. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment and the date and location of the alleged incidents, if known. Notice of the allegations includes notice of the allegations to be investigated. *34 CFR §106.45(b)(2)(i)(B).*

(c) A statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. *34 CFR §106.45(b)(2)(i)(B).*

(d) Notice that the parties will be contacted by an investigator and interviewed. Notice that the respondent will be notified that he/she will have an opportunity to respond to the formal complaint and allegations and present his/her side of the story.

(e) Notice that each party may have an advisor of choice during the grievance proceeding, including investigation, who may be, but is not required to be, an attorney, and may inspect and review any evidence obtained as a part of the investigation. *34 CFR §106.45(b)(2)(i)(B).* A request that each party inform the Title IX Coordinator handling the complaint of the name and contact information, including email address, for an advisor selected.

(f) Notice of the College District's grievance and informal resolution processes. *34 CFR §106.45(b)(2)(i)(A).*This requirement may be satisfied by providing a copy of this procedure and the procedure for appeals. Informal resolution is available at any time prior to the live hearing, provided the complaint does not include allegations that an employee sexually harassed a student.

(g) Notice that after the investigation, a live hearing to present oral and documentary evidence will be conducted. *34 CFR §106.45 (b)(6)(i).*

(h) Notice that this procedure, the Student Code of Conduct, and Progressive Discipline Procedure for employees prohibit knowingly making false statements or knowingly submitting false information during the grievance process. *34 CFR §106.45(b)(2)(i)(B).*

(i) Notice that threatening, intimidating, coercing or retaliating against a party, witness or any person participating in the grievance process is prohibited. *34 CFR §106.71.*

(j) Notice that sanctions under the Student Code of Conduct or discipline under the Progressive Discipline Procedure for employees may be imposed if either party is found responsible.

(k) Notice that other communications will be sent to advise of the opportunity to review evidence before the hearing, date of the hearing, and other matters related to the hearing.

2. Notice of Additional Allegations. If in the course of an investigation, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint investigate allegations about the complainant or respondent that are not included in the notice discussed in the above paragraph, the District Title IX Coordinator for Employees or College

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~~Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide notice of the additional allegations to the parties whose identities are known. *34 CFR §106.45(b)(2)(ii).*~~

~~**E. Process A: Grievance Process - Investigation of a Formal Complaint.**~~

~~**1. Investigation Delayed.** If the sexual harassment is also reported to campus police or other police department, the investigation under this procedure may be delayed for a reasonable time period not to exceed thirty (30) calendar days for the police department to complete its investigation. However, supportive measures and notice of allegations must be provided. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report or complaint is responsible for following up with the police department on conclusion for their investigation and the complainant to confirm the intent to proceed with the investigation and process under this procedure.~~

~~**2. Investigator Appointment.** The College District bears the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility. *34 CFR §106.45(b)(5)(i).* To meet these burdens, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will appoint an investigator to investigate a formal complaint of sexual harassment. This appointment will occur within ten (10) calendar days of receiving a formal complaint that does not involve conduct reported to campus police or other police department, or within ten (10) days after the expiration of the reasonable time period for a police department to investigate a formal complaint. The investigator must not have any conflict of interest or bias and must have received the training specified in Section II(B)(9-11) above before commencing any investigation. The appointment shall be documented in a letter to the investigator that:~~

- ~~(a) Identifies the parties and generally states the allegations;~~
- ~~(b) Informs that the respondent is presumed not responsible for the alleged conduct throughout the investigative and hearing process. *34 CFR §106.45(b)(1)(iv);*~~
- ~~(c) States the definition of sexual harassment that must be followed under Title IX. *34 CFR §106.30(a)(1-3);*~~
- ~~(d) Provides a copy of this procedure, the written complaint of sexual harassment, and any other information obtained prior to investigation and requests that the documents provided be reviewed before the start of the investigation;~~
- ~~(e) Informs that the investigator is required to interview the complainant and respondent separately;~~
- ~~(f) Informs that to satisfy due process, the investigator will discuss *all* allegations with the respondent and ask the respondent to present his/her side of the story;~~
- ~~(g) Informs that witness names and contact information must be collected from the complainant and respondent and the witnesses of each party must be interviewed;~~

(h) Informs that throughout the investigation, the parties must be provided an equal opportunity for the parties to name and present witnesses, including fact and expert witnesses, and offer other inculpatory and exculpatory evidence. *34 CFR §106.45(b)(5)(ii);*

(i) Informs that the College District and investigator are required to not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. *34 CFR §106.45(b)(5)(iii);*

(j) Informs that the investigator is required to provide the parties an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney and not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding. *34 CFR §106.45(b)(5)(iv);*

(k) Informs that the College District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. *34 CFR §106.45(b)(5)(iv).* In this regard, a complainant or respondent must be allowed by an advisor to speak, answer questions, discuss the complaint, and offer evidence during the investigation process. In other words, a complainant or respondent must speak for himself/herself; and

(l) Informs that the investigator is required to treat the parties with respect and dignity; gather any documentary evidence; take notes and document the witness statements, evidence and interviews; communicate with the parties through email and not texts; comply with all requirements stated in this procedure; and preserve the documentation obtained throughout the investigation.

3. Commencement of Investigation. Upon receipt of the appointment and complaint, the investigator will prepare for the investigation by among other things, reviewing the documents provided by the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint and determining other information needed and questions to ask. Within ten (10) calendar days of receiving the complaint and any other information, the investigator will commence the investigation process by interviewing the complainant and respondent separately and following the directions provided in the letter of appointment and other requirements in this procedure. The investigator will provide written notice of the date, time and place of interview with sufficient time for a party to prepare for the interview. *34 CFR §106.45(b)(5)(v).* The investigation should be completed within thirty (30) calendar days from receipt of the appointment.

4. Consents Required for Provider Records. The District Title IX Coordinator for Employees, College Deputy Title IX Coordinators, Title IX Leads, investigators and those participating in the live hearing may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized

professional or paraprofessional acting in the professional's 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 College District or College obtains a voluntary written consent to do so for use in the grievance process. If the complainant or respondent is a minor, the consent must be obtained from a parent or guardian. *34 CFR §106.45(b)(5)(i).* A consent form to allow the privileged records to be used in the grievance process must be completed and signed and executed by a party or parent or guardian if the party is a minor and be accompanied by a written consent. Written consent must be provided thorough the execution of the College District's consent form under the Family Educational Rights and Privacy Act ("FERPA").

5. Right to Inspect Investigation Evidence. After the investigation is concluded, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide the parties and advisors in writing an equal opportunity to inspect and review all evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including a copy of the formal complaint and the evidence upon which the College District or College 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 conclusion of the investigation. *34 CFR §106.45(b)(5)(vi).* The parties and advisors shall have ten (10) calendar days to inspect and review the evidence obtained from the investigation.

6. Equal Access to Evidence. After the parties review and inspect the evidence obtained as part of the investigation and prior to completion of the investigative report, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will have five (5) calendar days to send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. *34 CFR §106.45(b)(5)(vi).*

7. Investigative Report. After receiving the parties' responses to the investigation evidence, the investigator will have fifteen (15) calendar days to prepare a written investigative report that fairly summarizes the relevant evidence and send it to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint. The investigator will document the evidence in the report without reaching a conclusion or determination. A form for the report will be provided to the investigator. Within five (5) business days of receiving the investigator's report, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. *34 CFR §106.45(b)(5)(vii).* The written response is due within ten (10) calendar days. Any timely written response will be part of the record to be considered by the decision-maker.

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8. Selection of Decision-maker. Within ten (10) calendar days from the date the investigation report is sent to the parties, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will select and appoint in consultation with the District Title IX Coordinator and District Title IX Coordinator for Students, a decision-maker to hear the evidence at and conduct a live hearing. The decision-maker is required to not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and to have had the training specified in Section II(B)(9-11) above, including how to serve impartially and determine issues of relevance. *34 CFR §106.45(b)(1)(iii).* None of the Title IX Coordinators or Title IX Leads listed on Appendix A may serve as decision-makers.

9. Notices of Decision-maker Appointment. Within five (5) calendar days of selecting a decision-maker, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will notify the parties and advisors in writing of the appointment of the decision-maker in writing and notify the decision-maker of the appointment. The decision-maker must be provided a copy of the complaint, the evidence gathered in the investigation, all responses to the evidence, the investigation report, this procedure, and all notices sent to the parties and investigator. Also, within five (5) calendar days of selecting a decision-maker, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will select a date for the live hearing that is at least fifteen (15) calendar days prior to the hearing or other time of determination regarding responsibility.

F. Process A: Grievance Process - Live Hearings

1. Live Hearing Required. The College District is required to conduct a live hearing of evidence to determine any responsibility (*i.e.*, hear the merits of the complaint or allegations). *34 CFR §106.45(b)(6)(i).* The live hearing will be recorded in real-time by audio, audiovisual recording, or stenographer and make the recording available to the parties for inspection and review. *34 CFR §106.45(b)(6)(i).*

2. Notice of Hearing. Within five (5) calendar days from selecting a live hearing date, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will issue a letter to the parties with the following information:

(a) Notice that a live hearing will be conducted to hear evidence of the allegations of sexual harassment and determine any responsibility; *34 CFR §106.45(b)(6)(i).*
(b) Notice of the date, time, and place of the live hearing with sufficient time for the parties to prepare to participate; *34 CFR §106.45(b)(5)(v).*
(c) Notice that each party must be accompanied by an advisor at the live hearing; *34 CFR §106.45(b)(6)(i).*

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(d) A request that the name and contact information of each party's advisor be disclosed immediately if it has not been disclosed already or notification that a party does not have an advisor;

(e) Notice that if a party does not have an advisor designated to be present at the live hearing, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide without fee or charge to that party, an advisor of the College District's or College's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party; *34 CFR §106.45(b)(5)(iv).*

(f) A request that each party disclose the names of his/her witnesses any disability accommodations that any party or witness would need for the live hearing; and

(g) Other information about the conduct of the live hearing, such as the right of an advisor to ask a party and witnesses all relevant questions and follow-up questions, including those challenging credibility. *34 CFR §106.45(b)(6)(i).*

2. Location of Hearing. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College District's or College's discretion or at the request of either party, any or all parties, witnesses, and other participants may appear at the live hearing in separate rooms with technology enabling participants simultaneously to see and hear each other answering questions. *34 CFR §106.45(b)(6)(i).* The parties may agree to exclude a non-party, non-advisor witness from a live hearing when not being cross examined.

3. Availability of Evidence. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint must make all such 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. *34 CFR §106.45(b)(5)(vi).*

4. Cross Examination Generally. At the hearing, the parties and witnesses may be cross-examined (may be asked questions) by an advisor. Only relevant cross examination or other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question is not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, 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. *34 CFR § 106.45(b)(6)(i).*

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5. Cross Examination by Advisors. The decision-maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the College District to otherwise restrict the extent to which advisors may participate in other parts of the grievance process. *34 CFR §106.45(b)(6)(i).* In this regard, a complainant or respondent must be allowed by an advisor to speak, answer questions, discuss the complaint, and offer evidence during the investigation process. In other words, a complainant or respondent must speak for himself/herself.

6. Absence of Party or Witness. A party is required to submit to cross examination. The advisor may not testify on behalf of the party. If a party or witness does not submit to cross examination at the live hearing because he/she is absent, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions. *34 CFR §106.45(b)(6)(i).*

7. Objective Evaluation of Evidence Required. This grievance process requires an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provides that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. *34 CFR §106.45(b)(1)(ii).*

G. Process A: Grievance Process - Informal Resolution Before Hearing Determination.

1. Offer. At any time prior to reaching a determination regarding responsibility and provided that no allegations that an employee sexually harassed a student are involved, the District Title IX Coordinator for Employees or College Deputy IX Coordinator and Title IX Lead handling the complaint may offer an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that a formal complaint was filed and the responsible Title IX Coordinator:

(a) Provides to the parties a written notice disclosing: The allegations of sexual harassment; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; *34 CFR §106.45(b)(9)(i).*

(b) Obtains the parties' voluntary written consent and agreement to participate in the informal resolution process. *34 CFR §106.45(b)(9)(ii).* Mutual consent and agreement are required.
(c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. *34 CFR §106.45(b)(9)(iii).*
(d) Obtains the parties' agreement in writing to the resolution achieved and the case will be closed.

2. Prohibitions to Informal Resolution. A College 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 harassment. Similarly, a College may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. *34 CFR §106.45(b)(9).* The informal resolution process is not available to resolve allegations that an employee sexually harassed a student. *34 CFR §106.45(b)(9)(iii).*

H. Process A: Grievance Process - Determination Regarding Responsibility.

1. Written Determination Required. The decision-maker, who cannot be the same person as the District Title IX Coordinator for Employees, College Deputy Title IX Coordinator, Title IX Lead, or the investigator, must issue a written determination regarding responsibility based on the preponderance of evidence standard. *34 CFR §106.45(b)(7)(i).* The decision-maker is required to objectively evaluate all evidence and apply the preponderance of the evidence standard. *34 CFR §106.45(b)(1)(ii) and (vii); 34 CFR §106.45(b)(7)(i).* Any finding of unwelcomed conduct in a determination must have met the standard that "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 College District's or College's education program or activity." *34 CFR §106.30(a)(2).*

2. Determination Requirements. The written determination must be issued by the decision-maker regarding responsibility within fifteen (15) calendar days from the day the live hearing concluded. *34 CFR §106.45(b)(7).* The determination must be signed and dated and required to include the following:

(a) The allegations in the complaint potentially constituting sexual harassment. *34 CFR §106.45(b)(7)(ii)(A);*
(b) 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. *34 CFR §106.45(b)(7)(ii)(B);*
(c) A statement of the parties and other persons present at the live hearing and the persons who were cross-examined;

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(d) The allegations found to be substantiated or unsubstantiated as sexual harassment based on a preponderance of the evidence;
(e) Findings of fact which support the determination. *34 CFR §106.45(b)(7)(ii)(C);*
(f) A statement and rationale for why each allegation was found to be substantiated or unsubstantiated. *34 CFR §106.45(b)(7)(ii)(E);*
(g) A finding of responsibility, if any, or a statement that the respondent is not found responsible;
(h) Any disciplinary sanctions or discipline recommended to be imposed on the student-respondent or employee-respondent;
(i) Conclusions regarding the application of the Student Code of Conduct or employee personnel policies or procedures to the findings of facts. *34 CFR §106.45(b)(7)(ii)(D);*
(j) Any recommendation of remedies designed to restore or preserve equal access to the College's education program or activity. *34 CFR §106.45(b)(7)(ii)(E);* and
(k) The procedures, deadlines, and permissible bases for the complainant and respondent to appeal. 34 *CFR §106.45(b)(7)(ii)(F).*

3. Distribution of Determination. The decision-maker must send the written determination to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint who will provide it to the parties simultaneously within five (5) calendar days of receiving the determination.

4. Remedies. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint are responsible for effective implementation of any remedies recommended by the decision-maker. *34 CFR §106.45(b)(7)(iv).*

5. Time to Appeal. An appeal must be submitted to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint within ten (10) calendar days from the date the determination was issued by the decision-maker after the conclusion of a live hearing. The determination regarding responsibility becomes final on the 11th day after the date of the determination decision if no appeal is filed or on the date of the appeal decision if an appeal was filed. *34 CFR §106.45(b)(7)(iii).* The process for appealing a determination is further discussed in the Civil Rights Complaints Appeals Procedure at H.1.1.2.

6. After Appeal Time Expires. After the appeal time has expired, whether or not an appeal was filed and determined, the District Title IX Coordinator for Employees handling the complaint will determine any discipline of the employee-respondent, and the College Deputy Title IX Coordinator handling the complaint will determine disciplinary sanctions against a student-respondent. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will send notification to the parties of the discipline or sanctions being imposed, with a copy to the Student Conduct Officer at the College if the respondent was a student or to Records in Human Resources if the respondent was an employee.

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~~**I. Process A: Grievance Process - Recordkeeping.**~~

~~**1. Preservation of Records of Actions Taken.** For each response to a general report or formal complaint, the College District and College will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the report or complaint will document the basis for its conclusion that its response was not deliberately indifferent, and document that measures have been taken designed to restore or preserve equal access to the recipient's education program or activity. If a complainant is not provided with supportive measures, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the report or complaint will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College District or College in the future from providing additional explanations or detailing additional measures taken. *34 CFR §106.45(b)(10)(ii).*~~

~~**2. Preservation of Formal Complaint Records.** The College District and Colleges will maintain for a period of seven (7) years records of the following: *34 CFR §106.45(b)(10)(i).*~~

~~(a) Each sexual harassment investigation, including investigator notes, statements from witnesses, the determination regarding responsibility, the audio or audiovisual recording or transcript required by this procedure, the documents containing the disciplinary sanctions or discipline imposed on the respondent, the documents providing supportive measures, the investigation report, all notices to the parties and advisors, and the remedies provided to the complainant designed to restore or preserve equal access to the College District's education program or activity; *34 CFR §106.45(b)(10)(i)(A).*~~
~~(b) Any appeal and the result therefrom; *34 CFR §106.45(b)(10)(i)(B).*~~
~~(c) Any informal resolution and the result therefrom; *34 CFR §106.45(b)(10)(i)(C).*~~
~~(d) All materials used to train Title IX Coordinators, Title IX Leads, investigators, decision-makers, and any person who facilitates an informal resolution process. The College will make these training materials publicly available on its website, or if the College does not maintain a website, the College must make these materials available upon request for inspection by members of the public. *34 CFR §106.45(b)(109)(i)(D).*~~
~~(e) The determination, all written communications between the District Title IX Coordinator, College Deputy Title IX Coordinator, Title IX Leads, and the parties, and all documents and responses submitted by the parties. *34 CFR §106.45(b)(10)(i)(A).*~~
~~(f) The reports and formal complaints of sexual harassment submitted.~~

~~**3. Responsible Departments.** The office of the District Title IX Coordinator for Employees at Human Resources is responsible for records retention pertaining to reports and complaints involving employees. The College Deputy Title IX Coordinator, Office of the Vice President for~~

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~~Student Success, and College Title IX and Student Conduct offices at each college, are responsible for records retention at the College Level and the documentation pertaining to reports and complaints involving students.~~

~~**J. Process A: Effect of Other Laws.**~~

~~**1. Constitutional Protections.** This Process A procedure:~~

~~(a) Does not restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution. *34 CFR §106.6(d)(1);*~~
~~(b) Does not deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution. *34 CFR §106.6(d)(2);* or~~
~~(c) Does not restrict any other rights guaranteed against government action by the U.S. Constitution. *34 CFR §106.6(d)(3).*~~

~~**2. Effect of Other Laws.**~~

~~(a) The obligations imposed by 34 CFR Part 106 are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 704 and 855 of the Public Health Service Act (42 U.S.C. 292d and 298b-2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation. *34 CFR §106.6(a).*~~
~~(b) The obligation to comply with 34 CFR Part 106 is not obviated or alleviated by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, the FERPA regulations at 34 CFR Part 99, or Section 444 of the General Education Provisions Act (GEPA). *34 CFR §106.6(e).*~~
~~(c) Nothing in 34 CFR Part 106 may be read in derogation of any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* or any regulations promulgated thereunder. *34 CFR §106.6(f).*~~
~~(d) Subject to FERPA requirements, nothing in the Title IX regulations or this procedure may be read in derogation of any legal right of a parent or guardian under state or federal law to act on behalf of a "complainant," "respondent," "party," or other individual, including but not limited to filing a formal complaint. *34 CFR §106.6(g).*~~
~~(e) **Preemptive Effect.** To the extent of a conflict between State or local law and Title IX as implemented by §§ 106.30, 106.44, and 106.45, the obligation to comply with §§ 106.30, 106.44, and 106.45 is not obviated or alleviated by any State or local law. *34 CFR §106.6(h).*~~
~~(f) Texas Education Code, Chapter 51, Sub-chapters E-2 and E-3, and the associated regulations at 19 Texas Administrative Code, Chapter 3, Sub-chapter A address the~~

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reporting and processing requirements for complaints of sexual harassment, sexual assault, dating violence, and stalking. (Domestic violence is not covered by the foregoing Texas statutes).

III. PROCESS B:
Applicable to All Civil Rights Complaints of Discrimination, Harassment, And Retaliation, Except Complaints of Sexual Harassment Under Title IX

As stated above, this civil rights procedure provides two processes (grievance procedures) for the College District and Colleges to receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes listed below.

Process A applies *only* to complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking, as required by 2020 amendments to Title 34, Code of Federal Regulations, Part 106, the implementing regulations for Title IX. ("Title IX"). Those amendments are 34 CFR §§106.8, 106.30, 106.44, and 106.45.

Process B applies to all other complaints which do not meet the definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking and jurisdictional requirements of §§106.30, 106.44, and 106.45 of the Title IX regulations as well as complaints of gender discrimination under Title IX, complaints which arise under other civil rights statutes, and complaints of retaliation. *(See 34 CFR §106.8(c))*. Complaints may be filed as to the following statutes as provided in Section I above on Reporting Complaints of Discrimination, Harassment and Retaliation.

A. Civil Rights Statutes Which Apply to Employees Only.

1. Title VII - Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq*., as amended, and its federal regulations at 29 CFR §1606.2 *et seq*., prohibit discrimination and harassment against employees based on race, color, national origin, creed, and sex. "National origin" includes ethnicity or ancestry. "Creed" refers to religion.

2. ADA - Title I of the Americans With Disabilities Act of 1990, 42 U.S.C. §12101 *et seq*., as amended, and its federal regulations prohibit discrimination and harassment against employees on the basis of mental or physical disabilities. An employee who requires an accommodation of one or more disabilities covered by the ADA bears the responsibility to initiate a written request for an ADA accommodation with Human Resources. The form request and procedures are available in the employee electronic portal to Human Resources. The employee will be required to provide medical certification from the employee's medical provider that includes: (a) identification of the health provider; (b) the medical provider's diagnosis of the disabling condition; (c) identification of specific limitations and/or suggested restrictions and their relation to the disability; and (d) suggested accommodations. Human Resources will engage in an interactive process with the employee to determine the reasonable accommodation(s).

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~~**3. ADEA** – The Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 *et seq*., and its federal regulations at 29 CFR part 1625, prohibit discrimination and harassment against employees 40 years and older and permits the use of certain age-related distinctions and factors.~~

~~**B. Civil Rights Statutes Which Apply to Students Only.**~~

~~**1. Section 504** – Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, and its federal regulations, prohibit discrimination against, and exclusion from participation or denial of benefits in an educational program or activity benefits, of a qualified individual with a disability solely by reason of the disability.~~

~~**2. ADA** – Title II of the Americans With Disabilities Act, 42 U.S.C. §12132 *et seq*., and its regulations at 28 CFR part 35, prohibit discrimination against, and exclusion from participation in an educational or denial of benefits of the services, programs, or activities of a public entity solely by reason of the disability. Students must self-identify the need for academic accommodations based on disabilities and request accommodations from the Disability Support Services (DSS) office at the college where classes are being taken. An Initial Request for Disability Services form must be completed. Students will be required to provide medical certification to support the disabilities claimed. DSS will determine the reasonable academic accommodations and issue a Letter of Accommodation ("LOA) for the particular course and semester. Students are required to renew requests for accommodations every semester at every Alamo College they are attending. Complaints of denial of accommodations at a particular college will be processed through the DSS office and offices of the Dean of Student Success and Vice President of Student Success.~~

~~**3. Title VI** – Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§2000d-2000d-7 *et seq*., and its regulations at 34 CFR part 100, prohibit discrimination against, and the denial of benefits or exclusion from participation on the basis of race, color and national origin in educational programs and activities that receive federal financial assistance.~~

~~**4. Title IV** – Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c *et seq*., prohibits discrimination on the basis of religion in public primary and secondary schools and higher education.~~

~~**5. ADEA** – The Age Discrimination Act of 1975, 29 U.S.C.§6101 *et seq*., and its regulations at 29 CFR §1626, prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance. The act applies to persons of all ages and permits the use of certain age-related distinctions and factors.~~

~~**C. Civil Rights Statutes Which Apply to Employees and Students.**~~

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~~**1. Title IX -** Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 *et seq*., and its federal regulations at 34 CFR §§106.1-106.82 covers sex discrimination in educational programs and activities which receive federal financial assistance. Sex discrimination includes gender discrimination, pregnancy discrimination, sexual orientation and transgender discrimination, sexual harassment, sexual assault, dating violence, domestic violence, and stalking. However, complaints of sexual harassment, sexual assault, dating violence, domestic violence, and stalking will be processed under Process A as required by the Title IX regulations. For Title IX to apply to an employee, the employee must be participating, or attempting to participate in an education program or activity. Otherwise, a complaint of sex discrimination will be processed under Title VII.~~

~~**2. Texas Civil Rights Law.** Texas Education Code, Chapter 51, Sub-chapters E-2 and E-3, and the associated regulations at 19 Texas Administrative Code, Chapter 3, Sub-chapter A address the reporting and requirements for processing complaints of sexual harassment, sexual assault, dating violence, and stalking. The procedure required under Texas law is stated in Board Procedure H.2.1.1.~~

~~**D. Process B: Retaliation.**~~

~~**1. Retaliation Prohibited.** No institution of higher education or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, Title VII, or any other statute protecting employees or students, their regulations if any, this procedure and its underlying policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX, Title VII, any other statute protecting employees or students, or this procedure. *(See 34 CFR §106.71(a)).*~~

~~**2. Interference with Rights Per Title IX.** Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct or employee procedure violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination or sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or the regulations constitute retaliation and may be addressed through the Student Code of Conduct or Progressive Discipline procedure for employees, whichever is applicable. *34 CFR §106.71(a).*~~

~~**3. Conduct Not Retaliation.** The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under Title IX. *34 CFR §106.71(b)(1).* Charging an individual with a Student Code of Conduct or employee procedure violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. *(See 34 CFR §106.71(b)(2).*~~

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~~**4. Retaliation Complaints.** Complaints alleging retaliation for having exercised rights under Title IX or any other statute will be processed under this Process B. *(See 34 CFR§ 106.71(a)).*~~

~~**E. Process B: Other Behaviors Prohibited as to Employees and Students.**~~

~~**1. Harassment.** Harassment of an employee or student whether or not based on a protected status is inconsistent with the values of the College District for civility and respect for all and is prohibited by the College District. Harassment is unwelcomed conduct that becomes unlawful as to employees where (a) enduring the offensive conduct becomes a condition of continued employment, or (b) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. As stated in Process A, sexual harassment under Title IX means conduct on the basis of sex where (a) an employee conditions the provision of an aid, benefit, or service on the student's participation in unwelcome sexual conduct; or (b) the unwelcome conduct as determined by a reasonable person is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education programs or activities. Harassment as to students that does not meet the definition of sexual harassment under Title IX becomes unlawful where it interferes with the access or participation in the educational process and programs at the Alamo Colleges.~~

~~**2. Hostile Environment.** A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent or pervasive so as to interfere with, limit or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment.~~

~~**3. Other Behaviors Prohibited by College District Policy.**~~

~~a. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class;~~

~~b. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class;~~

~~c. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College District community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity as defined further in the Student Code of Conduct or the basis of actual or perceived membership in a protected class. Hazing also is illegal under the Texas Penal Code and Texas Education Code.~~

d. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class or other class, including sex/gender and sexual orientation. Cyberbullying is bullying that takes place using electronic technology. Bullying sometimes overlaps discriminatory harassment under Title VII and Title IX. Bullying is prohibited by this policy and other laws which prohibit harassment on the basis of protected criteria. Bullying not on the bases of a protected class is also prohibited the Texas Education Code and District Policy.

e. Hate Crimes are defined by the Texas Government Code as crimes that are motivated by prejudice, hatred, or advocacy of violence and defined by the Federal Hate Crime Act as crimes that manifest evidence of bias or prejudice against a group identified by race, color, disability, religion, national origin, ancestry, age, gender, or sexual orientation. Hate crimes include offenses such as murder, assault, kidnapping, arson, criminal mischief, and graffiti. Hate crimes are prohibited by Texas and federal law and this policy.

F. Process B: Reporting Discrimination, Harassment, and Retaliation.

1. Reporting Complaints. Section I above on reporting discrimination, harassment and retaliation applies to Process B. Complainants have the right, and can expect, to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures. Reports and oral complaints must be reduced to writing for an investigation to be conducted by an investigative panel.

2. Immediate Action. Before a report or oral complaint is required to be reduced to writing, the College District reserves the right to act immediately under the following circumstances:

a. The District Title IX/VII/ADA/504 Coordinator will immediately notify the Alamo Colleges Police Department ("ACPD") of any immediate or potential threat to individual, campus or workplace safety.
b. Any incidents occurring on premises owned or controlled by the College District or off-campus when the off-campus conduct could have an on-campus impact or impact on the mission or interest of Alamo Colleges. A substantial College interest is defined to include any action that constitutes a criminal offense as defined by federal or Texas law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the College is located;
c. Any situation where it appears that the accused individual may present a danger or threat to the health or safety of him/herself or others at Alamo Colleges;
d. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;

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e. Any situation that is detrimental to the educational mission, interests or goals of the College District or Colleges; and/or
f. Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g., not on Alamo Colleges networks, websites or between Alamo Colleges email accounts) when those online behaviors can be shown to cause a substantial on-campus disruption or misrepresent that the communication was authorized by Alamo Colleges.

3. Other Action. The following will apply after any immediate action is considered.

a. As to all discrimination, harassment, and retaliation complaints and reports, the complainant or reporter is encouraged to provide a written complaint and contact information to enable the College District to proceed with an investigation of the charges and take any remedial action as soon as necessary or possible.
b. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint will assist the complainant in preparing a formal written complaint, which shall include the date, time, place, and a specific description of the alleged conduct that constitutes the alleged discrimination, harassment, retaliation.
c. Complainants have the right and can expect to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through the applicable civil rights procedures.
d. All initial contacts will be treated with the maximum possible confidentiality but due process requires disclosure of the allegations and complainant to the respondent. Confidentiality cannot be guaranteed if the complaint becomes the subject of an administrative, arbitral, or court proceeding, including a subpoena.
e. Victims of sexual assault, domestic violence, and stalking should be aware that the ACPD must issue timely warnings when reported incidents pose a substantial threat of bodily harm or danger to members of the campus community. The College District will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.
f. Victims of sexual assault shall not be identified by name in the annual required by the Clery Act.

G. Process B: Summary of Process and Steps.

The complaint and resolution process is designed to receive, investigate, evaluate and resolve a complaint or report of civil rights discrimination, harassment or retaliation within thirty (30) calendar days and will be conducted with that end in mind. A Procedure Diagram outlining the process steps and roles is attached to this procedure (see Attachment A). The primary steps in Process B are summarized as follows:

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a. Victim or witness reports or notifies the District Title IX/VII/IV/ADA/504 Coordinator, College Deputy Title IX Coordinator, or the Alamo Colleges Police Department ("ACPD") of a violation or potential violation. In the event of a sexual assault or violence, the reporter should not hesitate to contact the ACPD immediately. ACPD will immediately notify the District Title IX/IV/ADA/504 Coordinator.
b. District Title IX/VII/ADA/504 Coordinator helps reporter prepare a formal complaint.
c. District Title IX/VII/ADA/504 Coordinator notifies ACPD if the matter is also a potential police matter.
d. District Title IX/VII/ADA/504 Coordinator establishes any interim remedies required to protect victim and campus and/or workplace safety (such as suspension of employee or student).

e. District Title IX/VII/ADA/504 Coordinator designates the District Title IX Coordinator for Employees or a College Deputy Title IX Coordinator at the college where the alleged discrimination, harassment or retaliation occurred to process the complaint for resolution under Process B.
f. The District Title IX Coordinator for Employees or College Title Deputy Coordinator provides concurrent official notice of the complaint and allegations to the complainant and respondent and appoints an Investigative Panel to investigate the written complaint allegations.
g. The Investigative Panel launches an investigation to include interviewing the complainant, respondent, and witnesses and collecting evidence.
h. The Investigative Panel concludes the investigation and prepares a Preliminary Investigative Report based on a preponderance of the evidence that is provided to the parties for review and responding within five (5) calendar days to provide any additional information for consideration by the Investigative Panel.
i. The Investigative Panel considers and may investigate any additional information provided in a response to the Preliminary Investigative Report.
j. The Investigative Panel Chair prepares and issues a Final Report of Investigative Findings to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint based on a preponderance of the evidence.
k. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint renders an appropriate Resolution of the complaint based on the Investigation Panel's Final Report of Investigative Findings and the preponderance of all evidence collected by the Panel.
l. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint provides a written Resolution concurrently to the complainant and respondent and recommends any employee discipline and/or student sanctions to the responsible administrator for evaluation and action.
m. The responsible Administrator approves or disapproves the recommended discipline

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and/or sanctions in whole or in part for implementation by the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint after the appeal time expires.

n. Complainant and Respondent each have the opportunity to accept the Resolution or submit an Appeal to the District Title IX/VII/ADA/504 Coordinator.

o. Appeals are processed in accordance with Civil Rights Complaints Appeal Procedure at (H.1.1.2).

H. Process B: Interim Remedial Action

1. Possible Remedies. If, in the judgment of the District Title IX/VII/ADA/504 Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the District Title IX/VII/ADA/504 Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

2. Suspension. Alamo Colleges may interim suspend a student, employee, or organization pending the completion of investigation and procedures. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the District Title IX/VII/ADA/504 Coordinator, District Title IX Coordinator for Employees, or designated College Deputy Title IX Coordinator prior to such suspension being imposed or as soon thereafter as reasonably possible to show cause why the suspension should not be implemented. Depending on whether the offending party is an employee or student, the District Title IX VII/ADA/504 Coordinator or an appropriate administrator at the college where the student is enrolled has sole discretion to implement or stay an interim suspension under this policy, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination. During an interim suspension, an employee or student will be denied access to Alamo Colleges facilities and events. As to a student, this restriction may include classes and/or all other College/College District activities or privileges for which the student might otherwise be eligible. In addition, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

3. Other Remedies. Victims and the College District have the right to seek restraining, judicial no-contact and/or protective orders, and internal no-contact and criminal trespass warnings to maintain individual and campus safety.

ATTACHMENT 8.

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~~**I. Statement of Complainant's Rights, Whether Employee or Student.**~~

~~A complainant is the person who makes a complaint of civil rights discrimination, harassment or retaliation under this procedure and its policy.~~

~~a. A complainant has the right to file a criminal complaint.~~
~~b. A complainant has the option to, or not to, notify and seek assistance from law enforcement and/or Alamo Colleges' authorities.~~
~~c. A complainant and the College District have the right to seek restraining, judicial no-contact and protective orders, internal no contact orders, and criminal trespass warnings to ensure personal safety and maintain a safe campus and work environment.~~
~~d. A complainant has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures a fair, prompt, and equitable process for both parties.~~
~~e. A complainant has the right to present his or her case, including the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure for complainant and respondent.~~
~~f. A complainant has the right to be treated with respect by College officials.~~
~~g. A complainant has the right to take advantage of Alamo Colleges support resources (such as College Counseling, College Health Services for students, or EAP services for employees).~~
~~h. A complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).~~
~~i. A complainant has the right to have an adviser, attorney, or other advocate of the complainant's choice and at the complainant's cost present during the Civil Rights Appeal Procedure.~~
~~j. A complainant has the right to refuse to have an allegation resolved through conflict resolution procedures.~~
~~k. A complainant has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.~~
~~l. A complainant has the right to be free from retaliation for engaging in protected activity.~~
~~m. A complainant has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and procedures and to participate in the process whether the injured party or the College District is the complainant.~~
~~n. A complainant has the right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible. A complainant has the right to challenge any finding, decision, determination, sanction, or action taken and the right for Student Code of Conduct procedures to be followed where applicable.~~

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~~**J. Statement of Respondent's Rights, Whether Employee or Student.**~~

~~A respondent is the person against whom a complaint is lodged or made under this policy.~~

~~a. A respondent has the right have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures an equitable process to both parties.~~
~~b. A respondent has the right to be advised of the complaint against him or her and to the same due process rights as the complainant.~~
~~c. A respondent has the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure as the complainant.~~
~~d. A respondent has the same right as a complainant to present his or her case, to present witnesses and other evidence, and to challenge the complaint made against respondent.~~
~~e. A respondent has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).~~
~~f. A respondent has the right to have an adviser, attorney, or other advocate of the respondent's choice and at the respondent's cost present during the Civil Rights Appeal Procedure.~~
~~g. A respondent has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.~~
~~h. A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant. A respondent has the right to be treated with respect by College officials.~~
~~i. A respondent has the right to take advantage of campus support resources (such as Counseling, College Health Services for students, or EAP services for employees).~~
~~j. A respondent has the right to refuse to have an allegation resolved through conflict resolution procedures.~~
~~k. A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant.~~
~~l. A respondent has the right to be informed in writing of the outcome/resolution of the complaint, any sanctions imposed against the respondent, and the rationale for the outcome.~~
~~m. A respondent has the right to challenge any finding, decision, determination, sanction, or action taken against respondent and the right for Student Code of Conduct procedures to be followed where applicable.~~

~~**K. Process B: Title IX Coordinator's Investigation Obligations.**~~

ATTACHMENT 8.

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~~The District Title IX/VII/ADA/504 Coordinator shall coordinate a prompt investigation of all complaints and allegations of discrimination, harassment, and retaliation based on protected class. Upon receipt of a civil rights-based complaint, the District Title IX/VII/ADA/504 Coordinator shall:~~

~~a. Immediately designate a Deputy Coordinator to conduct the complaint resolution process and issue the final resolution of the case. If the complaint is against an employee the District Title IX Coordinator for Employees will be designated. If the complaint is against a student, a College Deputy Title IX Coordinator be designated.~~
~~b. Immediately appoint two members to the investigative panel from the available trained panel members. If either party to the complaint is a faculty member, the investigative panel shall include at least one faculty member. If either party to the complaint is a staff member, the investigative panel shall include at least one staff member;~~
~~c. Within five (5) College District business days, notify the accused (respondent) and complainant of the complaint and investigation by hand delivering the notice to the respondent (accused) with a copy of the notice to the complainant. The District Title IX/VII/ADA/504 Coordinator or designee may extend the time allotted for delivering the notice to the accused in writing before the expiration of the original deadline under extraordinary circumstances. A break between semesters may constitute an extraordinary circumstance.~~
~~d. During this time period (between filing of the complaint and notification of the respondent (accused), the deputy coordinator and investigative panel shall be appointed, briefed and begin the investigation.~~

~~**L. Process B: Investigation**~~

~~**1. Interviews.** An Investigative Panel shall have the authority to interview witnesses and gather documentation. Interviews will be the primary method of collecting information as part of the fact-finding investigation. Attorneys, representatives, advisors, and advocates are not allowed at internal interviews. Witnesses and the respondent are expected to be cooperative and truthful.~~

~~**2. Confidentiality Under Process B.** At all times, except as provided by Title IX, the investigative panel shall take steps to ensure privacy and confidentiality for witnesses, complainant and the respondent (accused) during the investigation, including without limitation, requiring all parties to agree, in writing, that information disclosed during the investigation shall not be disclosed to others unless required by law, court order, subpoena, or to defend the College District in legal or administrative proceedings, including appeals of the decision on the complaint. A violation of privacy or confidentiality shall be grounds for disciplinary action up to and including termination. The rights of a complainant and respondent, as stated in the College District's Policy on Civil Rights Discrimination, Harassment, and Retaliation shall be observed. Under Process A for complaints of sexual harassment, neither the College District, Colleges, Title IX Coordinators nor any investigator~~

may restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. *34 CFR §106.45(b)(5)(iii).*

3. Confidentiality Under Title IX. Except as otherwise provided by the Title IX regulations and this procedure, the College District and Colleges will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the new Title IX regulations at 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 CFR§ 106.71(a).*

4. Investigation Time Period. In most cases, the investigative process will take approximately 60 business days, but the investigation of more complex cases may take longer. The investigation shall be conducted as expeditiously as possible and, where necessary, the administration shall provide panel members with substitutes for pre-assigned responsibilities. A break between semesters may constitute an extraordinary circumstance that justifies an extension of the 60-day period for investigation and resolution, however the summer term will not be considered an appropriate period to forgo the investigation and resolution.

5. Time Period for Criminal Investigation. In the event of a criminal investigation of sexual misconduct charges, including sexual assault, or an investigation in which a College District police officer is accused of sexual misconduct, sexual harassment, sexual violence, or other form of civil rights harassment or discrimination, the time lines in this procedure may be extended by three (3) to ten (10) days to enable the law enforcement to gather evidence and conduct preliminary investigation. The internal Civil Rights Complaint Resolution process cannot be delayed beyond ten (10) days.

6. Consequence of False Information. Because the investigative panel has a serious responsibility to ascertain the facts, the whole College District has an interest in the accuracy and reliability of the information the investigative panel receives. For that reason, if any witness or alleged violator of this policy is later found to have knowingly provided false information to the investigative panel, the College District reserves the right not to indemnify or defend any employee who knowingly provides false information to the investigative panel in violation of this procedure and the right to take appropriate disciplinary action.

M. Process B: Investigative Panel Findings

1. Final Report Required. Once all the facts and evidence are gathered from all parties and witnesses; and, the investigative panel concludes that the fact finding is complete, the investigative panel will issue a Final Report of Investigative Findings.

~~**2. Preliminary Report.** Before issuing a Final Report of Investigative Findings to the Title IX/VII/ADA/504 Coordinator or designee, the investigative panel will provide their conclusions concurrently to the complainant and accused parties and the administrator(s) in a Preliminary Report of Findings. The complainant and accused will be given an opportunity to comment and respond to the information presented and provide any additional information that may not have been reviewed by the investigative panel but should be considered prior to a decision and final report being issued regarding the complaint. Any additional information must be provided to the investigative panel within (5) business days.~~

~~**3. Consideration of Additional Information.** Final Report Within the next five (5) business days, the investigative panel will consider any additional information provided and render a Final Report of Investigatory Findings to the District Title IX/VII/ADA/504 Coordinator. The Final Report of Investigatory Findings will include the factual findings and the panel's conclusion whether the preponderance of the evidence obtained in the investigation establishes a violation of College District policy. The final report shall be dated and signed by all members of the investigative panel.~~

~~**N. Process B: Resolution of Complaint**~~

~~**1. Decision-maker.** The District Title IX/VII/ADA/504 Coordinator or designated Deputy Coordinator assigned to conduct the complaint resolution process will determine the appropriate resolution of the complaint based on the factual evidence provided in the Final Report of Investigative Findings and the preponderance of evidence presented in the report.~~

~~**2. Notice of Resolution.** The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint will provide a formal written Notice of Complaint Resolution to the complainant and respondent and administrator(s) concurrently in writing, within five (5) business days from receiving the report from the investigative panel. The notice of resolution will identify any findings of policy violation by any party and indicate which Alamo Colleges Administrator is responsible for determining the appropriate disciplinary action or sanctions to be taken. The Complaint Resolution Notice will include information about the timeline for initiating sanctions and/or disciplinary actions as well as the Civil Rights Appeal Process that is available to the complainant and accused.~~

~~**O. Disciplinary Actions or Sanctions**~~

~~**1. Referral to Administrator.** When the Complaint Resolution refers employee discipline and/or student sanction considerations to an Administrator(s), the Administrator or designee will have ten (10) business days to render a determination of action to be taken. Student Sanctions may be referred by the Administrator to the Student Conduct Officer, Dean or other Student Success~~

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leader for action. Employee Discipline may be referred to the employee's supervisor and Human Resources for determination and action.

2. Employee Discipline. Complaints against an employee may result in disciplinary action up to and including discharge in accordance with Alamo Colleges Policy (9.1, Progressive Discipline and 10.2, Separation from Employment) and associated Procedures.

3. Student Sanctions. Complaints against students may result in sanctions up to and including Expulsion in accordance with Alamo Colleges Student Code of Conduct (Policy F.4.2 and associated Procedure F.4.2.1).

4. Policy Violations. In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct. Nothing in this procedure limits or delays the College District's right to take appropriate disciplinary actions, up to and including termination, when an employees' behavior warrants the action, and nothing in this procedure shall prevent the College District from taking appropriate action against a person who knowingly makes a false accusation.

5. Notice of Discipline or Sanctions. Once the appropriate disciplinary action or sanctions have been determined, the complainant and accused respondent will be notified concurrently- in writing of the decision by the District Title IX/VII/ADA/504 Coordinator or designated deputy.

P. Process B: Appeals

Both the complainant (complaining party) and the respondent (the accused party) may opt to accept the decision and determination of the action or sanctions imposed or submit an appeal to proceed before an Appeal Hearing Panel within ten (10) business days of the date of the letter communicating the decision of the investigative panel and the determination of disciplinary action or sanctions. The appeal procedure is stated in procedure H.1.1.2 Civil Rights Appeal Procedure.

Legal References:
TASB Community College Policy Manual Reference

ATTACHMENT 8.

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~~*34 CFR Part 106;*~~
~~DIAA(LEGAL) Freedom from Discrimination, Harassment and Retaliation-Sex and Sexual Violence-Employees~~
~~FFDA(LEGAL) Freedom from Discrimination, Harassment and Retaliation-Sex and Sexual Violence-Students~~

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~~APPENDIX A~~

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Director of Student Conduct/Title IX
San Antonio College
1819 N. Main Avenue
Nursing Allied Health Bldg., Room 110
San Antonio, TX 78212
210-486-1207
ccartwright3@alamo.edu

Alamo Colleges seeks to maintain a healthy academic and working environment that is free from Civil Rights Discrimination, Harassment and Retaliation. This procedure is established to ensure an environment that affords equal educational and employment opportunity to all students, faculty, staff, administrators and other members of the Alamo Colleges community.

The College District takes all reports and complaints of Civil Rights Discrimination, Harassment and Retaliation seriously. Every report will be fully and fairly investigated. Prompt remedial action will be taken whenever Discrimination, Harassment or Retaliation is found. This procedure is established to ensure complaints are promptly and effectively resolved with respect for all parties.

Complaint and Resolution Process

The complaint and resolution process is designed to receive, investigate, evaluate and resolve a complaint or report of civil rights discrimination, harassment or retaliation within sixty (60) days and will be conducted with that end in mind. A Procedure Diagram outlining the process steps and roles is attached to this procedure (see Attachment A). The primary steps in the process are:

1. Victim or witness notifies the Title IX/VII/ADA/504 Coordinator, Deputy Coordinator, Administrator or ACPD (Alamo Colleges Police Department) of a violation or potential violation.
2. Title IX/VII/ADA/504 Coordinator helps reporter prepare a formal complaint or report.
3. Title IX/VII/ADA/504 Coordinator notifies ACPD if the matter is also a potential

police matter.

4. Title IX/VII/ADA/504 Coordinator establishes any interim remedies required to protect campus and/or workplace safety (such as suspension of employee or student).
5. Title IX/VII/ADA/504 Coordinator designates a trained Deputy Coordinator and trained Investigative Panel to conduct complaint resolution.
6. Deputy Coordinator provides concurrent official notice of the complaint to the complaining and accused parties and the senior College or DSO administrator(s) for the parties.
7. Investigative Panel launches an investigation to include interviewing witnesses and collecting evidence.
8. Investigative Panel concludes the investigation.
9. Investigative Panel provides concurrent preliminary findings to all parties with a five (5) day opportunity for complainant and accused to provide any additional information for consideration by the Panel.
10. Investigative Panel considers and may investigate any additional information provided.
11. Investigative Panel Chair prepares and issues a Final Report of Investigative Findings to the Deputy Coordinator.
12. Deputy Coordinator renders an appropriate Resolution of the complaint based on the Investigation Panel's Final Report of Investigative Findings and the preponderance of all evidence collected by the Panel.
13. Deputy Coordinator provides a written Resolution concurrently to the complainant, accused and senior College or DSO administrator(s).
14. Deputy Coordinator refers any recommendations for employee discipline and/or student sanctions to the responsible administrator for evaluation and action.
15. The responsible Administrator implements appropriate Discipline or Sanctions, separate and apart from the Complaint Resolution Procedure but within, or as close to, the sixty (60) day Resolution Period as possible.
16. Complainant and Accused each have the opportunity to accept the Resolution or submit an Appeal to the Title IX/VII/ADA/504 Coordinator.

ATTACHMENT 8.

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure
Responsible Department: Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 - Civil Rights Discrimination, Harassment and Retaliation
Approved: 10-28-14
Last Amended: 1-17-17, 7-26-21

~~17. Appeals are processed in accordance with Civil Rights Appeal Procedure (H.1.2.2).~~

~~Providing Notification / Filing a Complaint~~

~~Any employee, student, or other member of the Alamo Colleges community, guest or visitor who believes the policy on Equal Education and Employment Opportunities or thepolicy on Civil Rights Discrimination, Harassment or Retaliation has been violatedshould notify the Alamo Colleges Title IX/VII/ADA/504 Coordinator, a designated Deputy Coordinator, the Alamo Colleges Police Department or an Alamo CollegesAdministrator. The Title IX/VII/ADA/504 Coordinator is:Title IX/VII/ADA/504 Coordinator Linda Boyer-Owens~~

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~~201 W. Sheridan, San Antonio Texas(210)485-0230~~
~~lboyer-owens@alamo.edu~~
~~Several alternate resources are available to facilitate notification:~~
~~• Attachment A. of this Procedure contains the names and contact information of the Title IX/VII/ADA/504 Coordinator and all Deputy Coordinators. Notification can be made to any individual named in Attachment A.~~
~~• A police report may be filed with the ACPD. In the event of a sexual assault or violence, the reporter should not hesitate to contact the ACPD immediately.ACPD will immediately notify the Title IX//ADA/504 Coordinator.~~
~~• Notice can be provided to an Administrator (such as the Dean of Student Success)who will, in turn, immediately notify the Title IX Coordinator.~~
~~• Notice can be provided by filing an online report to the Title IX/VII/ADA/504 Coordinator at www.alamo.edu/TitleIXCoordinator.~~
~~As with all discrimination, harassment, and retaliation complaints and reports, the complainant or reporter is encouraged to provide contact information to enable the College District to proceed with an investigation of the charges and take any remedial action.~~
~~Notification Processing~~
~~Any individual receiving a notification, complaint or report of alleged discrimination, harassment, retaliation, or sexual violence shall notify the Title IX/VII/ADA/504 Coordinator within 24 hours. The reporter or Title IX/VII/ADA/504 Coordinator will immediately notify the Alamo Colleges Police Department of any immediate or potential threat to individual, campus or workplace safety.~~
~~The Title IX/VII/ADA/504 Coordinator or a designated Deputy Coordinator or a representative of the Human Resources department will assist the complainant in preparing a formal written complaint, which shall include the date, time, place, and a specific description of the alleged conduct that constitutes the alleged discrimination, harassment, retaliation or sexual violence.~~
~~Complainants have the right, and can expect, to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.~~

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~~**Confidentiality**~~
~~**All initial contacts will be treated with the maximum possible confidentiality, but specific information on any complaints received by any party must be reported to the Title IX VII/ADA/504 Coordinator.**~~
~~**Victims of sexual misconduct or other crimes should be aware that the ACPD must issue timely warnings when reported incidents pose a substantial threat of bodily harm or danger to members of the campus community. The College District will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger. Alamo Colleges is prepared to take appropriate steps to protect individuals who fear that they may be subjected to physical or other retaliation.**~~
~~**To the extent possible, complaints will be treated as confidential. Limited disclosure maybe necessary as required by law, or to complete a thorough investigation.**~~
~~**Confidentialitycannot be guaranteed if the complaint becomes the subject of an administrative, arbitral, or court proceeding or subpoena.**~~
~~**In all cases, the College District will give consideration to the complainant with respectto how the complaint is pursued, but reserves the right to investigate and pursue a resolution even when an alleged victim chooses not to initiate or participate in a formal complaint.**~~
~~**Victims of sexual assault shall not be identified by name in the College District Clery Report.**~~
~~**Duty to Investigate and Correct Violations**~~
~~**Alamo Colleges will act on any formal or informal complaint or notice of violation of thepolicy on Civil Rights Discrimination Harassment and Retaliation that is received by the Title IX/VII/ADA/504 Coordinator, Deputy Coordinator, Alamo Colleges ACPD or Alamo Colleges Administrator.**~~
~~**Because the law makes the College District responsible to investigate and, if appropriate,take corrective action as soon as management and supervisors become aware of an allegation of sexual or other civil rights based harassment, discrimination, or retaliation, any student, employee, and "Responsible Employee" including a supervisor, who becomes aware that a student or employee is being sexually harassed, harassed or discriminated against on the basis of any protected criteria, or retaliated against by a College District employee or student or third party shall promptly report the alleged**~~

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~~violation as required in this procedure.~~
~~"Responsible Employee" is defined by the U.S. Department of Education, Office of Civil Rights as any employee with the authority to take action, an employee with reporting obligations, or any employee that a student would reasonably believe has the authority to report or take action. Victims have the option to, or not to, notify and seek assistance from ACPD or other law enforcement or authorities of the Alamo Colleges.~~
~~Freedom from Retaliation~~
~~Retaliation is defined as any materially adverse action taken against a person for who has filed or reported a complaint of discrimination, harassment, or retaliation with Alamo Colleges or an administrative agency; who has participated or testified in an investigationor proceeding; or who has reported a discriminatory practice in violation of a federal or statute prohibiting such conduct. Retaliation against an individual for alleging discrimination or harassment, supporting a complainant, assisting in providing information relevant to a claim of harassment, or engaging in conduct protected by law is a serious violation of College District policy and may be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX/VII/ADA/504 Coordinator and will be promptly investigated.~~
~~In the event retaliation is determined, appropriate disciplinary action or sanctions shall beinitiated. The College District reserves the right to decline to indemnify or defend any employee who engages in retaliation in violation of this procedure.~~
~~Interim Remedial Action~~
~~If, in the judgment of the Title IX/VII/ADA/504 Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campusof the accused individual or the ongoing activity of a student organization whose behavior is in question, the Title IX/VII/ADA/504 Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and thecommunity and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.~~
~~Alamo Colleges may interim suspend a student, employee, or organization pending the completion of investigation and procedures. In all cases in which an interim suspension~~

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~~is imposed, the student, employee or student organization will be given the opportunityto meet with the Title IX/VII/ADA/504 Coordinator or designated Deputy Coordinator prior to such suspension being imposed or as soon thereafter as reasonably possible to show cause why the suspension should not be implemented. Depending on whether the offending party is an employee or student, the Title IX VII/ADA/504 Coordinator or an appropriate administrator at the college where the student is enrolled has sole discretionto implement or stay an interim suspension under this policy, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination. During an interim suspension, an employee or student will be denied access to Alamo Colleges facilities and events. As to a student, this restriction may include classes and/or all other College/College District activities or privileges for which the student might otherwise be eligible. In addition, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student. Victims and the College District have the right to seek restraining, judicial no-contact and/or protective orders, and internal no-contact and criminal trespass warnings to maintain individual and campus safety.~~

~~Coordinator's Obligations~~

~~The Title IX/VII/ADA/504 Coordinator shall coordinate a prompt investigation of all complaints and allegations of discrimination, harassment, and retaliation based on protected class, including the reporting of sexual assaults and sexual misconduct. Upon receipt of a civil rights-based complaint, the Title IX/VII/ADA/504 Coordinator shall:~~

~~1. Immediately designate a Deputy Coordinator to conduct the complaint resolution process and issue the final resolution of the case. If the complaint is against an employee the Deputy Coordinator for Title VII/ADA/504 will be designated. If the complaint is against a student, a Deputy Coordinator for Title IX/ADA/504 will be designated.~~

~~2. Immediately appoint two members to the investigative panel from the available trained panel members. If either party to the complaint is a faculty member, the investigative panel shall include at least one faculty member. If either party to the complaint is a staff member, the investigative panel shall include at least one staff member;~~

~~3. Within five (5) College District business days, notify the accused (respondent) and complainant of the complaint and investigation by hand delivering the notice to the~~

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~~respondent (accused) with a copy of the notice to the complainant. The Title IX/VII/ADA/504 Coordinator or designee may extend the time allotted for delivering the notice to the accused in writing before the expiration of the original deadline under extraordinary circumstances. A break between semesters may constitute an extraordinary circumstance.~~

4. ~~During this time period (between filing of the complaint and notification of the respondent (accused), the deputy coordinator and investigative panel shall be appointed, briefed and begin the investigation.~~

~~Investigation~~

~~An Investigative Panel shall have the authority to interview witnesses and gather documentation. Interviews will be the primary method of collecting information as part of the fact-finding investigation. Attorneys, representatives, and advocates are not allowed at internal interviews. Witnesses and the respondent are expected to be cooperative and truthful.~~

~~At all times, the investigative panel shall take steps to ensure privacy and confidentiality for witnesses, complainant and the respondent (accused) during the investigation, including without limitation, requiring all parties to agree, in writing, that information disclosed during the investigation shall not be disclosed to others unless required by law, court order, subpoena, or to defend the College District in legal or administrative proceedings, including appeals of the decision on the complaint. A violation of privacy orconfidentiality shall be grounds for disciplinary action up to and including termination. The rights of a complainant and respondent, as stated in the College District's Policy on Civil Rights Discrimination, Harassment, and Retaliation shall be observed.~~

~~In most cases, the investigative process will take approximately 60 business days, but the investigation of more complex cases may take longer. The investigation shall be conducted as expeditiously as possible and, where necessary, the administration shall provide panel members with substitutes for pre-assigned responsibilities. A break between semesters may constitute an extraordinary circumstance that justifies an extension of the 60 day period for investigation and resolution, however the summer termwill not be considered an appropriate period to forgo the investigation and resolution.~~

~~In the event of a criminal investigation of sexual misconduct charges, including sexual harassment and sexual assault, or an investigation in which a College District police officer is accused of sexual misconduct, sexual harassment, sexual violence, or otherform of civil rights harassment or discrimination, the time lines in this procedure may be~~

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~~extended by three (3) to ten (10) days to enable the law enforcement to gather evidence and conduct preliminary investigation. The internal Civil Rights Complaint Resolution process cannot be delayed beyond ten (10) days.~~
~~Because the investigative panel has a serious responsibility to ascertain the facts, the whole College District has an interest in the accuracy and reliability of the information the investigative panel receives. For that reason, if any witness or alleged violator of this policy is later found to have knowingly provided false information to the investigative panel, the College District reserves the right not to indemnify or defend any employee who knowingly provides false information to the investigative panel in violation of this procedure and the right to take appropriate disciplinary action.~~
~~Investigative Panel Findings~~
~~Once all the facts and evidence are gathered from all parties and witnesses; and, the investigative panel concludes that the fact finding is complete; the investigative panel will issue a Final Report of Investigative Findings.~~
~~Before issuing a Final Report of Investigative Findings to the Title IX/VII/ADA/504 Coordinator or designee, the investigative panel will provide their conclusions concurrently to the complainant and accused parties and the administrator(s) in a Preliminary Report of Findings. The complainant and accused will be given an opportunity to comment and respond to the information presented and provide any additional information that may not have been reviewed by the investigative panel but should be considered prior to a decision and final report being issued regarding the complaint. Any additional information must be provided to the investigative panel within~~
~~(5) business days.~~
~~Within the next five (5) business days, the investigative panel will consider any additional information provided and render a Final Report of Investigatory Findings to the Title IX/VII/ADA/504 Coordinator. The Final Report of Investigatory Findings will include the factual findings and the panel's conclusion whether the preponderance of the evidence obtained in the investigation establishes a violation of College District policy. The final report shall be dated and signed by all members of the investigative panel.~~
~~Resolution of Complaint~~
~~The Title IX/Title VII/ ADA/504 Coordinator or designated Deputy Coordinator assignedto conduct the complaint resolution process will determine the appropriate resolution of the complaint based on the factual evidence provided in the Final Report of Investigative Findings and the preponderance of evidence presented in the report.~~

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~~The Title IX/Title VII/ ADA/504 Coordinator or designated Deputy Coordinator assignedto conduct the complaint resolution process will provide a formal written Notice of Complaint Resolution to the complainant and respondent and administrator(s) concurrently in writing, within five (5) business days from receiving the report from the investigative panel. The notice of resolution will identify any findings of policy violationby any party and indicate which Alamo Colleges Administrator is responsible for determining the appropriate disciplinary action or sanctions to be taken.~~

~~The Complaint Resolution Notice will include information about the timeline for initiating sanctions and/or disciplinary actions as well as the Civil Rights Appeal Process that is available to the complainant and accused.~~

~~Disciplinary Actions or Sanctions~~

~~When the Complaint Resolution refers employee discipline and/or student sanction considerations to an Administrator(s). The Administrator or designee will have ten (10) business days to render a determination of action to be taken. Student Sanctions may be referred by the Administrator to the Student Conduct Officer, Dean or other Student Success leader for action. Employee Discipline may be referred to the employee's supervisor and Human Resources for determination and action.~~

~~Complaints against an employee may result in disciplinary action up to and including discharge in accordance with Alamo Colleges Policy (9.1, Progressive Discipline and 10.2, Separation from Employment) and associated Procedures.~~

~~Complaints against students may result in sanctions up to and including Expulsion in accordance with Alamo Colleges Student Code of Conduct (Policy F.4.2 and associated Procedure F.4.2.1).~~

~~In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct.~~

~~Nothing in this procedure limits or delays the College District's right to take appropriate disciplinary actions, up to and including termination, when an employees' behaviorwarrants the action, and nothing in this procedure shall prevent the College District from taking appropriate action against a person who knowingly makes a false accusation.~~

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~~**Once the appropriate disciplinary action or sanctions have been determined, the complainant and accused respondent will be notified concurrently- in writing of the decision by the Title IX/VII/ADA/504 Coordinator or designated deputy.**~~

~~**Appeals**~~

~~**Both the complainant (complaining party) and the respondent (the accused party) may optto accept the decision and determination of the action or sanctions imposed or submit an appeal to proceed before an Appeal Hearing Panel within ten (10) business days of the date of the letter communicating the decision of the investigative panel and the determination of disciplinary action or sanctions. The appeal procedure is stated inprocedure H.1.2.2 Civil Rights Appeal Procedure.**~~

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H.1.2.1- (Procedure) Civil Rights Complaints and Resolution Procedure
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~~Attachment A~~

~~Title IX/VII/ADA/504 Coordinator Contact List~~
~~A complaint of certain or potential discrimination, harassment or retaliation may be madeto any of the following Coordinators or Deputies, or with Alamo Colleges Police Department (ACPD) or filed online at www.alamo.edu/TitleIXCoordinator/~~

~~Role~~	~~Name~~	~~Telephone~~	~~Email~~
~~Title IX/VII/ADA/504 Coordinator forAlamo Colleges~~	~~Linda Boyer-Owens~~	~~(210)485-0230~~	~~lboyer-owens@alamo.edu~~
~~Title IX/ADA/504 Deputy Coordinator for Students~~	~~Adelina Silva~~	~~(210)485-0150~~	~~asilva@alamo.edu~~
~~Title VII/ADA/504 Deputy Coordinator for Employees~~	~~Edward Contreras~~	~~(210)485-0216~~	~~econtreras@alamo.edu~~
~~Title IX/ADA/504 Deputy Coordinator for NLC Students~~	~~Debbie Hamilton~~	~~(210)486-5421~~	~~dhamilton@alamo.edu~~
~~Title IX/ADA/504 Deputy Coordinator for NVC~~	~~Deborah Gaitan~~	~~(210)486-4454~~	~~dgaitan@alamo.edu~~

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~~Students~~			
~~Title IX/ADA/504 Deputy Coordinator for PAC Students~~	~~Gilbert Becerra~~	~~(210)486-3936~~	~~gbecerra8@alamo.edu~~
~~Title IX/ADA/504 Deputy Coordinator for SAC Students~~	~~Lisa Alcorta~~	~~(210)486-0950~~	~~lalcorta3@alamo.edu~~
~~Title IX/ADA/504 Deputy Coordinator for SPC Students~~	~~Mordecai I Brownlee~~	~~(210)486-2710~~	~~mbrownlee3@alamo.edu~~

ATTACHMENT 9.

H.1.2.1 (Procedure) Civil Rights Complaints and Resolution Procedure
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The Alamo Community College District (the "College District" or "Alamo Colleges") prohibits discrimination and harassment based on protected criteria and retaliation for opposing discrimination or harassment or participating in a complaint proceeding on campus or a governmental agency. This procedure is established to ensure an environment that affords equal educational and employment opportunities to all students and employees, including faculty and administrators, in the working and academic environments at the Alamo Colleges. This procedure seeks to resolve complaints promptly and effectively with respect for all parties.

This procedure provides two processes (grievance procedures) for the College District and Colleges to receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes listed below.

Process A applies only to student complaints of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, as defined, and referenced by 2020 amendments to Title 34, Code of Federal Regulations, Part 106, the implementing regulations for Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 *et seq*. ("Title IX"). Those new Title IX regulations are 34 CFR §§106.8, 106.30, 106.44, and 106.45.

Process B applies to all other civil rights complaints which are not addressed by Process A, i.e., do not meet the definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking against a student and jurisdictional requirements of §§106.30, 106.44, and 106.45 of the Title IX regulations and complaints which arise under other civil rights statutes. *(See 34 CFR §106.8(c))*. Complaints of student gender discrimination and retaliation under Title IX fall under Process B.

Title IX/VII/ADA/504 Coordinators and Leads

The College District has designated responsibility to Coordinators and Leads to conduct the Civil Rights processes for students and employees who receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes, including Title IX. These designees are the same for Process A and Process B. Their names and contact information are listed in Appendix A to this procedure.

Inquiries about the application of Title IX and its regulations to the College District may be referred to the District Title IX/VII/ADA/504 Coordinator, Assistant Secretary of the Department of Education, or both. *34 CFR §106.8(b)(1)*. The contact information is as follows:

ATTACHMENT 9.

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Alamo Colleges District Title IX/Title VII/Title IV/ADA/504 Coordinator
Linda Boyer-Owens
Associate Vice Chancellor for Human Resources & Organizational Development
Alamo Community College District
2222 N. Alamo, 230A-West Wing
San Antonio, TX 78215
210-485-0230
lboyer-owens@alamo.edu

Assistant Secretary of the Department of Education
U.S. Department of Education
Office of Civil Rights
400 Maryland Avenue SW
Washington, D.C. 20202-1100
Customer Service Hotline # (800) 421-3481
TDD# (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

I. Reporting Discrimination, Harassment, and Retaliation: Employees and Students.

A. General Reporting. Any person may report discrimination or harassment based on any protected criteria (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment, including sexual harassment) by mail, telephone, or electronic mail; using a College District or College electronic portal; using the contact information listed for a Title IX Coordinator; or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report, including the electronic portal for Title IX complaints. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, by mail to the office address listed for Title IX Coordinators in Appendix A, or through the District or College electronic portal. S*ee34 CFR §106.8(a).*

B. Reporting by Formal Complaint. A signed formal complaint, instead of a general report, may be filed with any Title IX Coordinator in person, by mail, by electronic mail using the contact information listed in Appendix A, or through the designated District or College electronic portal. *34 CFR §106.30(a).*

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C. Reporting Deadline. A report or formal complaint alleging discrimination, harassment, or retaliation must be submitted or filed within thirty (30) calendar days from the date of the last act of alleged act of discrimination, harassment, or retaliation.

D. College to Handle Report. A report or formal complaint of discrimination, harassment, or retaliation by a student against a student will be assigned to the College Title IX Coordinator and Title IX Lead at the college where the alleged discrimination, harassment, or retaliation occurred. If the alleged discrimination, harassment, or retaliation is reported to a different college or the District, it will be transferred the report or complaint to the college where the discrimination, harassment, or retaliation occurred and document the transfer of the report or complaint.

E. District to Handle Report. A report or formal complaint of discrimination, harassment, or retaliation by or against an employee will be assigned to the District Title IX/VII/ADA/504 Coordinator for Employees.

A report or formal complaint of discrimination, harassment, or retaliation involving a student or a student against an employee will be assigned to the District Title IX Coordinator for Employees who will work in collaboration with the College Title IX Coordinator and Title IX Lead at the college the student attends. Any student sanctions to be imposed against a student as a result of a responsibility finding will be assigned to the College Title IX Coordinator and will be processed under the Student Code of Conduct. Any discipline of an employee based on a finding of responsibility against the employee will be handled by the District Title IX Coordinator for Employees and processed under the employee procedures for progressive discipline or termination of employment. A work study student will be considered a student for purposes of Title IX and not an employee so that a complaint by or against a work study student will be processed by a College.

G. Delay of Sanctions/Discipline. Any sanctions against a student or discipline against an employee based on a finding of responsibility for discrimination, harassment, or retaliation will not be imposed until after the appeal time has expired or a decision on appeal is rendered, whichever occurs later.

II. PROCESS A:
Applicable Only to Complaints of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence and Stalking Under Title IX

Process A applies *only* to complaints of sexual harassment. For purposes of Title IX, sexual harassment is conduct on the basis of sex and includes sexual assault, dating violence, domestic violence and stalking. *34 CFR §106.30(a)(3).* After a report or complaint of sexual harassment is received and determined to meet the criteria of Title IX, the following Process A will apply.

ATTACHMENT 9.

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A. Process A: Definitions.

1. *"Actual knowledge"* means notice of sexual harassment or allegations of sexual harassment to a Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the College District or Colleges. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The standard of actual knowledge is not met when the only official of the College District 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 College District or Colleges. *Notice"* for purposes of *"actual knowledge"* includes but is not limited to a report of sexual harassment to a Title IX Coordinator as described in *34 CFR §106.8(a)*. *34 CFR §106.30(a).*

2. *"College District"* means the Alamo Community College District (ACCD) and its five independently accredited colleges: Northeast Lakeview College, Northwest Vista College, Palo Alto College, St. Philip's College, and San Antonio College. "Alamo Colleges District" and "Alamo Colleges" are synonymous for the College District.

3. *"Complainant"* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Where a Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the complaint. *34 CFR §106.30(a)*. A third person who reports sexual harassment does not become a party (complainant) to a formal complaint. Parents and guardians may report sexual harassment but do not become parties to a formal complaint even if they signed a complaint.

4. *"Dating violence"* under Title IX has the meaning assigned in the Violence Against Women Act ("VAWA"), 34 U.S.C. § 12291(a). *34 CFR §106.30(a)(3)*. Under VAWA, "dating violence" means violence committed by a person:

(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. *34 U.S.C. § 12291(a)(10).*

5. *"Domestic violence"* under Title IX has the meaning assigned in VAWA. *34 CFR §106.30(a)(3)*. Under VAWA, "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated

with the victim as a spouse or intimate partner, or a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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 jurisdiction. *34 U.S.C. § 12291(a)(8).*

6. *"Education program or activity"* includes locations, events, or circumstances over which the College District exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College District or one of the colleges. *34 CFR §106.44(a).*

7. *"Formal complaint"* means a document filed and signed by a complainant or signed by a Title IX Coordinator, alleging sexual harassment against a respondent, and requesting that the College District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College District or one of its colleges. *34 CFR §106.30(a).*

As used above, *"document filed by a complainant"* means a written document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. *34 CFR §106.30(a).* Parents and guardians of minor students retain their legal rights to act on behalf of the minor as complainant or respondent in Title IX matters, including filing a formal complaint for the minor student child. *34 CFR §106.6(g).*

8. *"Grievance process"* and *"complaint process"* are synonymous terms for purposes of this procedure. The Title IX regulations state, "a recipient must adopt and publish *grievance* procedures that provide for the prompt and equitable resolution of student and employee *complaints* alleging any action that would be prohibited by this part and a *grievance* process that complies with §106.45 for formal *complaints* as defined in §106.30." *34 CFR §106.8(c).*

9. *"Recipient"* in this procedure means the College District and/or one or more Colleges, all of which receive federal financial assistance. *34 CFR §106.2(a)(i).*

10. *"Respondent"* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. *34 CFR §106.30(a).*

11. *"Sex discrimination."* A recipient's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute gender discrimination under

Title IX. *34 CFR §106.45(a).* A complaint of gender discrimination would be processed under Process B.

12. "*Sexual Assault"* under Title IX has the meaning assigned in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), 20 U.S.C. 1092(f)(6)(A)(v). *34 CFR §106.30(a)(3).* Under the Clery Act, "sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

13. *"Sexual harassment"* under Title IX means conduct on the basis of sex that satisfies one or more of the following:

(a) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; *34 CFR §106.30(a)(1).*
(b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education programs or activities. *34 CFR §106.30(a)(2);*
(c) "Sexual assault" as defined in the Clery Act. *34 CFR §106.30(a)(3).*
(d) "Dating violence" as defined in VAWA. *34 CFR §106.30(a)(3)*;
(e) "Domestic violence" as defined in VAWA). *34 CFR §106.30(a)(3);* or
(f) "Stalking" as defined in VAWA. *34 CFR §106.30(a)(3).*

14. *"Stalking"* under Title IX has the meaning assigned in VAWA. *34 CFR §106.30(a)(3).* Under VAWA, "stalking" means 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).*

15. *"Student"* means a person who has applied for admission or gained admission. *34 CFR §106.2(r).* A work study student will be considered a student for purposes of Title IX and not an employee so that a complaint by or against a work study student will be processed by a College.

16. *"Supportive measures"* means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. *34 CFR §106.30(a).*

"Supportive measures" may include but are not limited to services offered in the community, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator handling a complaint or report may fashion other supportive measures which are appropriate to the situation. A Title IX Coordinator will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College District or Colleges to provide the supportive measures. The applicable Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures for a student or employee. *34 CFR §106.30(a).*

B. Process A: Grievance Process – Overview of Title IX Concepts.

1. Title IX Coverage. This Process A grievance procedure applies only to sexual harassment occurring against a person in the United States. *34 CFR §106.8(d)*. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College District or one of the colleges. *34 CFR §106.30(a).*

2. Presumption of Non-Responsibility. All Title IX Coordinators, Title IX Leads, investigators, decisionmakers, and any person who facilitates an informal resolution process must operate at all times with the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. *34 CFR §106.45(b)(1)(iv).*

3. Gag Order Prohibited. Neither the College District, Colleges, Title IX Coordinators nor any investigator may restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. *34 CFR §106.45(b)(5)(iii).*

4. Standard of Evidence Declared. The standard of evidence to be used to determine responsibility for all formal complaints of sexual harassment is the preponderance of the evidence standard. The preponderance of the evidence standard applies to all other formal complaints against students and employees, including faculty. 3*4 CFR §106.45(b)(1)(vii).*

5. Objective Evaluation of Evidence Required. This procedure requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence— and that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. *34 CFR §106.45(b)(1)(ii).*

H.1.2.1 (Procedure) Civil Rights Complaints and Resolution Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Approved: 10-28-14:
Last Amended: 1-17-17, 7-27-21

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6. Impartiality Required. Every individual designated as a Title IX Coordinator, Title IX Lead, investigator, decisionmaker, or any person designated by the College District or a College to facilitate an informal resolution process is required to not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. *34 CFR §106.45(b)(1)(iii)*. None of the foregoing persons may serve in more than one capacity during the grievance process.

7. Duration of Grievance Process. The Title IX regulations require the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX. 3*4 CFR §106.8(c)*. To comply with this requirement, the grievance process in this procedure should be concluded within ninety (90) calendar days from the date of receipt of a report or formal complaint to the date on which an appeal is decided or the date on which the time to appeal expires if no appeal is filed, subject to any extensions of time. 3*4 CFR §106.45(b)(1)(v)*. The 90-calendar day time period excludes holidays and days on which the College District and Colleges are closed for operations, such as the holiday and spring breaks and closures for weather or other emergencies.

8. Extensions of Time. The 90-calendar day time period for the grievance process may be extended by temporary delays or extensions of time granted. Any party (complainant or respondent), the College District, a College, investigator or decision-maker may request in writing for good cause at any time during the grievance process an extension of time to accomplish a duty or requirement in this procedure. Good cause may include considerations, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. *34 CFR §106.45(b)(1)(v)*. Requests for extension of time should be submitted in writing to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint with copies served on the complainant and respondent and their advisors, if any. Extensions of time should be judiciously requested to avoid dismissal because the complainant or respondent is no longer a student.

9. Required Training #1. The District Title IX Coordinator, District Title IX Coordinator for Employees, and District Title IX Coordinator for Students will ensure that the College Deputy Title IX Coordinators, Title IX Leads, investigators, decision-makers, and any person who facilitates an informal resolution process receive training on the definition of sexual harassment stated in Section I(A)(13) above, the scope of the education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. *34 CFR §106.45(b)(1)(iii)*.

10. Required Training #2. The District Title IX Coordinator, District Title IX Coordinator for Employees, and District Title IX Coordinator for Students will ensure that decision-makers

receive training on any technology to be used at a live hearing and on 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. *34 CFR §106.45(b)(1)(iii).*

11. Required Training #3. The District Title IX Coordinator, District Title IX Coordinator for Employees, and District Title IX Coordinator for Students will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence as required by 34 CFR § 106.45(b)(5)(vii) and discussed in Section II(E)(7) below. Any materials used to train Title IX Coordinators, Title IX Leads, investigators, decision-makers, and any person who facilitates an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. 3*4 CFR §106.45(b)(1)(iii).*

12. Equitable Treatment Before Sanctions. Complainants and respondents will be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following Process A which complies with the new federal regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures. Remedies must be designed to restore or preserve equal access to the College District's education program or activity. Such remedies may include the individualized services defined as ''supportive measures." *34 CFR §106.45(b)(1)(i).*

13. Available Sanctions and Remedies. The possible disciplinary sanctions and remedies that a College may implement against a student following any determination of responsibility are listed in the Student Code of Conduct, which is incorporated herein by reference, and as may be determined appropriate for the circumstances, including but not limited to placing a student in online classes, allowing a student to withdraw without penalty and take the class in a following semester, and allowing a student to retake exams or complete assignments by the end of the semester. The possible disciplinary sanctions and remedies that the District may implement against an employee following any determination of responsibility are listed in the Progressive Discipline and Termination Procedures in Section D of Board Policies, available on the College District website and incorporated herein by reference. *34 CFR §106.45(b)(1)(vi).*

14. Notice of Meetings Required. At all times during the Process A grievance process, the District Title IX Coordinator for Employees or College Title IX Coordinator and Title IX Lead handling the formal complaint will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate. *34 CFR § 106.45(b)(5)(v).*

H.1.2.1 (Procedure) Civil Rights Complaints and Resolution Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Approved: 10-28-14:
Last Amended: 1-17-17, 7-27-21

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15. Equal Right to an Advisor. The parties will have equal opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. The College District has the right to exercise reasonable restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. *34 CFR § 106.45(b)(5)*(iv).

C. Process A: Response to Report or Complaint of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence and Stalking.

1. Duty to Not Be Deliberately Indifferent. If the College District or a college has actual knowledge of sexual harassment in an education program or activity against a person in the United States, it must respond promptly in a manner that is not deliberately indifferent to a report or formal complaint. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. *34 CFR § 106.44(a)*. The duty to not be deliberately indifferent is not satisfied if it is based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment. *34 CFR § 106.44(a)*.

2. Supportive Measures Required. If the College District or a College has actual knowledge of sexual harassment in an education program or activity against a person in the United States, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report will treat a complainant and respondent equitably to offer supportive measures and will follow the grievance process discussed below *before* the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. *34 CFR §106.44(a)*. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report also will respond to the report to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures, and explain to the complainant the process for filing a formal complaint. *34 CFR §106.44(a)*. Supportive measures must be provided even if the reporting began with the filing of a formal complaint. A range of supportive measures available to complainants and respondents is listed in Section II(A)(16) above. 3*4 CFR §106.45(b)(1)(ix)*.

3. Student Emergency Removal. A College may remove a student-respondent from the education program or activity only on emergency basis and provided that the College 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 justify removal, and provides the respondent with notice and an opportunity to challenge the

decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. *34 CFR §106.44(c).* Emergency removal is the exception and not the rule. An individualized safety and risk analysis must be documented by the College Title IX Coordinator and Title IX Lead.

4. Employee Administrative Leave. A non-student employee-respondent may be placed on administrative leave during the pendency of the grievance process provided no rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act are modified. *34 CFR §106.44(d).*

5. Evaluating Report for Title IX Coverage. After supportive measures are provided, **t**he District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report must determine:

(a) Whether the report is submitted timely within thirty (30) calendar days of the date on which the last alleged act of sexual harassment occurred;
(b) Whether the report complains of sexual harassment in an education program or activity;
(c) Whether the reporter is participating in or attempting to participate in the education program or activity of the College District or a College; and
(d) Whether the report or allegations are against a person in the United States. *34 CFR § 106.45(b)(3)(i).*

If the report does not meet the factors above, it cannot be accepted as a Title IX complaint for purposes of Process A and must be dismissed and closed after any supportive measures are implemented. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report will notify the reporter about the dismissal and process the report under Process B.

6. Report to Formal Complaint. If the report of sexual harassment was not initiated with the filing of a formal complaint and is accepted because it satisfies the factors above, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report will ask the complainant to proceed with filing a signed formal complaint. *34 CFR §106.30(a).* A complainant's wishes to not file a written complaint must be respected, unless the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report determine that the signing of a formal complaint by a Title IX Coordinator is clearly reasonable in light of the known circumstances. If the complainant does not wish to file a formal complaint and a Title IX Coordinator does not sign a formal complaint, then the grievance process will not proceed, no investigation will occur, and the case will be closed. Where a Title IX Coordinator signs a formal complaint, the investigation will commence. In such

situation, the Title IX Coordinator is not a complainant or a party during the grievance process and will comply with the requirements for Title IX personnel to be free from conflicts and bias. *34 CFR §106.30(a).*

7. Consolidation of Formal Complaints. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead may consolidate formal complaints as to allegations of sexual harassment 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 of sexual harassment arise out of the same facts or circumstances. References to the singular "party," "complainant," or "respondent" include the plural, as applicable. *34 CFR § 106.45(b)(4).*

8. Complaint Dismissal Before Investigation. If the reporting occurred with the filing of a formal complaint and the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the College District's education program or activity, or did not occur against a person in the United States, then the formal complaint with regard to that conduct must be dismissed. Such a dismissal does not preclude processing under Process B or action under another provision of the Student Code of Conduct. *34 CFR §106.45(b)(3)(i).* Dismissal for purposes of Title IX also applies if the formal complaint was not submitted timely within 30 calendar days of the date of the last act of harassment. Upon dismissing a formal complaint, the Title IX Coordinator handling the complaint will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. *34 CFR §106.45(b)(3)(iii).*

9. Complaint Dismissal During Grievance Process. The College District or a College may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing: (a) a complainant notifies the District Title IX for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (b) the respondent is no longer enrolled or employed by the College District; or (c) specific circumstances prevent the College District or College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. *34 CFR §106.45(b)(3)(ii).* Upon a dismissal of a formal complaint, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint must promptly send written notice of the dismissal and reason(s) the dismissal simultaneously to the parties. *34 CFR §106.45(b)(3)(iii).*

D. Process A: Grievance Process - Notice of Allegations to Satisfy Due Process.

1. Notice Required. Within five (5) calendar days of receiving a formal complaint, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX

ATTACHMENT 9.

H.1.2.1 (Procedure) Civil Rights Complaints and Resolution Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Approved: 10-28-14:
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Lead handling the complaint will provide a written notice to the known parties with the following information:

(a) Notice that a formal complaint has been filed by a named complainant against a named respondent, and the complaint will be investigated under Process A of the grievance procedure at H.1.1.1 on Civil Rights Discrimination, Harassment, and Retaliation.
(b) Notice of the allegations constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview of the complainant or respondent. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment and the date and location of the alleged incidents, if known. Notice of the allegations includes notice of the allegations to be investigated. *34 CFR §106.45(b)(2)(i)(B).*
(c) A statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. *34 CFR §106.45(b)(2)(i)(B).*
(d) Notice that the parties will be contacted by an investigator and interviewed. Notice that the respondent will be notified that he/she will have an opportunity to respond to the formal complaint and allegations and present his/her side of the story.
(e) Notice that each party may have an advisor of choice during the grievance proceeding, including investigation, who may be, but is not required to be, an attorney, and may inspect and review any evidence obtained as a part of the investigation. *34 CFR §106.45(b)(2)(i)(B).* A request that each party inform the Title IX Coordinator handling the complaint of the name and contact information, including email address, for an advisor selected.
(f) Notice of the College District's grievance and informal resolution processes. *34 CFR §106.45(b)(2)(i)(A).* This requirement may be satisfied by providing a copy of this procedure and the procedure for appeals. Informal resolution is available at any time prior to the live hearing, provided the complaint does not include allegations that an employee sexually harassed a student.
(g) Notice that after the investigation, a live hearing to present oral and documentary evidence will be conducted. *34 CFR §106.45 (b)(6)(i).*
(h) Notice that this procedure, the Student Code of Conduct, and Progressive Discipline Procedure for employees prohibit knowingly making false statements or knowingly submitting false information during the grievance process. *34 CFR §106.45(b)(2)(i)(B).*
(i) Notice that threatening, intimidating, coercing or retaliating against a party, witness or any person participating in the grievance process is prohibited. *34 CFR §106.71.*

(j) Notice that sanctions under the Student Code of Conduct or discipline under the Progressive Discipline Procedure for employees may be imposed if either party is found responsible.
(k) Notice that other communications will be sent to advise of the opportunity to review evidence before the hearing, date of the hearing, and other matters related to the hearing.

2. Notice of Additional Allegations. If in the course of an investigation, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint investigate allegations about the complainant or respondent that are not included in the notice discussed in the above paragraph, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide notice of the additional allegations to the parties whose identities are known. *34 CFR §106.45(b)(2)(ii).*

E. Process A: Grievance Process - Investigation of a Formal Complaint.

1. Investigation Delayed. If the sexual harassment is also reported to campus police or other police department, the investigation under this procedure may be delayed for a reasonable time period not to exceed thirty (30) calendar days for the police department to complete its investigation. However, supportive measures and notice of allegations must be provided. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the report or complaint is responsible for following up with the police department on conclusion for their investigation and the complainant to confirm the intent to proceed with the investigation and process under this procedure.

2. Investigator Appointment. The College District bears the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility. *34 CFR §106.45(b)(5)(i).* To meet these burdens, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will appoint an investigator to investigate a formal complaint of sexual harassment. This appointment will occur within ten (10) calendar days of receiving a formal complaint that does not involve conduct reported to campus police or other police department, or within ten (10) days after the expiration of the reasonable time period for a police department to investigate a formal complaint. The investigator must not have any conflict of interest or bias and must have received the training specified in Section II(B)(9-11) above before commencing any investigation. The appointment shall be documented in a letter to the investigator that:

(a) Identifies the parties and generally states the allegations;
(b) Informs that the respondent is presumed not responsible for the alleged conduct throughout the investigative and hearing process. *34 CFR §106.45(b)(1)(iv);*

(c) States the definition of sexual harassment that must be followed under Title IX. *34 CFR §106.30(a)(1-3);*
(d) Provides a copy of this procedure, the written complaint of sexual harassment, and any other information obtained prior to investigation and requests that the documents provided be reviewed before the start of the investigation;
(e) Informs that the investigator is required to interview the complainant and respondent separately;
(f) Informs that to satisfy due process, the investigator will discuss *all* allegations with the respondent and ask the respondent to present his/her side of the story;
(g) Informs that witness names and contact information must be collected from the complainant and respondent and the witnesses of each party must be interviewed;
(h) Informs that throughout the investigation, the parties must be provided an equal opportunity for the parties to name and present witnesses, including fact and expert witnesses, and offer other inculpatory and exculpatory evidence. *34 CFR §106.45(b)(5)(ii);*
(i) Informs that the College District and investigator are required to not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. *34 CFR §106.45(b)(5)(iii);*
(j) Informs that the investigator is required to provide the parties an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney and not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding. *34 CFR §106.45(b)(5)(iv);*
(k) Informs that the College District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. *34 CFR §106.45(b)(5)(iv).* In this regard, a complainant or respondent must be allowed by an advisor to speak, answer questions, discuss the complaint, and offer evidence during the investigation process. In other words, a complainant or respondent must speak for himself/herself; and
(l) Informs that the investigator is required to treat the parties with respect and dignity; gather any documentary evidence; take notes and document the witness statements, evidence and interviews; communicate with the parties through email and not texts; comply with all requirements stated in this procedure; and preserve the documentation obtained throughout the investigation.

3. Commencement of Investigation. Upon receipt of the appointment and complaint, the investigator will prepare for the investigation by among other things, reviewing the documents provided by the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint and determining other information needed

and questions to ask. Within ten (10) calendar days of receiving the complaint and any other information, the investigator will commence the investigation process by interviewing the complainant and respondent separately and following the directions provided in the letter of appointment and other requirements in this procedure. The investigator will provide written notice of the date, time and place of interview with sufficient time for a party to prepare for the interview. *34 CFR §106.45(b)(5)(v).* The investigation should be completed within thirty (30) calendar days from receipt of the appointment.

4. Consents Required for Provider Records. The District Title IX Coordinator for Employees, College Deputy Title IX Coordinators, Title IX Leads, investigators and those participating in the live hearing may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's 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 College District or College obtains a voluntary written consent to do so for use in the grievance process. If the complainant or respondent is a minor, the consent must be obtained from a parent or guardian. *34 CFR §106.45(b)(5)(i).* A consent form to allow the privileged records to be used in the grievance process must be completed and signed and executed by a party or parent or guardian if the party is a minor and be accompanied by a written consent. Written consent must be provided thorough the execution of the College District's consent form under the Family Educational Rights and Privacy Act ("FERPA").

5. Right to Inspect Investigation Evidence. After the investigation is concluded, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide the parties and advisors in writing an equal opportunity to inspect and review all evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including a copy of the formal complaint and the evidence upon which the College District or College 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 conclusion of the investigation. *34 CFR §106.45(b)(5)(vi).* The parties and advisors shall have ten (10) calendar days to inspect and review the evidence obtained from the investigation.

6. Equal Access to Evidence. After the parties review and inspect the evidence obtained as part of the investigation and prior to completion of the investigative report, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will have five (5) calendar days to send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. *34 CFR §106.45(b)(5)(vi).*

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7. Investigative Report. After receiving the parties' responses to the investigation evidence, the investigator will have fifteen (15) calendar days to prepare a written investigative report that fairly summarizes the relevant evidence and send it to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint. The investigator will document the evidence in the report without reaching a conclusion or determination. A form for the report will be provided to the investigator. Within five (5) business days of receiving the investigator's report, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. *34 CFR §106.45(b)(5)(vii).* The written response is due within ten (10) calendar days. Any timely written response will be part of the record to be considered by the decision-maker.

8. Selection of Decision-maker. Within ten (10) calendar days from the date the investigation report is sent to the parties, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will select and appoint in consultation with the District Title IX Coordinator and District Title IX Coordinator for Students, a decision-maker to hear the evidence at and conduct a live hearing. The decision-maker is required to not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and to have had the training specified in Section II(B)(9-11) above, including how to serve impartially and determine issues of relevance. *34 CFR §106.45(b)(1)(iii).* None of the Title IX Coordinators or Title IX Leads listed on Appendix A may serve as decision-makers.

9. Notices of Decision-maker Appointment. Within five (5) calendar days of selecting a decision-maker, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will notify the parties and advisors in writing of the appointment of the decision-maker in writing and notify the decision-maker of the appointment. The decision-maker must be provided a copy of the complaint, the evidence gathered in the investigation, all responses to the evidence, the investigation report, this procedure, and all notices sent to the parties and investigator. Also, within five (5) calendar days of selecting a decision-maker, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will select a date for the live hearing that is at least fifteen (15) calendar days prior to the hearing or other time of determination regarding responsibility.

ATTACHMENT 9.

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F. Process A: Grievance Process - Live Hearings

1. Live Hearing Required. The College District is required to conduct a live hearing of evidence to determine any responsibility (*i.e.*, hear the merits of the complaint or allegations). *34 CFR §106.45(b)(6)(i)*. The live hearing will be recorded in real-time by audio, audiovisual recording, or stenographer and make the recording available to the parties for inspection and review. *34 CFR §106.45(b)(6)(i)*.

2. Notice of Hearing. Within five (5) calendar days from selecting a live hearing date, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will issue a letter to the parties with the following information:

(a) Notice that a live hearing will be conducted to hear evidence of the allegations of sexual harassment and determine any responsibility; *34 CFR §106.45(b)(6)(i)*.
(b) Notice of the date, time, and place of the live hearing with sufficient time for the parties to prepare to participate; *34 CFR §106.45(b)(5)(v)*.
(c) Notice that each party must be accompanied by an advisor at the live hearing; *34 CFR §106.45(b)(6)(i)*.
(d) A request that the name and contact information of each party's advisor be disclosed immediately if it has not been disclosed already or notification that a party does not have an advisor;
(e) Notice that if a party does not have an advisor designated to be present at the live hearing, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will provide without fee or charge to that party, an advisor of the College District's or College's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party; *34 CFR §106.45(b)(5)(iv)*.
(f) A request that each party disclose the names of his/her witnesses any disability accommodations that any party or witness would need for the live hearing; and
(g) Other information about the conduct of the live hearing, such as the right of an advisor to ask a party and witnesses all relevant questions and follow-up questions, including those challenging credibility. *34 CFR §106.45(b)(6)(i)*.

2. Location of Hearing. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College District's or College's discretion or at the request of either party, any or all parties, witnesses, and other participants may appear at the live hearing in separate rooms with technology enabling participants simultaneously to see and hear each other answering questions. *34 CFR §106.45(b)(6)(i)*. The parties may agree to exclude a non-party, non-advisor witness from a live hearing when not being cross examined.

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3. Availability of Evidence. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint must make all such 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. *34 CFR §106.45(b)(5)(vi).*

4. Cross Examination Generally. At the hearing, the parties and witnesses may be cross-examined (may be asked questions) by an advisor. Only relevant cross examination or other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question is not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, 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. *34 CFR § 106.45(b)(6)(i).*

5. Cross Examination by Advisors. The decision-maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the College District to otherwise restrict the extent to which advisors may participate in other parts of the grievance process. *34 CFR §106.45(b)(6)(i).* In this regard, a complainant or respondent must be allowed by an advisor to speak, answer questions, discuss the complaint, and offer evidence during the investigation process. In other words, a complainant or respondent must speak for himself/herself.

6. Absence of Party or Witness. A party is required to submit to cross examination. The advisor may not testify on behalf of the party. If a party or witness does not submit to cross examination at the live hearing because he/she is absent, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions. *34 CFR §106.45(b)(6)(i).*

7. Objective Evaluation of Evidence Required. This grievance process requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence— and provides that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. *34 CFR §106.45(b)(1)(ii).*

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G. Process A: Grievance Process - Informal Resolution Before Hearing Determination.

1. Offer. At any time prior to reaching a determination regarding responsibility and provided that no allegations that an employee sexually harassed a student are involved, the District Title IX Coordinator for Employees or College Deputy IX Coordinator and Title IX Lead handling the complaint may offer an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that a formal complaint was filed and the responsible Title IX Coordinator:

(a) Provides to the parties a written notice disclosing: The allegations of sexual harassment; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; *34 CFR §106.45(b)(9)(i)*.
(b) Obtains the parties' voluntary written consent and agreement to participate in the informal resolution process. *34 CFR §106.45(b)(9)(ii)*. Mutual consent and agreement are required.
(c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. *34 CFR §106.45(b)(9)(iii)*.
(d) Obtains the parties' agreement in writing to the resolution achieved and the case will be closed.

2. Prohibitions to Informal Resolution. A College 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 harassment. Similarly, a College may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. *34 CFR §106.45(b)(9)*. The informal resolution process is not available to resolve allegations that an employee sexually harassed a student. *34 CFR §106.45(b)(9)(iii)*.

H. Process A: Grievance Process - Determination Regarding Responsibility.

1. Written Determination Required. The decision-maker, who cannot be the same person as the District Title IX Coordinator for Employees, College Deputy Title IX Coordinator, Title IX Lead, or the investigator, must issue a written determination regarding responsibility based on the preponderance of evidence standard. *34 CFR §106.45(b)(7)(i)*. The decision-maker is required to objectively evaluate all evidence and apply the preponderance of the evidence standard. *34 CFR*

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§106.45(b)(1)(ii) and (vii); 34 CFR §106.45(b)(7)(i). Any finding of unwelcomed conduct in a determination must have met the standard that "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 College District's or College's education program or activity." *34 CFR §106.30(a)(2).*

2. Determination Requirements. The written determination must be issued by the decision-maker regarding responsibility within fifteen (15) calendar days from the day the live hearing concluded. *34 CFR §106.45(b)(7).* The determination must be signed and dated and required to include the following:

(a) The allegations in the complaint potentially constituting sexual harassment. *34 CFR §106.45(b)(7)(ii)(A);*
(b) 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. *34 CFR §106.45(b)(7)(ii)(B);*
(c) A statement of the parties and other persons present at the live hearing and the persons who were cross-examined;
(d) The allegations found to be substantiated or unsubstantiated as sexual harassment based on a preponderance of the evidence;
(e) Findings of fact which support the determination. *34 CFR §106.45(b)(7)(ii)(C);*
(f) A statement and rationale for why each allegation was found to be substantiated or unsubstantiated. *34 CFR §106.45(b)(7)(ii)(E);*
(g) A finding of responsibility, if any, or a statement that the respondent is not found responsible;
(h) Any disciplinary sanctions or discipline recommended to be imposed on the student-respondent or employee-respondent;
(i) Conclusions regarding the application of the Student Code of Conduct or employee personnel policies or procedures to the findings of facts. *34 CFR §106.45(b)(7)(ii)(D);*
(j) Any recommendation of remedies designed to restore or preserve equal access to the College's education program or activity. *34 CFR §106.45(b)(7)(ii)(E);* and
(k) The procedures, deadlines, and permissible bases for the complainant and respondent to appeal. 34 *CFR §106.45(b)(7)(ii)(F).*

3. Distribution of Determination. The decision-maker must send the written determination to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint who will provide it to the parties simultaneously within five (5) calendar days of receiving the determination.

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4. Remedies. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint are responsible for effective implementation of any remedies recommended by the decision-maker. *34 CFR §106.45(b)(7)(iv).*

5. Time to Appeal. An appeal must be submitted to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint within ten (10) calendar days from the date the determination was issued by the decision-maker after the conclusion of a live hearing. The determination regarding responsibility becomes final on the 11th day after the date of the determination decision if no appeal is filed or on the date of the appeal decision if an appeal was filed. *34 CFR §106.45(b)(7)(iii).* The process for appealing a determination is further discussed in the Civil Rights Complaints Appeals Procedure at H.1.1.2.

6. After Appeal Time Expires. After the appeal time has expired, whether or not an appeal was filed and determined, the District Title IX Coordinator for Employees handling the complaint will determine any discipline of the employee-respondent, and the College Deputy Title IX Coordinator handling the complaint will determine disciplinary sanctions against a student-respondent. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator and Title IX Lead handling the complaint will send notification to the parties of the discipline or sanctions being imposed, with a copy to the Student Conduct Officer at the College if the respondent was a student or to Records in Human Resources if the respondent was an employee.

I. Process A: Grievance Process - Recordkeeping.

1. Preservation of Records of Actions Taken. For each response to a general report or formal complaint, the College District and College will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the report or complaint will document the basis for its conclusion that its response was not deliberately indifferent, and document that measures have been taken designed to restore or preserve equal access to the recipient's education program or activity. If a complainant is not provided with supportive measures, the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the report or complaint will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College District or College in the future from providing additional explanations or detailing additional measures taken. *34 CFR §106.45(b)(10)(ii).*

2. Preservation of Formal Complaint Records. The College District and Colleges will maintain for a period of seven (7) years records of the following: *34 CFR §106.45(b)(10)(i).*

(a) Each sexual harassment investigation, including investigator notes, statements from witnesses, the determination regarding responsibility, the audio or audiovisual recording or transcript required by this procedure, the documents containing the disciplinary sanctions or discipline imposed on the respondent, the documents providing supportive measures, the investigation report, all notices to the parties and advisors, and the remedies provided to the complainant designed to restore or preserve equal access to the College District's education program or activity; *34 CFR §106.45(b)(10)(i)(A).*
(b) Any appeal and the result therefrom; *34 CFR §106.45(b)(10)(i)(B).*
(c) Any informal resolution and the result therefrom; *34 CFR §106.45(b)(10)(i)(C).*
(d) All materials used to train Title IX Coordinators, Title IX Leads, investigators, decision-makers, and any person who facilitates an informal resolution process. The College will make these training materials publicly available on its website, or if the College does not maintain a website, the College must make these materials available upon request for inspection by members of the public. *34 CFR §106.45(b)(109)(i)(D).*
(e) The determination, all written communications between the District Title IX Coordinator, College Deputy Title IX Coordinator, Title IX Leads, and the parties, and all documents and responses submitted by the parties. *34 CFR §106.45(b)(10)(i)(A).*
(f) The reports and formal complaints of sexual harassment submitted.

3. Responsible Departments. The office of the District Title IX Coordinator for Employees at Human Resources is responsible for records retention pertaining to reports and complaints involving employees. The College Deputy Title IX Coordinator, Office of the Vice President for Student Success, and College Title IX and Student Conduct offices at each college, are responsible for records retention at the College Level and the documentation pertaining to reports and complaints involving students.

J. Process A: Effect of Other Laws.

1. Constitutional Protections. This Process A procedure:

(a) Does not restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution. *34 CFR §106.6(d)(1);*
(b) Does not deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution. *34 CFR §106.6(d)(2);* or
(c) Does not restrict any other rights guaranteed against government action by the U.S. Constitution. *34 CFR §106.6(d)(3).*

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2. Effect of Other Laws.

(a) The obligations imposed by 34 CFR Part 106 are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 704 and 855 of the Public Health Service Act (42 U.S.C. 292d and 298b-2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation. *34 CFR §106.6(a).*

(b) The obligation to comply with 34 CFR Part 106 is not obviated or alleviated by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, the FERPA regulations at 34 CFR Part 99, or Section 444 of the General Education Provisions Act (GEPA). *34 CFR §106.6(e).*

(c) Nothing in 34 CFR Part 106 may be read in derogation of any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* or any regulations promulgated thereunder. *34 CFR §106.6(f).*

(d) Subject to FERPA requirements, nothing in the Title IX regulations or this procedure may be read in derogation of any legal right of a parent or guardian under state or federal law to act on behalf of a "complainant," "respondent," "party," or other individual, including but not limited to filing a formal complaint. *34 CFR §106.6(g).*

(e) **Preemptive Effect.** To the extent of a conflict between State or local law and Title IX as implemented by §§ 106.30, 106.44, and 106.45, the obligation to comply with §§ 106.30, 106.44, and 106.45 is not obviated or alleviated by any State or local law. *34 CFR §106.6(h).*

(f) Texas Education Code, Chapter 51, Sub-chapters E-2 and E-3, and the associated regulations at 19 Texas Administrative Code, Chapter 3, Sub-chapter A address the reporting and processing requirements for complaints of sexual harassment, sexual assault, dating violence, and stalking. (Domestic violence is not covered by the foregoing Texas statutes).

III. PROCESS B:
Applicable to All Civil Rights Complaints of Discrimination, Harassment, And Retaliation, Except Complaints of Sexual Harassment Under Title IX

As stated above, this civil rights procedure provides two processes (grievance procedures) for the College District and Colleges to receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes listed below.

Process A applies *only* to complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking, as required by 2020 amendments to Title 34, Code of Federal

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Regulations, Part 106, the implementing regulations for Title IX. ("Title IX"). Those amendments are 34 CFR §§106.8, 106.30, 106.44, and 106.45.

Process B applies to all other complaints which do not meet the definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking and jurisdictional requirements of §§106.30, 106.44, and 106.45 of the Title IX regulations as well as complaints of gender discrimination under Title IX, complaints which arise under other civil rights statutes, and complaints of retaliation. *(See 34 CFR §106.8(c))*. Complaints may be filed as to the following statutes as provided in Section I above on Reporting Complaints of Discrimination, Harassment and Retaliation.

A. Civil Rights Statutes Which Apply to Employees Only.

1. Title VII - Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq*., as amended, and its federal regulations at 29 CFR §1606.2 *et seq*., prohibit discrimination and harassment against employees based on race, color, national origin, creed, and sex. "National origin" includes ethnicity or ancestry. "Creed" refers to religion.

2. ADA - Title I of the Americans With Disabilities Act of 1990, 42 U.S.C. §12101 *et seq*., as amended, and its federal regulations prohibit discrimination and harassment against employees on the basis of mental or physical disabilities. An employee who requires an accommodation of one or more disabilities covered by the ADA bears the responsibility to initiate a written request for an ADA accommodation with Human Resources. The form request and procedures are available in the employee electronic portal to Human Resources. The employee will be required to provide medical certification from the employee's medical provider that includes: (a) identification of the health provider; (b) the medical provider's diagnosis of the disabling condition; (c) identification of specific limitations and/or suggested restrictions and their relation to the disability; and (d) suggested accommodations. Human Resources will engage in an interactive process with the employee to determine the reasonable accommodation(s).

3. ADEA – The Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 *et seq*., and its federal regulations at 29 CFR part 1625, prohibit discrimination and harassment against employees 40 years and older and permits the use of certain age-related distinctions and factors.

B. Civil Rights Statutes Which Apply to Students Only.

1. Section 504 – Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, and its federal regulations, prohibit discrimination against, and exclusion from participation or denial of benefits in an educational program or activity benefits, of a qualified individual with a disability solely by reason of the disability.

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2. ADA – Title II of the Americans With Disabilities Act, 42 U.S.C. §12132 *et seq*., and its regulations at 28 CFR part 35, prohibit discrimination against, and exclusion from participation in an educational or denial of benefits of the services, programs, or activities of a public entity solely by reason of the disability. Students must self-identify the need for academic accommodations based on disabilities and request accommodations from the Disability Support Services (DSS) office at the college where classes are being taken. An Initial Request for Disability Services form must be completed. Students will be required to provide medical certification to support the disabilities claimed. DSS will determine the reasonable academic accommodations and issue a Letter of Accommodation ("LOA) for the particular course and semester. Students are required to renew requests for accommodations every semester at every Alamo College they are attending. Complaints of denial of accommodations at a particular college will be processed through the DSS office and offices of the Dean of Student Success and Vice President of Student Success.

3. Title VI – Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§2000d-2000d-7 *et seq*., and its regulations at 34 CFR part 100, prohibit discrimination against, and the denial of benefits or exclusion from participation on the basis of race, color and national origin in educational programs and activities that receive federal financial assistance.

4. Title IV – Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c *et seq*., prohibits discrimination on the basis of religion in public primary and secondary schools and higher education.

5. ADEA – The Age Discrimination Act of 1975, 29 U.S.C.§6101 *et seq*., and its regulations at 29 CFR §1626, prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance. The act applies to persons of all ages and permits the use of certain age-related distinctions and factors.

C. Civil Rights Statutes Which Apply to Employees and Students.

1. Title IX - Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 *et seq*., and its federal regulations at 34 CFR §§106.1-106.82 covers sex discrimination in educational programs and activities which receive federal financial assistance. Sex discrimination includes gender discrimination, pregnancy discrimination, sexual orientation and transgender discrimination, sexual harassment, sexual assault, dating violence, domestic violence, and stalking. However, complaints of sexual harassment, sexual assault, dating violence, domestic violence, and stalking will be processed under Process A as required by the Title IX regulations. For Title IX to apply to an employee, the employee must be participating, or attempting to participate in an education program or activity. Otherwise, a complaint of sex discrimination will be processed under Title VII.

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2. Texas Civil Rights Law. Texas Education Code, Chapter 51, Sub-chapters E-2 and E-3, and the associated regulations at 19 Texas Administrative Code, Chapter 3, Sub-chapter A address the reporting and requirements for processing complaints of sexual harassment, sexual assault, dating violence, and stalking. The procedure required under Texas law is stated in Board Procedure H.2.1.1.

D. Process B: Retaliation.

1. Retaliation Prohibited. No institution of higher education or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, Title VII, or any other statute protecting employees or students, their regulations if any, this procedure and its underlying policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX, Title VII, any other statute protecting employees or students, or this procedure. *(See 34 CFR §106.71(a)).*

2. Interference with Rights Per Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct or employee procedure violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination or sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or the regulations constitute retaliation and may be addressed through the Student Code of Conduct or Progressive Discipline procedure for employees, whichever is applicable. *34 CFR §106.71(a).*

3. Conduct Not Retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under Title IX. *34 CFR §106.71(b)(1).* Charging an individual with a Student Code of Conduct or employee procedure violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. *(See 34 CFR §106.71(b)(2).*

4. Retaliation Complaints. Complaints alleging retaliation for having exercised rights under Title IX or any other statute will be processed under this Process B. *(See 34 CFR§ 106.71(a)).*

E. Process B: Other Behaviors Prohibited as to Employees and Students.

ATTACHMENT 9.

H.1.2.1 (Procedure) Civil Rights Complaints and Resolution Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Approved: 10-28-14:
Last Amended: 1-17-17, 7-27-21

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1. Harassment. Harassment of an employee or student whether or not based on a protected status is inconsistent with the values of the College District for civility and respect for all and is prohibited by the College District. Harassment is unwelcomed conduct that becomes unlawful as to employees where (a) enduring the offensive conduct becomes a condition of continued employment, or (b) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. As stated in Process A, sexual harassment under Title IX means conduct on the basis of sex where (a) an employee conditions the provision of an aid, benefit, or service on the student's participation in unwelcome sexual conduct; or (b) the unwelcome conduct as determined by a reasonable person is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education programs or activities. Harassment as to students that does not meet the definition of sexual harassment under Title IX becomes unlawful where it interferes with the access or participation in the educational process and programs at the Alamo Colleges.

2. Hostile Environment. A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive so as to interfere with, limit or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment.

3. Other Behaviors Prohibited by College District Policy.

a. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class;

b. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class;

c. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College District community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity as defined further in the Student Code of Conduct or the basis of actual or perceived membership in a protected class. Hazing also is illegal under the Texas Penal Code and Texas Education Code.

d. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class or other class, including sex/gender and sexual orientation. Cyberbullying is bullying that takes place using electronic technology. Bullying sometimes overlaps discriminatory harassment under Title VII and Title IX. Bullying is prohibited by this policy and

other laws which prohibit harassment on the basis of protected criteria. Bullying not on the bases of a protected class is also prohibited the Texas Education Code and District Policy.

e. Hate Crimes are defined by the Texas Government Code as crimes that are motivated by prejudice, hatred, or advocacy of violence and defined by the Federal Hate Crime Act as crimes that manifest evidence of bias or prejudice against a group identified by race, color, disability, religion, national origin, ancestry, age, gender, or sexual orientation. Hate crimes include offenses such as murder, assault, kidnapping, arson, criminal mischief, and graffiti. Hate crimes are prohibited by Texas and federal law and this policy.

F. Process B: Reporting Discrimination, Harassment, and Retaliation.

1. Reporting Complaints. Section I above on reporting discrimination, harassment and retaliation applies to Process B. Complainants have the right, and can expect, to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures. Reports and oral complaints must be reduced to writing for an investigation to be conducted by an investigative panel.

2. Immediate Action. Before a report or oral complaint is required to be reduced to writing, the College District reserves the right to act immediately under the following circumstances:

a. The District Title IX/VII/ADA/504 Coordinator will immediately notify the Alamo Colleges Police Department ("ACPD") of any immediate or potential threat to individual, campus, or workplace safety.
b. Any incidents occurring on premises owned or controlled by the College District or off-campus when the off-campus conduct could have an on-campus impact or impact on the mission or interest of Alamo Colleges. A substantial College interest is defined to include any action that constitutes a criminal offense as defined by federal or Texas law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the College is located;
c. Any situation where it appears that the accused individual may present a danger or threat to the health or safety of him/herself or others at Alamo Colleges;
d. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
e. Any situation that is detrimental to the educational mission, interests or goals of the College District or Colleges; and/or
f. Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g., not on Alamo Colleges networks, websites or between Alamo Colleges

email accounts) when those online behaviors can be shown to cause a substantial on-campus disruption or misrepresent that the communication was authorized by Alamo Colleges.

3. **Other Action.** The following will apply after any immediate action is considered.

   a. As to all discrimination, harassment, and retaliation complaints and reports, the complainant or reporter is encouraged to provide a written complaint and contact information to enable the College District to proceed with an investigation of the charges and take any remedial action as soon as necessary or possible.
   b. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint will assist the complainant in preparing a formal written complaint, which shall include the date, time, place, and a specific description of the alleged conduct that constitutes the alleged discrimination, harassment, retaliation.
   c. Complainants have the right and can expect to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through the applicable civil rights procedures.
   d. All initial contacts will be treated with the maximum possible confidentiality, but due process requires disclosure of the allegations and complainant to the respondent. Confidentiality cannot be guaranteed if the complaint becomes the subject of an administrative, arbitral, or court proceeding, including a subpoena.
   e. Victims of sexual assault, domestic violence, and stalking should be aware that the ACPD must issue timely warnings when reported incidents pose a substantial threat of bodily harm or danger to members of the campus community. The College District will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.
   f. Victims of sexual assault shall not be identified by name in the annual required by the Clery Act.

G. Process B: Summary of Process and Steps.

The complaint and resolution process is designed to receive, investigate, evaluate and resolve a complaint or report of civil rights discrimination, harassment or retaliation within thirty (30) calendar days and will be conducted with that end in mind. A Procedure Diagram outlining the process steps and roles is attached to this procedure (see Attachment A). The primary steps in Process B are summarized as follows:

a. Victim or witness reports or notifies the District Title IX/VII/IV/ADA/504

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Coordinator, College Deputy Title IX Coordinator, or the Alamo Colleges Police Department ("ACPD") of a violation or potential violation. In the event of a sexual assault or violence, the reporter should not hesitate to contact the ACPD immediately. ACPD will immediately notify the District Title IX/IV/ADA/504 Coordinator.

b. District Title IX/VII/ADA/504 Coordinator helps reporter prepare a formal complaint.
c. District Title IX/VII/ADA/504 Coordinator notifies ACPD if the matter is also a potential police matter.
d. District Title IX/VII/ADA/504 Coordinator establishes any interim remedies required to protect victim and campus and/or workplace safety (such as suspension of employee or student).

e. District Title IX/VII/ADA/504 Coordinator designates the District Title IX Coordinator for Employees or a College Deputy Title IX Coordinator at the college where the alleged discrimination, harassment or retaliation occurred to process the complaint for resolution under Process B.
f. The District Title IX Coordinator for Employees or College Title Deputy Coordinator provides concurrent official notice of the complaint and allegations to the complainant and respondent and appoints an Investigative Panel to investigate the written complaint allegations.
g. The Investigative Panel launches an investigation to include interviewing the complainant, respondent, and witnesses and collecting evidence.
h. The Investigative Panel concludes the investigation and prepares a Preliminary Investigative Report based on a preponderance of the evidence that is provided to the parties for review and responding within five (5) calendar days to provide any additional information for consideration by the Investigative Panel.
i. The Investigative Panel considers and may investigate any additional information provided in a response to the Preliminary Investigative Report.
j. The Investigative Panel Chair prepares and issues a Final Report of Investigative Findings to the District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint based on a preponderance of the evidence.
k. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint renders an appropriate Resolution of the complaint based on the Investigation Panel's Final Report of Investigative Findings and the preponderance of all evidence collected by the Panel.
l. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint provides a written Resolution concurrently to the complainant and respondent and recommends any employee discipline and/or student sanctions to the responsible administrator for evaluation and action.
m. The responsible Administrator approves or disapproves the recommended discipline and/or sanctions in whole or in part for implementation by the District Title IX

Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint after the appeal time expires.

n. Complainant and Respondent each have the opportunity to accept the Resolution or submit an Appeal to the District Title IX/VII/ADA/504 Coordinator.
o. Appeals are processed in accordance with Civil Rights Complaints Appeal Procedure at (H.1.1.2).

H. Process B: Interim Remedial Action

1. Possible Remedies. If, in the judgment of the District Title IX/VII/ADA/504 Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the District Title IX/VII/ADA/504 Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

2. Suspension. Alamo Colleges may interim suspend a student, employee, or organization pending the completion of investigation and procedures. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the District Title IX/VII/ADA/504 Coordinator, District Title IX Coordinator for Employees, or designated College Deputy Title IX Coordinator prior to such suspension being imposed or as soon thereafter as reasonably possible to show cause why the suspension should not be implemented. Depending on whether the offending party is an employee or student, the District Title IX VII/ADA/504 Coordinator or an appropriate administrator at the college where the student is enrolled has sole discretion to implement or stay an interim suspension under this policy, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination. During an interim suspension, an employee or student will be denied access to Alamo Colleges facilities and events. As to a student, this restriction may include classes and/or all other College/College District activities or privileges for which the student might otherwise be eligible. In addition, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

3. Other Remedies. Victims and the College District have the right to seek restraining, judicial no-contact and/or protective orders, and internal no-contact and criminal trespass warnings to maintain individual and campus safety.

ATTACHMENT 9.

H.1.2.1 (Procedure) Civil Rights Complaints and Resolution Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
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I. Statement of Complainant's Rights, Whether Employee or Student.

A complainant is the person who makes a complaint of civil rights discrimination, harassment or retaliation under this procedure and its policy.

a. A complainant has the right to file a criminal complaint.
b. A complainant has the option to, or not to, notify and seek assistance from law enforcement and/or Alamo Colleges' authorities.
c. A complainant and the College District have the right to seek restraining, judicial no-contact and protective orders, internal no contact orders, and criminal trespass warnings to ensure personal safety and maintain a safe campus and work environment.
d. A complainant has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures a fair, prompt, and equitable process for both parties.
e. A complainant has the right to present his or her case, including the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure for complainant and respondent.
f. A complainant has the right to be treated with respect by College officials.
g. A complainant has the right to take advantage of Alamo Colleges support resources (such as College Counseling, College Health Services for students, or EAP services for employees).
h. A complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).
i. A complainant has the right to have an adviser, attorney, or other advocate of the complainant's choice and at the complainant's cost present during the Civil Rights Appeal Procedure.
j. A complainant has the right to refuse to have an allegation resolved through conflict resolution procedures.
k. A complainant has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
l. A complainant has the right to be free from retaliation for engaging in protected activity.
m. A complainant has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and procedures and to participate in the process whether the injured party or the College District is the complainant.
n. A complainant has the right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible. A complainant has the right to challenge any finding, decision,

determination, sanction, or action taken and the right for Student Code of Conduct procedures to be followed where applicable.

J. Statement of Respondent's Rights, Whether Employee or Student.

A respondent is the person against whom a complaint is lodged or made under this policy.

a. A respondent has the right have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures an equitable process to both parties.
b. A respondent has the right to be advised of the complaint against him or her and to the same due process rights as the complainant.
c. A respondent has the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure as the complainant.
d. A respondent has the same right as a complainant to present his or her case, to present witnesses and other evidence, and to challenge the complaint made against respondent.
e. A respondent has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).
f. A respondent has the right to have an adviser, attorney, or other advocate of the respondent's choice and at the respondent's cost present during the Civil Rights Appeal Procedure.
g. A respondent has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
h. A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant. A respondent has the right to be treated with respect by College officials.
i. A respondent has the right to take advantage of campus support resources (such as Counseling, College Health Services for students, or EAP services for employees).
j. A respondent has the right to refuse to have an allegation resolved through conflict resolution procedures.
k. A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant.
l. A respondent has the right to be informed in writing of the outcome/resolution of the complaint, any sanctions imposed against the respondent, and the rationale for the outcome.

m. A respondent has the right to challenge any finding, decision, determination, sanction, or action taken against respondent and the right for Student Code of Conduct procedures to be followed where applicable.

K. Process B: Title IX Coordinator's Investigation Obligations.

The District Title IX/VII/ADA/504 Coordinator shall coordinate a prompt investigation of all complaints and allegations of discrimination, harassment, and retaliation based on protected class. Upon receipt of a civil rights-based complaint, the District Title IX/VII/ADA/504 Coordinator shall:

a. Immediately designate a Deputy Coordinator to conduct the complaint resolution process and issue the final resolution of the case. If the complaint is against an employee, the District Title IX Coordinator for Employees will be designated. If the complaint is against a student, a College Deputy Title IX Coordinator be designated.
b. Immediately appoint two members to the investigative panel from the available trained panel members. If either party to the complaint is a faculty member, the investigative panel shall include at least one faculty member. If either party to the complaint is a staff member, the investigative panel shall include at least one staff member;
c. Within five (5) College District business days, notify the accused (respondent) and complainant of the complaint and investigation by hand delivering the notice to the respondent (accused) with a copy of the notice to the complainant. The District Title IX/VII/ADA/504 Coordinator or designee may extend the time allotted for delivering the notice to the accused in writing before the expiration of the original deadline under extraordinary circumstances. A break between semesters may constitute an extraordinary circumstance.
d. During this time period (between filing of the complaint and notification of the respondent (accused), the deputy coordinator and investigative panel shall be appointed, briefed and begin the investigation.

L. Process B: Investigation

1. Interviews. An Investigative Panel shall have the authority to interview witnesses and gather documentation. Interviews will be the primary method of collecting information as part of the fact-finding investigation. Attorneys, representatives, advisors, and advocates are not allowed at internal interviews. Witnesses and the respondent are expected to be cooperative and truthful.

2. Confidentiality Under Process B. At all times, except as provided by Title IX, the investigative panel shall take steps to ensure privacy and confidentiality for witnesses, complainant and the respondent (accused) during the investigation, including without limitation, requiring all

parties to agree, in writing, that information disclosed during the investigation shall not be disclosed to others unless required by law, court order, subpoena, or to defend the College District in legal or administrative proceedings, including appeals of the decision on the complaint. A violation of privacy or confidentiality shall be grounds for disciplinary action up to and including termination. The rights of a complainant and respondent, as stated in the College District's Policy on Civil Rights Discrimination, Harassment, and Retaliation shall be observed. Under Process A for complaints of sexual harassment, neither the College District, Colleges, Title IX Coordinators nor any investigator may restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. *34 CFR §106.45(b)(5)(iii).*

3. Confidentiality Under Title IX. Except as otherwise provided by the Title IX regulations and this procedure, the College District and Colleges will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the new Title IX regulations at 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 CFR§ 106.71(a).*

4. Investigation Time Period. In most cases, the investigative process will take approximately 60 business days, but the investigation of more complex cases may take longer. The investigation shall be conducted as expeditiously as possible and, where necessary, the administration shall provide panel members with substitutes for pre-assigned responsibilities. A break between semesters may constitute an extraordinary circumstance that justifies an extension of the 60-day period for investigation and resolution, however the summer term will not be considered an appropriate period to forgo the investigation and resolution.

5. Time Period for Criminal Investigation. In the event of a criminal investigation of sexual misconduct charges, including sexual assault, or an investigation in which a College District police officer is accused of sexual misconduct, sexual harassment, sexual violence, or other form of civil rights harassment or discrimination, the time lines in this procedure may be extended by three (3) to ten (10) days to enable the law enforcement to gather evidence and conduct preliminary investigation. The internal Civil Rights Complaint Resolution process cannot be delayed beyond ten (10) days.

6. Consequence of False Information. Because the investigative panel has a serious responsibility to ascertain the facts, the whole College District has an interest in the accuracy and reliability of the information the investigative panel receives. For that reason, if any witness or alleged violator of this policy is later found to have knowingly provided false information to the

investigative panel, the College District reserves the right not to indemnify or defend any employee who knowingly provides false information to the investigative panel in violation of this procedure and the right to take appropriate disciplinary action.

M. Process B: Investigative Panel Findings

1. Final Report Required. Once all the facts and evidence are gathered from all parties and witnesses; and the investigative panel concludes that the fact finding is complete, the investigative panel will issue a Final Report of Investigative Findings.

2. Preliminary Report. Before issuing a Final Report of Investigative Findings to the Title IX/VII/ADA/504 Coordinator or designee, the investigative panel will provide their conclusions concurrently to the complainant and accused parties and the administrator(s) in a Preliminary Report of Findings. The complainant and accused will be given an opportunity to comment and respond to the information presented and provide any additional information that may not have been reviewed by the investigative panel but should be considered prior to a decision and final report being issued regarding the complaint. Any additional information must be provided to the investigative panel within (5) business days.

3. Consideration of Additional Information. Final Report Within the next five (5) business days, the investigative panel will consider any additional information provided and render a Final Report of Investigatory Findings to the District Title IX/VII/ADA/504 Coordinator. The Final Report of Investigatory Findings will include the factual findings and the panel's conclusion whether the preponderance of the evidence obtained in the investigation establishes a violation of College District policy. The final report shall be dated and signed by all members of the investigative panel.

N. Process B: Resolution of Complaint

1. Decision-maker. The District Title IX/VII/ADA/504 Coordinator or designated Deputy Coordinator assigned to conduct the complaint resolution process will determine the appropriate resolution of the complaint based on the factual evidence provided in the Final Report of Investigative Findings and the preponderance of evidence presented in the report.

2. Notice of Resolution. The District Title IX Coordinator for Employees or College Deputy Title IX Coordinator handling the complaint will provide a formal written Notice of Complaint Resolution to the complainant and respondent and administrator(s) concurrently in writing, within five (5) business days from receiving the report from the investigative panel. The notice of resolution will identify any findings of policy violation by any party and indicate which Alamo Colleges Administrator is responsible for determining the appropriate disciplinary action or

sanctions to be taken. The Complaint Resolution Notice will include information about the timeline for initiating sanctions and/or disciplinary actions as well as the Civil Rights Appeal Process that is available to the complainant and accused.

O. Disciplinary Actions or Sanctions

1. Referral to Administrator. When the Complaint Resolution refers employee discipline and/or student sanction considerations to an Administrator(s), the Administrator or designee will have ten (10) business days to render a determination of action to be taken. Student Sanctions may be referred by the Administrator to the Student Conduct Officer, Dean or other Student Success leader for action. Employee Discipline may be referred to the employee's supervisor and Human Resources for determination and action.

2. Employee Discipline. Complaints against an employee may result in disciplinary action up to and including discharge in accordance with Alamo Colleges Policy (9.1, Progressive Discipline and 10.2, Separation from Employment) and associated Procedures.

3. Student Sanctions. Complaints against students may result in sanctions up to and including Expulsion in accordance with Alamo Colleges Student Code of Conduct (Policy F.4.2 and associated Procedure F.4.2.1).

4. Policy Violations. In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct. Nothing in this procedure limits or delays the College District's right to take appropriate disciplinary actions, up to and including termination, when an employees' behavior warrants the action, and nothing in this procedure shall prevent the College District from taking appropriate action against a person who knowingly makes a false accusation.

5. Notice of Discipline or Sanctions. Once the appropriate disciplinary action or sanctions have been determined, the complainant and accused respondent will be notified concurrently- in writing of the decision by the District Title IX/VII/ADA/504 Coordinator or designated deputy.

P. Process B: Appeals

Both the complainant (complaining party) and the respondent (the accused party) may opt to accept the decision and determination of the action or sanctions imposed or submit an appeal to proceed before an Appeal Hearing Panel within ten (10) business days of the date of the letter communicating the decision of the investigative panel and the determination of disciplinary action or sanctions. The appeal procedure is stated in procedure H.1.1.2 Civil Rights Appeal Procedure.

ATTACHMENT 9.

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Legal References:
TASB Community College Policy Manual Reference
34 CFR Part 106;
DIAA(LEGAL) Freedom from Discrimination, Harassment and Retaliation-Sex and Sexual Violence-Employees
FFDA(LEGAL) Freedom from Discrimination, Harassment and Retaliation-Sex and Sexual Violence-Students

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APPENDIX A

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210-486-3755
tarcher1@alamo.edu

ATTACHMENT 9.

H.1.2.1 (Procedure) Civil Rights Complaints and Resolution Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Approved: 10-28-14:
Last Amended: 1-17-17, 7-27-21

Title IX Lead at St. Philip's College
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ATTACHMENT 10.

H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
Last Board Action 2-23-16 7-27-21

Purpose. This procedure provides the mechanism for either party to a complaint for discrimination, harassment and retaliation under Process A and Process B to challenge the determination of responsibility, notice of resolution, or decision rendered during the complaint process and any discipline or sanctions imposed as a result of the decision.

I. Process A Appeal Procedure

Process A applies only to complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking under Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 *et seq*. ("Title IX") and its regulations at 34 CFR §§106.8, 106.30, 106.44, and 106.45.

A. Appeal of Live Hearing Determination or Discipline/Sanctions.

1. Appeal Permissible. A complainant or respondent may appeal the written determination of responsibility or non-responsibility issued after the live hearing, or the sanctions or discipline recommended to be imposed, or both. A party may also appeal a dismissal of a formal complaint or the dismissal of any allegations in a formal complaint. 3*4 CFR §106.45(b)(1)(viii).*

2. Notice of Appeal. A notice of appeal must be timely submitted in writing or electronically to the Alamo Colleges District Title IX Coordinator or the District Title IX Coordinator for Employees, or the District Title IX Coordinator for Students or the College Title IX Coordinator , stating the specific ground(s) of appeal and explaining, whichever is applicable, why the determination or responsibility finding is erroneous and should be overturned, why the sanctions or discipline are erroneous, excessive, or otherwise not merited or appropriate given the allegations and responsibility finding, or why the dismissal of a formal complaint or allegations in a formal complaint is erroneous and should be reinstated and investigated. *34 CFR §106.45(b)(8)(i).*

3. Time for Appeal. A notice of appeal must be timely submitted in writing or electronically to the Alamo Colleges District Title IX Coordinator or the District Title IX Coordinator for Employees, or the District Title IX Coordinator for Employees, or the College Title IX Coordinator within ten (10) calendar days from the date of the written determination issued by the decision-maker after the conclusion of a live hearing. If sanctions or discipline were imposed and are being appealed, the notice of appeal must be submitted within ten (10) calendar days from the date of the notification that sanctions, or discipline are being imposed. *34 CFR §106.45(b)(8)(i).* If a party is appealing the dismissal of a formal complaint or any allegations in a formal complaint, a notice of appeal must be submitted within ten (10) calendar days from the date of the notification of the dismissal before an investigation is commenced.

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H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
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4. Grounds for Appeal After Determination. A notice of appeal of the finding of responsibility or non-responsibility from either party and/or the sanctions or discipline recommended or imposed must state that the appeal is based on one or more of the following grounds:

(a) A procedural irregularity occurred that affected the outcome of the matter. The procedural irregularity cannot be that the grievance process or any step therein was not completed within the specified days unless the delay was unreasonable and prejudicial. *34 CFR §106.45(b)(8)(i)(A);*

(b) New evidence that was not reasonably available at the time of the live hearing or the determination regarding responsibility or dismissal was made and that affected the outcome of the matter. The new evidence must be stated. *34 CFR §106.45(b)(8)(i)(B);*

(c) The assigned Title IX Coordinator, Title IX Lead, investigator, and/or decision-maker for the case 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. *34 CFR §106.45(b)(8)(i)(C);*

(d) One or more allegations found to be substantiated or unsubstantiated is not supported by the preponderance of the evidence and affected the outcome of the matter. *34 CFR §106.45(b)(8)(ii);*

(e) The sanctions or discipline recommended or imposed are erroneous, excessive, or otherwise not merited or appropriate given the allegations and responsibility finding.

5. Receipt of Appeal. Upon receipt of a notice of appeal after a determination has been issued, the assigned Title IX Coordinator will acknowledge in writing receipt of an appeal, notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties, including informing the parties of the equal right to submit a written statement in support of, or challenging the outcome at the live hearing. *34 CFR §106.45(b)(8)(iii)(A and D).* The assigned Title IX Coordinator handling the complaint will provide a copy of the notice of appeal with the stated grounds for appeal and any documents submitted with the appeal to the other party within five (5) calendar days of the date the appeal was submitted. The appealing party also will be provided ten (10) calendar days to submit one or more statements and argument to support the grounds of the appeal and explaining and supporting the reversal of the determination and the specific evidence that would render a different result.

6. Response to Appeal. Upon receipt of the appealing party's submission support the reversal of the determination, the assigned Title IX Coordinator handling the complaint will send the appealing party's submission to the non-appealing party and provide the non-appealing party ten (10) calendar days to submit a response to the appealing party's notice of appeal and statements and other information submitted and a written statement in support of the outcome and determination.

ATTACHMENT 10.

H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
Last Board Action 2-23-16 7-27-21

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7. Appointment of Decision-maker on Appeal. Within ten (10) calendar days of receiving the notice of appeal, the assigned Title IX Coordinator appoint a decision-maker who does not have a conflict of interest or bias to decide the appeal. The decision-maker for the appeal cannot be the same person as the decision-maker who presided over the live hearing and reached the determination regarding responsibility or dismissal, or any of the Title IX Coordinators and Title IX Leads consulted on the complaint, or the investigator of the complaint. *34 CFR §106.45(b)(8)(iii)(B).* The appointment of the decision-maker on appeal must be documented, and the appointment communication must inform the decision-maker on appeal of the requirement to serve impartially and avoid prejudgment of the facts at issue. *34 CFR §106.45(b)(8)(iii)(C).*

8. Record to Decision-maker an Appeal. Within fifteen (15) calendar days of receiving the notice of appeal, the District Title IX Coordinator handling the complaint will:

(a) Provide the decision-maker on appeal with the record and recording of the live hearing, documentary evidence introduced at the live hearing, the determination, which is the subject of the appeal, notice of appeal, all documents submitted by the appealing party, and any response from the other party and request that the decision-maker on appeal review all materials provided. The materials provided must be documented.

(b) Inform the decision-maker on appeal in writing that: (1) he/she must render a written determination of the appeal, addressing the specific grounds on which the appeal is based and the reasons and rationale for the determination; (2) the determination of the hearing decision-maker may be affirmed, over-turned, or modified as appropriate; (3) the determination on appeal must state the appeal is final and not subject to further appeal.

(c) Inform the decision-maker on appeal in writing that the written decision is due within fifteen (15) business days from date he/she receives all materials from the assigned Title IX Coordinator handling the complaint and must be sent dated and signed to the appropriate Title IX Coordinator.

9. Determination to Parties. Within two (2) business days of receiving the determination on appeal, the assigned D Title IX Coordinator handling the complaint will provide the written decision simultaneously to both parties and their advisors. *34 CFR §106.45(b)(8)(iii).*

10. Finality. The determination regarding responsibility becomes final on the date the parties are provided with the written determination of the result of the appeal, if an appeal is filed, or if no appeal was filed, on the date on which the appeal would no longer be considered timely. *34 CFR §106.45(b)(7)(iii).*

ATTACHMENT 10.

H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
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II. Process B Appeal Procedure

Process B applies to complaints which do not meet the definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking and jurisdictional requirements of §§106.30, 106.44, and 106.45 of the Title IX regulations, complaints of gender discrimination and retaliation under Title IX, and complaints which arise under other civil rights statutes identified in H.1.1.1 (Procedure) Civil Rights Complaints and Resolution Procedure.

Process B is not intended for appeals of student sanctions or employee discipline issued subsequent to a Civil Rights Complaint Resolution decision. See Appealing Student Sanctions or Employee Disciplinary Action below.

1. Grounds for Appeal. Any party (complainant or respondent/accused) may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the original civil rights complaint resolution process (e.g., substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original civil rights complaint resolution process that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the written notice of appeal.

2. Notice and Time for Appeal. An appeal of a Civil Rights Complaint Notice of Resolution (decision) that was issued under Procedure H.1.2.1 must be submitted in writing to the Title IX/VII/ADA/504 Coordinator within five (5) business days of the delivery of the written Complaint Notice of Resolution (Decision) or within five (5) business days of the issuance of employee discipline or student sanctions, whichever is later. An Appeal form is posted at www.alamo.edu/TitleIXCoordinator/. The form may be submitted online through the website or to:

Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Name: Linda Boyer-Owens
Position: Associate Vice Chancellor Human Resources & Organizational Development
Address: 2222 N. Alamo, San Antonio, Texas 78215
Telephone: (210) 485-0230
Email: lboyer-owens@alamo.edu

3. Civil Rights Appeal Hearing Panel. A three-member Civil Rights Appeal Hearing Panel (none of whom were involved in the complaint resolution process previously) will be designated by the

ATTACHMENT 10.

H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
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Alamo Colleges district Title IX/VII/IV/ADA/504 Coordinator from the pool of trained Title IX/VII/ADA/504 Investigators. One of the Panel Members will be designated as the Panel Chair.

If a student appeals any sanctions imposed as a result of the civil rights complaint resolution process, the appeal process in the Student Code of Conduct will be followed.

4. Civil Rights Appeal Process. A Civil Rights Appeal Procedure Diagram is attached to this procedure (see Attachment A.) The primary steps in the process are:

a. Complainant or Respondent (accused) in a Civil Rights Complaint Resolution decision submits a timely written appeal of the decision to the Alamo Colleges District Title IX/Title VII/IV/ADA/504 Coordinator (see Filing an Appeal, above).
b. The Title IX/VII/IV/ADA/504 Coordinator appoints a trained Hearing Panel and Hearing Panel Chair. A Title IX Coordinator (College or Student) or the Title IX/VII/ADA/504 for Employees will be designated to coordinate the Appeal Process. If the appeal is by a student regarding sanctions, the Title IX/VII/ADA/504 Coordinator refers the appeal to the proper college administrator for processing hearing under the Student Code of Conduct.
c. The assigned Coordinator will issue a written acknowledgment of the Appeal and Notice of Hearing to all parties to the original Civil Rights Complaint Resolution decision at least five (5) business days before the hearing but not later than three (3) weeks following receipt of the written appeal. The written notification shall state the findings if the Investigative Panel. The notice of hearing shall state the time, date, and location of the hearing. If any party does not appear at the scheduled hearing, the hearing will be conducted in the party's absence. The Notice of Hearing shall provide the deadlines for submission of Witness Lists and exhibits to the assigned Coordinator for compelling, substantiated reasons, the Appeal Hearing Panel may re-schedule the hearing. The Notice of Hearing shall also notify the appealing party of the following:
    (1) The appeal hearing is a confidential, internal administrative proceeding.
    (2) Parties to the appeal hearing may appear by themselves or with an adviser. The name of any advisor must be provided to the assigned Coordinator at least 48 hours prior to the scheduled commencement of the hearing.
    (3) Both parties may call (present) witnesses at the hearing. Both parties must notify the assigned Coordinator in writing of the identity of any persons who will be called as witnesses at least 48 hours prior to the scheduled commencement of the hearing. The parties are responsible for getting their witnesses to appear at the hearing.
    (4) Each party may present their case, offer evidence, examine witnesses, and argue on their own behalf at the hearing.
    (5) All parties may question all witnesses.
    (6) The Appeal Hearing Panel may pose questions to the parties and the witnesses.
    (7) All parties to the Appeal will submit Witness Lists and exhibits to the Deputy Coordinator at least two (2) business days prior to the scheduled Appeal Hearing.

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H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
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The Deputy Coordinator will immediately provide copies of all witness lists and all exhibits to all parties.

d. The Appeal Hearing will be conducted before the Hearing Panel. All evidence and witnesses will be presented.
e. The Appeal Hearing Panel Chair will lead the Panel in deliberation continuously during normal business hours until a decision is reached on the appeal.
f. The Hearing Panel Chair will issue a written decision to the assigned Coordinator. The decision may include a finding to overturn a sanction or employee discipline that the appeal decision renders inappropriate. The decision may also include a recommendation for further discipline or sanction considerations by the Administrator to support the appeal decision.
g. The assigned Coordinator will provide a written Appeal Determination to all parties and Administrator(s) for the student and/or employee parties. The decision is final, and no further appeals are permitted.
h. The responsible Administrator(s) will take action to promptly amend prior disciplinary actions or sanctions as necessary to reflect the results of the Appeal Determination.

5. Decisions on Appeal. The Civil Rights Appeal Hearing Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The original finding and sanction are presumed to have been decided reasonably and appropriately.

- Appeals decisions by the Civil Rights Appeal Hearing Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a significant compelling justification to do so;
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration.
- Sanctions and disciplinary action imposed are implemented immediately and remain in place during an appeal unless the assigned Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal;
- Once an appeal is decided, the outcome is final: further appeals are not permitted.

6. Sanction and Progressive Discipline Actions Resulting from or Amended by an Appeal. The responsible Administrator notified of the Appeal Determination or designee, will complete the process to issue appropriate Student Sanctions or Employee Discipline appropriate to the Appeal Determination or, if necessary, modify or remove the Sanctions or Discipline issued in response to the original Complaint Determination.

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H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
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All respondents are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the assigned Coordinator. Failure to comply with conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the Alamo Colleges and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the assigned Coordinator.

7. Appealing Student Sanctions and Employee Disciplinary Actions. This procedure is not intended for appeals of a student sanctions or employee discipline issued subsequent to a Civil Rights Complaint Resolution decision.

- Student Sanctions issued by College Administration in response original Civil Rights Complaint Resolution decision are issued under the Student Code of Conduct. Any appeal of student sanctions must be made and processed under the provisions of F.4.2.2 (Procedure) Non-Academic Misconduct Disciplinary Process, not under this Civil Rights Appeal Procedure.
- Progressive Discipline issued by Administration to employees in response a Civil Rights Complaint Resolution decision are issued under the applicable Progressive Discipline Policy. Any appeal of employee progressive discipline must be made and processed under the provisions of the D.3.3.1 (Procedure) Employee Complaints, not this Appeal Process for Civil Rights Complaint Determinations.

ATTACHMENT 11.

H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
Last Board Action 2-23-16 7-27-21

Purpose. This procedure provides the mechanism for either party to a complaint for discrimination, harassment and retaliation under Process A and Process B to challenge the determination of responsibility, notice of resolution, or decision rendered during the complaint process and any discipline or sanctions imposed as a result of the decision.

I. Process A Appeal Procedure

Process A applies only to complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking under Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 *et seq*. ("Title IX") and its regulations at 34 CFR §§106.8, 106.30, 106.44, and 106.45.

A. Appeal of Live Hearing Determination or Discipline/Sanctions.

1. Appeal Permissible. A complainant or respondent may appeal the written determination of responsibility or non-responsibility issued after the live hearing, or the sanctions or discipline recommended to be imposed, or both. A party may also appeal a dismissal of a formal complaint or the dismissal of any allegations in a formal complaint. 3*4 CFR §106.45(b)(1)(viii).*

2. Notice of Appeal. A notice of appeal must be timely submitted in writing or electronically to the Alamo Colleges District Title IX Coordinator or the District Title IX Coordinator for Employees, or the District Title IX Coordinator for Students or the College Title IX Coordinator , stating the specific ground(s) of appeal and explaining, whichever is applicable, why the determination or responsibility finding is erroneous and should be overturned, why the sanctions or discipline are erroneous, excessive, or otherwise not merited or appropriate given the allegations and responsibility finding, or why the dismissal of a formal complaint or allegations in a formal complaint is erroneous and should be reinstated and investigated. *34 CFR §106.45(b)(8)(i).*

3. Time for Appeal. A notice of appeal must be timely submitted in writing or electronically to the Alamo Colleges District Title IX Coordinator or the District Title IX Coordinator for Employees, or the District Title IX Coordinator for Employees, or the College Title IX Coordinator within ten (10) calendar days from the date of the written determination issued by the decision-maker after the conclusion of a live hearing. If sanctions or discipline were imposed and are being appealed, the notice of appeal must be submitted within ten (10) calendar days from the date of the notification that sanctions, or discipline are being imposed. *34 CFR §106.45(b)(8)(i).* If a party is appealing the dismissal of a formal complaint or any allegations in a formal complaint, a notice of appeal must be submitted within ten (10) calendar days from the date of the notification of the dismissal before an investigation is commenced.

4. Grounds for Appeal After Determination. A notice of appeal of the finding of responsibility or non-responsibility from either party and/or the sanctions or discipline

recommended or imposed must state that the appeal is based on one or more of the following grounds:

(a) A procedural irregularity occurred that affected the outcome of the matter. The procedural irregularity cannot be that the grievance process or any step therein was not completed within the specified days unless the delay was unreasonable and prejudicial. *34 CFR §106.45(b)(8)(i)(A);*
(b) New evidence that was not reasonably available at the time of the live hearing or the determination regarding responsibility or dismissal was made and that affected the outcome of the matter. The new evidence must be stated. *34 CFR §106.45(b)(8)(i)(B);*
(c) The assigned Title IX Coordinator, Title IX Lead, investigator, and/or decision-maker for the case 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. *34 CFR §106.45(b)(8)(i)(C);*
(d) One or more allegations found to be substantiated or unsubstantiated is not supported by the preponderance of the evidence and affected the outcome of the matter. *34 CFR §106.45(b)(8)(ii);*
(e) The sanctions or discipline recommended or imposed are erroneous, excessive, or otherwise not merited or appropriate given the allegations and responsibility finding.

5. Receipt of Appeal. Upon receipt of a notice of appeal after a determination has been issued, the assigned Title IX Coordinator will acknowledge in writing receipt of an appeal, notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties, including informing the parties of the equal right to submit a written statement in support of, or challenging the outcome at the live hearing. *34 CFR §106.45(b)(8)(iii)(A and D).* The assigned Title IX Coordinator handling the complaint will provide a copy of the notice of appeal with the stated grounds for appeal and any documents submitted with the appeal to the other party within five (5) calendar days of the date the appeal was submitted. The appealing party also will be provided ten (10) calendar days to submit one or more statements and argument to support the grounds of the appeal and explaining and supporting the reversal of the determination and the specific evidence that would render a different result.

6. Response to Appeal. Upon receipt of the appealing party's submission support the reversal of the determination, the assigned Title IX Coordinator handling the complaint will send the appealing party's submission to the non-appealing party and provide the non-appealing party ten (10) calendar days to submit a response to the appealing party's notice of appeal and statements and other information submitted and a written statement in support of the outcome and determination.

7. Appointment of Decision-maker on Appeal. Within ten (10) calendar days of receiving the notice of appeal, the assigned Title IX Coordinator appoint a decision-maker who does not

have a conflict of interest or bias to decide the appeal. The decision-maker for the appeal cannot be the same person as the decision-maker who presided over the live hearing and reached the determination regarding responsibility or dismissal, or any of the Title IX Coordinators and Title IX Leads consulted on the complaint, or the investigator of the complaint. *34 CFR §106.45(b)(8)(iii)(B).* The appointment of the decision-maker on appeal must be documented, and the appointment communication must inform the decision-maker on appeal of the requirement to serve impartially and avoid prejudgment of the facts at issue. *34 CFR §106.45(b)(8)(iii)(C).*

8. Record to Decision-maker an Appeal. Within fifteen (15) calendar days of receiving the notice of appeal, the District Title IX Coordinator handling the complaint will:

(a) Provide the decision-maker on appeal with the record and recording of the live hearing, documentary evidence introduced at the live hearing, the determination, which is the subject of the appeal, notice of appeal, all documents submitted by the appealing party, and any response from the other party and request that the decision-maker on appeal review all materials provided. The materials provided must be documented.
(b) Inform the decision-maker on appeal in writing that: (1) he/she must render a written determination of the appeal, addressing the specific grounds on which the appeal is based and the reasons and rationale for the determination; (2) the determination of the hearing decision-maker may be affirmed, over-turned, or modified as appropriate; (3) the determination on appeal must state the appeal is final and not subject to further appeal.
(c) Inform the decision-maker on appeal in writing that the written decision is due within fifteen (15) business days from date he/she receives all materials from the assigned Title IX Coordinator handling the complaint and must be sent dated and signed to the appropriate Title IX Coordinator.

9. Determination to Parties. Within two (2) business days of receiving the determination on appeal, the assigned D Title IX Coordinator handling the complaint will provide the written decision simultaneously to both parties and their advisors. *34 CFR §106.45(b)(8)(iii).*

10. Finality. The determination regarding responsibility becomes final on the date the parties are provided with the written determination of the result of the appeal, if an appeal is filed, or if no appeal was filed, on the date on which the appeal would no longer be considered timely. *34 CFR §106.45(b)(7)(iii).*

II. Process B Appeal Procedure

Process B applies to complaints which do not meet the definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking and jurisdictional requirements of

ATTACHMENT 11.

H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
Last Board Action 2-23-16 7-27-21

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§§106.30, 106.44, and 106.45 of the Title IX regulations, complaints of gender discrimination and retaliation under Title IX, and complaints which arise under other civil rights statutes identified in H.1.1.1 (Procedure) Civil Rights Complaints and Resolution Procedure.

Process B is not intended for appeals of student sanctions or employee discipline issued subsequent to a Civil Rights Complaint Resolution decision. See Appealing Student Sanctions or Employee Disciplinary Action below.

1. Grounds for Appeal. Any party (complainant or respondent/accused) may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the original civil rights complaint resolution process (e.g., substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original civil rights complaint resolution process that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the written notice of appeal.

2. Notice and Time for Appeal. An appeal of a Civil Rights Complaint Notice of Resolution (decision) that was issued under Procedure H.1.2.1 must be submitted in writing to the Title IX/VII/ADA/504 Coordinator within five (5) business days of the delivery of the written Complaint Notice of Resolution (Decision) or within five (5) business days of the issuance of employee discipline or student sanctions, whichever is later. An Appeal form is posted at www.alamo.edu/TitleIXCoordinator/. The form may be submitted online through the website or to:

Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator

Name:	Linda Boyer-Owens
Position:	Associate Vice Chancellor Human Resources & Organizational Development
Address:	2222 N. Alamo, San Antonio, Texas 78215
Telephone:	(210) 485-0230
Email:	lboyer-owens@alamo.edu

3. Civil Rights Appeal Hearing Panel. A three-member Civil Rights Appeal Hearing Panel (none of whom were involved in the complaint resolution process previously) will be designated by the Alamo Colleges district Title IX/VII/IV/ADA/504 Coordinator from the pool of trained Title IX/VII/ADA/504 Investigators. One of the Panel Members will be designated as the Panel Chair.

If a student appeals any sanctions imposed as a result of the civil rights complaint resolution process, the appeal process in the Student Code of Conduct will be followed.

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H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
Last Board Action 2-23-16 7-27-21

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4. Civil Rights Appeal Process. A Civil Rights Appeal Procedure Diagram is attached to this procedure (see Attachment A.) The primary steps in the process are:

a. Complainant or Respondent (accused) in a Civil Rights Complaint Resolution decision submits a timely written appeal of the decision to the Alamo Colleges District Title IX/Title VII/IV/ADA/504 Coordinator (see Filing an Appeal, above).

b. The Title IX/VII/IV/ADA/504 Coordinator appoints a trained Hearing Panel and Hearing Panel Chair. A Title IX Coordinator (College or Student) or the Title IX/VII/ADA/504 for Employees will be designated to coordinate the Appeal Process. If the appeal is by a student regarding sanctions, the Title IX/VII/ADA/504 Coordinator refers the appeal to the proper college administrator for processing hearing under the Student Code of Conduct.

c. The assigned Coordinator will issue a written acknowledgment of the Appeal and Notice of Hearing to all parties to the original Civil Rights Complaint Resolution decision at least five (5) business days before the hearing but not later than three (3) weeks following receipt of the written appeal. The written notification shall state the findings if the Investigative Panel. The notice of hearing shall state the time, date, and location of the hearing. If any party does not appear at the scheduled hearing, the hearing will be conducted in the party's absence. The Notice of Hearing shall provide the deadlines for submission of Witness Lists and exhibits to the assigned Coordinator for compelling, substantiated reasons, the Appeal Hearing Panel may re-schedule the hearing. The Notice of Hearing shall also notify the appealing party of the following:
   (1) The appeal hearing is a confidential, internal administrative proceeding.
   (2) Parties to the appeal hearing may appear by themselves or with an adviser. The name of any advisor must be provided to the assigned Coordinator at least 48 hours prior to the scheduled commencement of the hearing.
   (3) Both parties may call (present) witnesses at the hearing. Both parties must notify the assigned Coordinator in writing of the identity of any persons who will be called as witnesses at least 48 hours prior to the scheduled commencement of the hearing. The parties are responsible for getting their witnesses to appear at the hearing.
   (4) Each party may present their case, offer evidence, examine witnesses, and argue on their own behalf at the hearing.
   (5) All parties may question all witnesses.
   (6) The Appeal Hearing Panel may pose questions to the parties and the witnesses.
   (7) All parties to the Appeal will submit Witness Lists and exhibits to the Deputy Coordinator at least two (2) business days prior to the scheduled Appeal Hearing. The Deputy Coordinator will immediately provide copies of all witness lists and all exhibits to all parties.

d. The Appeal Hearing will be conducted before the Hearing Panel. All evidence and witnesses will be presented.

e. The Appeal Hearing Panel Chair will lead the Panel in deliberation continuously during normal business hours until a decision is reached on the appeal.

H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
Last Board Action 2-23-16 7-27-21

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f. The Hearing Panel Chair will issue a written decision to the assigned Coordinator. The decision may include a finding to overturn a sanction or employee discipline that the appeal decision renders inappropriate. The decision may also include a recommendation for further discipline or sanction considerations by the Administrator to support the appeal decision.
g. The assigned Coordinator will provide a written Appeal Determination to all parties and Administrator(s) for the student and/or employee parties. The decision is final, and no further appeals are permitted.
h. The responsible Administrator(s) will take action to promptly amend prior disciplinary actions or sanctions as necessary to reflect the results of the Appeal Determination.

5. Decisions on Appeal. The Civil Rights Appeal Hearing Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The original finding and sanction are presumed to have been decided reasonably and appropriately.

- Appeals decisions by the Civil Rights Appeal Hearing Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a significant compelling justification to do so;
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration.
- Sanctions and disciplinary action imposed are implemented immediately and remain in place during an appeal unless the assigned Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal;
- Once an appeal is decided, the outcome is final: further appeals are not permitted.

6. Sanction and Progressive Discipline Actions Resulting from or Amended by an Appeal. The responsible Administrator notified of the Appeal Determination or designee, will complete the process to issue appropriate Student Sanctions or Employee Discipline appropriate to the Appeal Determination or, if necessary, modify or remove the Sanctions or Discipline issued in response to the original Complaint Determination.

All respondents are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the assigned Coordinator. Failure to comply with conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the Alamo Colleges and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the assigned Coordinator.

ATTACHMENT 11.

H.1.2.2 (Procedure) Civil Rights Complaints Appeal Procedure
Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Based on Board Policy: H.1.2 Civil Rights Discrimination, Harassment and Retaliation
Board adoption: 10-28-14
Last Board Action 2-23-16 7-27-21

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7. Appealing Student Sanctions and Employee Disciplinary Actions. This procedure is not intended for appeals of a student sanctions or employee discipline issued subsequent to a Civil Rights Complaint Resolution decision.

- Student Sanctions issued by College Administration in response original Civil Rights Complaint Resolution decision are issued under the Student Code of Conduct. Any appeal of student sanctions must be made and processed under the provisions of F.4.2.2 (Procedure) Non-Academic Misconduct Disciplinary Process, not under this Civil Rights Appeal Procedure.
- Progressive Discipline issued by Administration to employees in response a Civil Rights Complaint Resolution decision are issued under the applicable Progressive Discipline Policy. Any appeal of employee progressive discipline must be made and processed under the provisions of the D.3.3.1 (Procedure) Employee Complaints, not this Appeal Process for Civil Rights Complaint Determinations.

ATTACHMENT 12.

H.1.2.3 (Procedure) Bully Free Workplace and Campuses

Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 4-26-16
Last Board Action: 4-26-16, 7-27-21

This procedure applies to all students and all employees, including supervisors, managers, administrators, faculty as well as contractors and employees of contractors. It defines bullying and provides examples of behavior that would be a violation of the "Respect for All" values ~~stated in~~stated in Alamo Colleges District Policy A.1.3 (College District Vision, Mission, Values and Goals) and the Alamo Colleges District Civil Rights Policy H.1.2 Civil Rights Discrimination, Harassment and Retaliation. Procedures H.1.2.1, Civil Rights Complaint and Resolution, and H.1.2.2, Civil R~~i~~ights Complaint Appeal, define the processes for reporting, investigating, and administering discipline or sanctions for instances of bullying.

Objective

Alamo Colleges District strives to create a workplace that is optimal for learning and work. The purpose of this procedure is to communicate to all students and all employees, including supervisors, managers, administrators, faculty, contractors, and employees of contractors, that the Alamo Colleges District will not in any instance tolerate bullying behavior or lack respect or disrespect. Any employee found in violation of this policy will be disciplined, up to and including termination, expulsion or, in the case of contracts, cancellation of contract. Any student who is found in violation will be processed through the student code of conduct and may be subject to sanctions up to and including suspension, academic expulsion, and expulsion from presence at any of the Alamo Colleges.

Definition

Alamo Colleges District defines bullying as repeated and/or severe aggressive behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work or on campus and/or in the course of employment, education or student activities which is likely to intimidate or, hurt, ~~control~~control, or diminish another person whether or not on the basis of protected criteria. Behavior demonstrating or communicating a lack of respect or disrespect may or may not be bullying, but nonetheless such behavior violates Alamo College's Code of Ethics, which clearly states that all employees will be treated with dignity and respect, and Policy A.1.3, stating the College District's shared value of "Respect for All." Bullying is a violation of the Texas Education Code and Alamo Colleges Policy whether or not the victim is a member of a protected class. This procedure and policy ~~extends~~extend to cyberbullying which is bullying that takes place using electronic technology. This policy and procedure ~~extends~~extend to conduct and behavior that is not otherwise protected by law.

Examples

The effect of the behavior of bullying on the individual is important. Alamo Colleges District ~~considersthe~~considers ~~t~~the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ~~ridiculing~~ridiculing, or maligning a person or his or her family; persistent name calling that is hurtful, threatening, ~~insulting~~insulting, or humiliating; using aperson as butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of

H.1.2.3 (Procedure) Bully Free Workplace and Campuses

Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 4-26-16
Last Board Action: 4-26-16, 7-27-21

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physical assault, damage to a person's work area or property

- **Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work or school-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job or school performance or description.
- Ignoring or interrupting an individual at meetings, in class or at school or work activities.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, under-loading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).
- Retaliating against or threatening to retaliate against an individual who has reported bullying or attempted to intervene to stop bullying.

ATTACHMENT 13.

H.1.2.3 (Procedure) Bully Free Workplace and Campuses

Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 4-26-16
Last Board Action: 4-26-16, 7-27-21

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Objective

Alamo Colleges District strives to create a workplace that is optimal for learning and work. The purpose of this procedure is to communicate to all students and all employees, including supervisors, managers, administrators, faculty, contractors, and employees of contractors, that the Alamo Colleges District will not in any instance tolerate bullying behavior or lack respect or disrespect. Any employee found in violation of this policy will be disciplined, up to and including termination, expulsion or, in the case of contracts, cancellation of contract. Any student who is found in violation will be processed through the student code of conduct and may be subject to sanctions up to and including suspension, academic expulsion, and expulsion from presence at any of the Alamo Colleges.

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Alamo Colleges District defines bullying as repeated and/or severe aggressive behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work or on campus and/or in the course of employment, education or student activities which is likely to intimidate or, hurt, control, or diminish another person whether or not on the basis of protected criteria. Behavior demonstrating or communicating a lack of respect or disrespect may or may not be bullying, but nonetheless such behavior violates Alamo College's Code of Ethics, which clearly states that all employees willbe treated with dignity and respect, and Policy A.1.3, stating the College District's shared value of "Respect for All." Bullying is a violation of the Texas Education Code and Alamo Colleges Policy whether or not the victim is a member of a protected class. This procedure and policy extend to cyberbullying which is bullying that takes place using electronic technology. This policy and procedure extend to conduct and behavior that is not otherwise protected by law.

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The effect of the behavior of bullying on the individual is important. Alamo Colleges District considers thefollowing types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing, or maligning a person or his or her family; persistent name calling that is hurtful, threatening, insulting, or humiliating; using aperson as butt of jokes; abusive and offensive remarks.
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H.1.2.3 (Procedure) Bully Free Workplace and Campuses

Responsible Department: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator
Board Adoption: 4-26-16
Last Board Action: 4-26-16, 7-27-21

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- Manipulating the ability of someone to do his or her work (e.g., overloading, under-loading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job.
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- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).
- Retaliating against or threatening to retaliate against an individual who has reported bullying or attempted to intervene to stop bullying.

Overview of Proposed Amendments for Policy B.11.1

Sandra Torres
Board Liaison

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Recommended Edits

- Allow board chair to invite alternate student trustee to attend official District business, including in-state and out-of-state travel for pre-approved conferences

ABF Agenda Item 9.C – Student Trustee to attend the 2021 ACCT Leadership Congress

- Proposing former student trustee to travel to ACCT Leadership Congress in October 2021 due to 2020 travel limitations

Thank you.

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Discussion and Possible Action on Revision of Policy B.11.1 Student Trustee

Presented for recommended approval to the ALAMO COLLEGES DISTRICT BOARD OF TRUSTEES on July 27, 2021.

MINUTE ORDER
"The Board of Trustees hereby approves revisions to Policy B.11.1."

PURPOSE
At the approval of the Board Chair, the alternate Student Trustee may attend conferences pre-approved for Trustee attendance and be reimbursed for expenses associated with the approved conferences pursuant to Board Policy.

BACKGROUND

The alternate Student Trustee shadows the primary Student Trustee and attend Board Meetings and other appropriate events should the Student Trustee be absent, or replace the Student Trustee if she/he leaves prior to the completion of the term (the alternate will not receive funding for shadowing activities). At the approval of the Board Chair, the alternate Student Trustee may attend conferences pre-approved for Trustee attendance and be reimbursed for expenses associated with the approved conferences pursuant to Board Policy.

IMPLICATIONS
Financial:

Strategic Plan: Goal II – Success/Completion, Goal IV – Performance Excellence, Goal V –Organizational Communication

Human Resources: None

ATTACHMENTS: 1 - Proposed Policy B.11.1

_____	_____
Dr. Gene Sprague	Dr. Mike Flores
Board Chairman	Chancellor

B.11.1 (Policy) Student Trustee
Responsible Department: Board of Trustees, Office of the Chancellor
Board Adoption: 2-18-14
Last Board Action: 8-21-18

Purpose

In order to fully implement the Alamo Way policy of Principle Centered Leadership by providing students with leadership experiences and to ensure students participate in District governance, the Board welcomes the inclusion of a Student Trustee on the Board of Trustees. The mission of a Student Trustee is to serve as a non-voting student liaison to the Board of Trustees and Chancellor. The Student Trustee represents students' interests at District meetings and Board Committee meetings. The Board encourages each College to promote candidates who are deeply committed to the mission, vision and values of the Alamo Colleges, not an individual college, with a goal of ensuring that student interests are effectively represented. The Student Trustee is an example of the Alamo Colleges dedication to building student leaders and its ability to work alongside those leaders to further student success.

Duties and Responsibilities

The Student Trustee shall be seated and recognized as the Student Trustee member of the Board at Board meetings, excluding any non-public executive session. The student member is entitled to participate in discussion of issues and receive all materials presented to members of the Board (except for executive session materials). The Student Trustee is a non-voting member and may not move or second a measure. The responsibilities of the Student Trustee are to:

1. Take all required Trustee training and participate in Board meetings, events and conferences.
2. Study documents presented to the Board of Trustees for board committee meetings and regular board meetings, excluding any non-public executive session materials.
3. Propose any items to be placed on the Board agenda to the Chancellor.
4. Review the upcoming Board of Trustees' agenda with the Student District Council.
5. Keep members of the Student District Council informed about issues brought before the Board of Trustees and seek student input on these issues.
6. Serve on a Board Committee should the Student Trustee be appointed by the Chair.

The Student Trustee will be held to the same standards of performance and behavior/accountability of an elected Trustee in recognition of the trust and importance of the office.

Transportation allowance/reimbursement for travel necessary to attend Board meetings and to attend to other official District business as authorized by the Board shall be provided for the Student Trustee at the same rate as that established for other Trustees. The Student Trustee may, upon prior approval by the Board Chair, attend conferences pre-approved for Trustee attendance

and be reimbursed for expenses associated with the approved conferences pursuant to Board Policy.

Term and Selection Process

The student will be selected by the Board in March and serve a one-year term as a non-voting member of the Board from May 1 through April 30.

1. By February 1, each Student Government Association (SGA) will invite applications, through a broad-based information campaign directed at the student bodies of their respective colleges, based on a common criteria and form. A student candidate applicant must:

    a. Be currently enrolled in one of the Alamo Colleges and maintain enrollment in at least six credit hours during the election period and throughout the Student Trustee's term of office (Summer enrollment is optional);

    b. Be working toward an Alamo Colleges District credential and not be eligible to or actually graduate/complete until their term on the board will end;

    c. Not hold an earned post-secondary degree;

    d. Have and maintain a minimum cumulative grade point average of 2.5;

    e. Demonstrate service commitment at their college and/or in the community;

    f. Submit a personal essay concerning the Student Trustee's reasons for wishing to serve; and

    g. Commit to taking Principle-Centered Leadership training within 60 days of being seated as Student Trustee.

2. A student can apply for selection as a Student Trustee candidate at only one campus.

3. A student is not required to give up any student employment with the Alamo Colleges in order to be seated as a Student Trustee.

4. Each Student Government Association ("SGA") will, through application screening and interviews, select a candidate who meets these criteria (one per college). These student candidates will be submitted to the Board, which will interview the candidates, consult with the administration and select one primary Student Trustee and one alternate. If for any reason the SGA of an individual College is not staffed or functioning sufficiently to perform these duties, then the College President may designate another appropriate campus organization to do so.

5. The alternate Student Trustee will "shadow" the primary Student Trustee and attend Board Meetings and other appropriate events should the Student Trustee be absent, or replace the Student Trustee if she/he leaves prior to the completion of the term (the alternate will not receive funding for shadowing activities). At the approval of the Board Chair, the alternate Student Trustee may attend conferences pre-approved for Trustee attendance and be reimbursed for expenses associated with the approved conferences pursuant to Board Policy.

6. The Student Trustee serves at the will of the Board and may be recalled for failure to maintain qualifying requirements, nonperformance of duties, violation of the Student Code of Conduct, ethical lapse or failure to maintain satisfactory academic progress by a simple majority vote of the Board of Trustees or for any reason by a two-thirds supermajority vote of the Board.

7. A Student Trustee who is recalled may not run for a second term.

8. A student may serve only one term as Student Trustee.

9. A student may not serve as a Student Trustee during any period of service with any student media or other media outlets.

Scholarship

The Student Trustee, in recognition of his/her service on the Board of Trustees, shall receive a $300 scholarship at the beginning of the Fall and Spring semester of his/her service, for a total of $600 in recognition that the time spent as a Trustee may reduce earning opportunities necessary to remain in college.

Timeline

The timeline for year one will begin when the policy is approved by the Board; the schedule for successive years will be as follows:

February – SGA application review/interview process; student candidates to be submitted to the Board (one candidate per college) by February 28

March – Board of Trustees application review/interview process

April – Student Trustee selected by the Board at its Regular meetings or at a Special Meeting, in either case voting after Executive Session.

April – Student Trustees (Trustee and alternate) sworn in at Regular Board meeting after election

May 1 – Student Trustee begins term (May 1 – April 30)
December – January – SGA's at each College invite applications for Student Trustee

B.11.1 (Policy) Student Trustee
Responsible Department: Board of Trustees, Office of the Chancellor
Board Adoption: 2-18-14
Last Board Action: 8-21-18

Purpose

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3. Propose any items to be placed on the Board agenda to the Chancellor.
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April – Student Trustees (Trustee and alternate) sworn in at Regular Board meeting after election

May 1 – Student Trustee begins term (May 1 – April 30)
December – January – SGA's at each College invite applications for Student Trustee

Discussion and Possible Action to Authorize Former Student Trustee to attend the 2021 ACCT Leadership Congress

Presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to the Board for approval on July 27, 2021

MINUTE ORDER

"The Board of Trustees hereby approves travel expenses for the former Student Trustee to attend the 2021 ACCT Leadership Congress on October 12-17, 2021 in San Diego, California.

PURPOSE

Board policy B.3.5 (Board Members: Conventions, Conferences, Workshops) states that if a Trustee wishes to attend an event not included in the approved list, the Trustee may request authorization from the Board. If a trip has not been authorized by this policy, the Trustee must submit a request to the Board for approval pursuant to this policy. Former 2020-2021 Student Trustee did not have the opportunity to participate in conference due to the pandemic. This conference will allow him the opportunity to attend leadership governance sessions along with the current Primary and Alternate Student Trustees.

BACKGROUND

The ACCT Leadership Congress is the premier annual conference for community college leaders and the only national conference dedicated to community college trustees. Each year, approximately 2,000 community and technical college trustees, CEOs and other executives, and federal higher education policy influencers gather to share information about governance best practices, community college advocacy, advancing student success and more.

_____	_____
Dr. Gene Sprague, Board Chair	Dr. Mike Flores, Chancellor

Discussion and Possible Action on FY22 Smart Talent Compensation Adjustments

Linda Boyer-Owens

Associate Vice Chancellor of Human Resources and Organizational Development

Alamo College District Title IX/VII/IV/ADA/504 Coordinator

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

FY22 Recommended Compensation Adjustments

Market Adjustments

- for all employees of 3%* on 9/1/2021

High-Wage/High-Demand Nursing Faculty Stipends

- continue in FY22 as approved in 2/2021

High-Wage/High-Demand IT and Advanced Manufacturing Faculty Stipends

- Increase Stipends 1/1/2022

Student Success Job Family Offer Equity

- Apply on 9/1/2021

Talent Excellence Compensation

- One-time non-recurring payment

** more than 3% if needed to bring to new range minimum*

Talent Excellence Compensation Recommendation

- Recognize, retain and encourage all employees to collaborate, innovate and excel as they have demonstrated throughout the pandemic.
- Continuity of employee talent expertise as we return to campus has never been more essential for student success. Extra efforts will be required by all for a successful return to campus.
- One-time, non-recurring, net payments of $1000 for full-time employees and $500 for part-time employees
- Payment in October 2021 to employees who have worked during the period 3/1/2020 and 8/31/2021, and are actively employed on the date of payment.

Fiscal Notes

FY21 Accrual of one-time Talent Excellence Award: $5,400,000

FY22 Compensation Adjustments: $11,986,058

- including 3/2021 Nursing Stipend increase

Annualized Cost: $12,781,712

- FY22 market adj. with benefits – $9,429,544 (eff. 9/1/2021)
- FY22 faculty stipends with benefits – $1,256,514 (eff. 1/1/2022*)
- FY22 Student Success Offer Equity with benefits – $1,300,000 (eff. 9/1/2021)

** Nursing stipends continue as approved 2/2021*

Thank you.

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Discussion and Possible Action on FY22 Smart Talent Compensation Adjustments

Presented to the Alamo Colleges District Board of Trustees for approval at the Special Board Meeting on July 17, 2021; presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER
"The Alamo Colleges District Board of Trustees hereby approves compensation adjustments effective September 1, 2021, and January 1, 2022, as noted for full-time regular faculty, adjunct faculty, CE Instructors, full-time and part-time/temporary staff, work study students and administrators."

PURPOSE
Compensation adjustments are recommended as we enter FY22 to recruit and retain the excellent talent our Alamo Colleges District student success mission requires. Careful market analyses show compensation adjustments are needed, across the board, to secure a competitive position to recruit and retain essential talent. A further set of faculty stipend adjustments are required to recruit and retain high-wage/high-demand faculty for our Nursing, Healthcare, IT and Advanced Manufacturing programs. Finally, a wage increase for work study students and other students employed by the College District is recommended to keep pace with the local market, thereby ensuring students can afford to participate in work-based learning opportunities provided by the College District.

TALENT EXCELLENCE COMPENSATION
Recognition of employee contributions has never been more essential for the College District to continue to meet unprecedented challenges with the collaborative, can-do spirit of our workforce, and new challenges connected with pandemic recovery and return to campus continue to arise. The Board of Trustees and administration recommend a one-time, non-recurring award, of $1,000 to full-time employees, and of $500 to part-time staff and part-time adjunct/CE faculty employees, who, on the basis of payroll records, performed work during the period between March 1, 2020 and August 31, 2021, and who are employed as of September 30, 2021, to compensate their extra efforts managing a return to on-site work, and to incentivize retention.

A total cost of $5.4M is projected for this one-time, non-recurring Talent Excellence award to the extraordinary faculty, staff and administrators who have demonstrated their commitment to excellence in such challenging times, and who each, in their own way, are so essential to the ongoing success of our students. It is recommended that award amounts be grossed-up for taxes and paid in a separate check in October to all employees who meet the eligibility criteria and are employed on the date of actual payout.

MARKET ADJUSTMENTS
The defined market position for faculty is 3rd among the eight largest Texas Community College districts based on the results of the annual TCCTA survey of Texas colleges. The defined market position for staff, administrators and IT technical talent is 100% comp-a-ratio in ranges developed independently through Hay/Korn Ferry analysis of the Higher Ed and General Industry markets to produce a competitive pay position comparable to faculty "3ness" in a blended market of Higher Ed and General Industry benchmark jobs for each ACD salary grade. The college district remains committed to achieving the market position targets for faculty and non-faculty within the limits of available funding.

A FY22 market adjustment of 3% is recommended, effective September 1, 2021, for all employees. This market adjustment is tempered by limits of available funding. While not sufficient to achieve the College District's targeted market positions, it does represent significant progress while remaining within the limits of the FY22 budget.

Compensation for existing faculty will be increased 3% on September 1, 2021, and the hiring rate table will by increased but will continue to lag 1.75% behind the rates paid to existing faculty to avoid compression.

Compensation for non-faculty will also increase 3% on September 1, 2021. The S-Scale and T-Scale Ranges will increase 10% and 9% respectively. Compensation adjustments will be limited to 3% unless an additional amount is required to bring an employee's rate up to the new range minimum. As in prior years, the adjustment amount may not increase an employee's compensation above the new range maximum. If an employee's rate that exceeds the range awarded a one-time 1% adjustment will be awarded instead of a recurring base rate increase.

The following expenses by employee classification are projected:

Employee Classification	% Increase	Average Increase	Head Count	FY22 Cost
Full-time Regular Faculty	3%	$1,902	812	$1,544,311
Adjunct Faculty	3%	$331	2,250	$743,969
CE Instructors	3%	$29	862	$24,955
Full-Time Regular Staff* **	3%+	$2,056	1,735	$4,517,181
Part-Time/Temporary Staff	3%+	$968	558	$651,458
IT Sr. Professional/Manager	3%+	$4,766	70	$392,969
Work study & student workers	3%	$1.25/hour	Target 1,800	State/Federal Funded
Administrators	3%+	$6,852	77	$359,752
Total Increase				**$8,234,595**
Total Benefit Cost Increase* **				**$1,194,949**
Grand Total				**$9,429,544**

** Adjusting more than 3%, if required to bring wage/salary up to new range minimum*
*** 1% one-time temporary adjustment in FY22.*
**** (15.805% FT, 8.305% PT Benefit exp.)*

HW/HD (HIGH-WAGE/HIGH-DEMAND) FACULTY STIPENDS

The College District currently provides additional compensation in the form of annual stipends to HW/HD faculty. The additional compensation is required to compete in the job markets for qualified Nursing, IT, Advanced Manufacturing, and Healthcare faculty. The stipends address the significant compensation gap that exists between teaching and the HW/HD profession in which those faculty are qualified to work.

In February 2021 the Board of Trustees approved an off-cycle stipend increase for nursing faculty to support the timely recruitment and retention of nursing faculty for the new SAC BSN program. The Board requested that these Nursing Stipend be brought back for review during the FY22 budget cycle and in relation to the need for stipend adjustments for other high-wage/high-demand disciplines.

The nursing stipend increase has helped stabilize recruiting and retention in the discipline but the compensation gap for IT, Advanced Manufacturing, and other Healthcare faculty continues to grow, jeopardizing our ability to operate those programs. Faculty turnover in the programs and the time to fill vacant positions continues to increase.

To ensure faculty for the HW/HD programs, continuation of the nursing stipends is recommended. The following stipend increases for other HW/HD disciplines are also recommended to become effective January 1, 2022 based on current market data for instructors and individuals employed in other HW/HD professions.

HW/HD Faculty	FTEs	Current Annual Stipend	Proposed Annual Stipend	Annualized Cost	FY22 Cost
Nursing – BSN*	7	$6k to 10k on 3/1/2021*	$10,000	$28,000	$28,000
Nursing – MSN*	8	$9k to 15k* on 3/1/2021*	$15,000	$228,000	$228,000
Nursing – PhD*	13	$9k to 20k on 3/1/2021*	$20,000	$143,000	$143,000
IT**	59.6	$5,000	$15,000	$595,704	$297,852
Manufacturing**	79.9	$5,000	$10,000	$399,495	$199,747
Healthcare (non-Nursing)**	83.6	$5,000	$10,000	$417,992	$208,996
Total Increase				**$1,812,191**	**$1,105,595**
Total Benefit Cost Increase				**$239,977**	**$150,919**
Grand Total				**$2,052,168**	**$1,256,514**

** Already in effect. Approved by the Board in February 2021, to be effective March 1, 2021.*
*** Effective 1/1/2022 with special tuition funding*
**** (15.805% FT, 8.305% PT Benefit exp.)*

The HW/HD faculty at Alamo Colleges sustain and grow programs that are critical to student success, economic mobility and the economic development of our community. Annual stipend amounts are provided to full-time faculty and, on a prorated basis, to adjunct and CE faculty. Stipends are extended in the samemanner to other high-wage high-demand programs. Full time faculty teaching in the summer in a high-wage high-demand are compensated at 130% of the high-wage high-demand adjunct faculty rate, which is an enhancement of current practice.

STUDENT SUCCESS OFFER EQUITY

In May 2020 a standardized Offer Equity Formula was implemented for the determination of pay offers for staff hires and promotions. Longstanding staff and HR concerns about the fairness of salary offers for new hires was the genesis for this effort to establish more, consistent, objective and equitable compensation offers. The United Staff Senate was engaged to work with HR developed a standardized Formula for offer calculation that uniformly recognizes each candidate's education and experience beyond the minimum requirements for the position. The calculation also had to factor in the pay of existing staff to avoid new hire offers that exceed the pay of similarly situated staff already onboard. The Formula that was ultimately recommended is now applied objectively and consistently by the HR Recruiting Team for each staff hire and promotion.

The Offer Equity Formula has proven trustworthy over the first year because it replicates the education and experience factors used successfully for many years to produce consistent faculty job offers. The Formula has eliminated salary negotiation and inconsistent consideration of other factors that can introduce unintentional implicit bias into the offer process.

This first-year experience clears a path for the 2nd phase of Offer Equity, which is recommended to begin on September 1, 2021, for the 650 employees of the ACD Student Success job family. OE Phase 2 is designed to apply the very same Offer Equity Formula to existing Student Success employee pay, with increases as required to align the pay across the job family through application of the Offer Equity Formula. In FY23, the Formula will be recommended to be applied to the Academic and IT Job Families and, finally, to the remaining College Services/DSO/Administrative Support Job Families.

The cost to apply the Offer Equity Formula to the Student Success Job Family on September 1, 2021 has been calculated at $1,300,000. Application of the Formula will enhance the College District's ability to retain and recruit staff performing Advising, Enrollment and the other functions of the job family that are so essential for student success.

IMPLICATIONS

Financial: **FY21 Accrual of 1-time Talent Excellence Award ($5,400,000)**
FY22 total cost: $11,986,058 including 3/2021 Nursing Stipend increase
Annualized cost: $12,781,712

- FY22 market adj. with benefits – $9,429,544 (eff. 9/1/2021)
- FY22 faculty stipends with benefits – $1,256,514 (eff. 1/1/2022)
- FY22 Student Success Offer Equity with benefits – $1,300,000 (eff. 9/1/2021)

Strategic Plan: III. Performance Excellence

Human Resources: Build talent and engage employees with a focus on learning, collaboration, and performance

ATTACHMENTS: none

Linda Boyer-Owens Digitally signed by Linda Boyer-Owens Date: 2021.07.20 13:34:34 -05'00'

Linda Boyer-Owens Date
Associate Vice Chancellor for Human Resources & Organizational Development

Dr. Diane Snyder Digitally signed by Dr. Diane Snyder Date: 2021.07.20 10:02:36 -05'00'

Diane E. Snyder, CPA, Ph.D. Date
Vice Chancellor for Finance and Administration

Dr. Mike Flores Date
Chancellor

ALAMO COLLEGES DISTRICT

Discussion and Possible Action on FY22 Supplemental Employer Contribution for ORP Participants

Linda Boyer-Owens

Associate Vice Chancellor of Human Resources and Organizational Development

Alamo College District Title IX/VII/IV/ADA/504 Coordinator

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

FY22 Recommended Supplemental ORP Contribution

The Texas Legislature has established FY22 required employer contributions

- 7.75% for TRS retirement plan participants, and
- 6.6% for ORP retirement plan participants

ACD has the option to supplement its ORP contribution

- to equalize the contribution rate for employees in the TRS and ORP plans.

298 employees currently participate in ORP

FY22 Cost to equalize by increasing ORP contributions by 1.15% is $309,385

Thank you.

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Discussion and Possible Action on FY22 Supplemental Employer Contribution for ORP Participants

Presented to the Alamo Colleges District Board of Trustees for approval at the Special Board Meeting on July 17, 2021; presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER
"The Alamo Colleges District Board of Trustees hereby approves a supplemental employer contribution of 1.15% for all eligible ORP participants."

PURPOSE
The Texas Legislature has established FY22 required employer contributions of 7.75% for TRS retirement plan participants and 6.6% for ORP retirement plan participants. Employers may opt to make additional local supplemental contributions in FY22 of up to 1.9% for ORP participants. The purpose of this minute order is to equalize the employer contribution rate to both retirement plans by making a supplemental contribution of 1.15% for each ORP participant.
The projected cost to equalize the contribution rate to both plans to is $309,385 for 298 employees currently participating in ORP.

BACKGROUND
In FY 2012 the Alamo Colleges District Board of Trustees began funding ORP and TRS at the same rate regardless of plan for all employees. Historically, the ORP local supplement had been funded at the maximum allowable rate for grandfathered ORP participants regardless of funding requirements for the TRS plan. ORP non-grandfathered participants received no additional contributions resulting in a lesser contribution than all others.
Each fiscal year, the governing board of an institution of higher education may make a supplemental contribution to ORP using any local funds or other sources of funds. A supplemental contribution from the institution may be any amount that is equal to or less than the difference between the amount the state is required to contribute to the benefit of each participant and the maximum supplemental contribution amount. The rate may change yearly and institutions may, instead of funding all participants the same supplemental rate, have two (2) supplemental rates based upon the following criteria:

- Grandfathered participants whose first date of participation in ORP is prior to September 1, 1995, may have one rate of supplemental contribution regardless of any break in service; and
- Non-grandfathered participants whose first date of participation in ORP is on or after September 1, 1995, shall have another rate which will be the same supplemental rate as other participants in this group.

The Teacher Retirement System (TRS) is a traditional defined benefit state retirement program. In 1967, when the Optional Retirement Program (ORP) was created, TRS required 20 years of creditable service to qualify for a service retirement. Because higher education faculty, and administrators have careers which normally involve interstate mobility, it was determined that a more "portable" retirement program option would substantially improve Texas public higher education's ability to compete for quality employees at the national level.

ORP requires contributions from the employee just like employees who are participants in the TRS plan. An employee may not participate in both TRS and ORP; they must select one plan, if eligible, upon initial hire. Both the employee and the state/employer make contributions to TRS

and ORP based on percentages of the employee's salary. The percentages are established by the Texas Legislature.

IMPLICATIONS

Financial:	$309,385
Strategic Plan:	Goal III. Performance Excellence
Human Resources:	Build talent and engage employees with a focus on collaboration, application of knowledge and skills, and high performance teams

ATTACHMENTS Attachment A. Retirement Plan Contribution Cost Projections

Linda Boyer-Owens Digitally signed by Linda Boyer-Owens Date: 2021.07.20 11:31:40 -05'00'

Linda Boyer-Owens Date
Associate Vice Chancellor for Human Resources & Organizational Development

Dr. Diane Snyder Digitally signed by Dr. Diane Snyder Date: 2021.07.20 10:36:21 -05'00'

Dr. Diane E. Snyder Date
Vice Chancellor for Finance and Administration

Dr. Mike Flores Date
Chancellor

Attachment A.

ALAMO COLLEGES DISTRICT

Retirement Plan Contribution Cost Projections

Retirement Plan	Employee Count	6.6% State/ER Annualized	Optional Expense of 1.15%	7.5% State/ER Annualized for FY21	7.75% State/ER Annualized for FY22	Increased Expense for FY22
TRS	2886			$11,504,194	$11,887,668	$383,473
ORP	298	$1,775,602	$309,385	$2,017,730	$2,084,987	$309,385
Total				**$ 13,521,924**	**$13,972,655**	**$692,858**
[1] 50% to be funded by ACD:		$887,801	$309,385		**$6,841,824**	

[1] 50% of eligible expenses to include full Supplemental ORP amount of 1.15% and 100% of facility employees. Grant employees are funded by the grant.

Source: Payroll Register 1/1/2021 - 5/31/2021, annualized.

*Current FY21 projected contribution made by Alamo Colleges District and the State of Texas for TRS at 7.5% rate and ORP at 6.6% rate. State funds 50% of the employer contribution for eligible employees, which excludes facilities and grant employees.

Discussion and Possible Action on Adoption of Employee Holiday for Juneteenth

Presented to the Alamo Colleges District Board of Trustees for approval at the Special Board Meeting on July 17, 2021; presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER

"In accordance with our commitment to equity and diversity, and our mission of "empowering our diverse communities for success," the Alamo Colleges District Board of Trustees hereby adopts Juneteenth as an official Alamo Colleges District holiday."

PURPOSE

Juneteenth commemorates the ending of slavery in the United States. On June 19, 1865, Union Soldiers landed in Galveston, Texas, and shared the news that slavery had ended – more than two years after the signing of the Emancipation Proclamation. Adoption of Juneteenth as an official Alamo Colleges Holiday allows our institution and our employees to commemorate and celebrate the end of slavery in the United States fully and forever.

The annual remembrances of this day are befitting and important for all members of a College District family that values equity and diversity and proudly includes St. Philip's College, a Historically Black College.

BACKGROUND

On June 18, 2021 the President issued a Proclamation to establish Juneteenth as the nation's newest national holiday.

IMPLICATIONS

Financial:	None
Strategic Plan:	III. Performance Excellence
Human Resources:	Build talent and engage employees with a focus on learning, collaboration, equity, diversity and performance

ATTACHMENTS: A Proclamation on Juneteenth Day of Observation, 2021

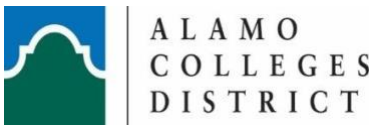
Linda Boyer-Owens Digitally signed by Linda Boyer-Owens Date: 2021.07.20 13:53:55 -05'00'

Linda Boyer-Owens Date
Associate Vice Chancellor for Human Resources & Organizational Development

Dr. Diane Snyder Digitally signed by Dr. Diane Snyder Date: 2021.07.20 15:05:24 -05'00'

Diane E. Snyder, CPA, Ph.D. Date
Vice Chancellor for Finance and Administration

Dr. Mike Flores Date
Chancellor


ALAMO
COLLEGES
DISTRICT

THE WHITE HOUSE

A Proclamation on Juneteenth Day of Observance, 2021

JUNE 18, 2021

On June 19, 1865 — nearly nine decades after our Nation's founding, and more than 2 years after President Lincoln signed the Emancipation Proclamation — enslaved Americans in Galveston, Texas, finally received word that they were free from bondage. As those who were formerly enslaved were recognized for the first time as citizens, Black Americans came to commemorate Juneteenth with celebrations across the country, building new lives and a new tradition that we honor today. In its celebration of freedom, Juneteenth is a day that should be recognized by all Americans. And that is why I am proud to have consecrated Juneteenth as our newest national holiday.

Juneteenth is a day of profound weight and power.

A day in which we remember the moral stain and terrible toll of slavery on our country –- what I've long called America's original sin. A long legacy of systemic racism, inequality, and inhumanity.

But it is a day that also reminds us of our incredible capacity to heal, hope, and emerge from our darkest moments with purpose and resolve.

As I said on the 100th Anniversary of the Tulsa Race Massacre, great nations don't ignore the most painful chapters of their past. Great nations confront them. We come to terms with them.

On Juneteenth, we recommit ourselves to the work of equity, equality, and justice. And, we celebrate the centuries of struggle, courage, and hope that have brought us to this time of progress and possibility. That work has been led throughout our history by abolitionists and educators, civil rights advocates and lawyers, courageous activists and trade unionists, public officials, and everyday Americans who have helped make real the ideals of our founding documents for all.

There is still more work to do. As we emerge from the long, dark winter of the COVID-19 pandemic, for example, racial equity remains at the heart of our efforts to vaccinate the Nation and beat the virus. We must recognize that Black Americans, among other people of color, have shouldered a disproportionate burden of loss — while also carrying us through disproportionately as essential workers and health care providers on the front lines of the crisis.

Psalm 30 proclaims that "weeping may endure for a night, but joy cometh in the morning." Juneteenth marks both the long, hard night of slavery and discrimination, and the promise of a brighter morning to come. My Administration is committed to building an economy — and a Nation — that brings everyone along, and finally delivers our Nation's founding promise to Black Americans. Together, we will lay the roots of real and lasting justice, so that we can become the extraordinary country that was promised to all Americans.

Juneteenth not only commemorates the past. It calls us to action today.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 19, 2021, as Juneteenth Day of Observance. I call upon the people of the United States to acknowledge and celebrate the end of the Civil War and the emancipation of Black Americans, and commit together to eradicate systemic racism that still undermines our founding ideals and collective prosperity.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN JR.

Discussion and Possible Action on Fiscal Year 2021-2022 Operating Budget

Presented to the Board for approval on July 17, 2021

MINUTE ORDER

"The Alamo Colleges District Board of Trustees hereby approves a Fiscal Year 2021-2022 Educational and General (E&G) Operating Expense Budget of $384,952,213; Auxiliary Enterprise Budget of $2,047,781; Mandatory Transfers for Texas Public Education Grants and Revenue Bond Debt Service of $16,123,567; Natatorium Major Repair Fund Addition of $51,000; Non-mandatory Transfers for San Antonio River Authority and State Energy Conservation Office of $1,257,453; and Capital Expense Budget of $5,300,000 for Total Operating Expense Budget of $409,732,014 based on revenues of $402,623,108 and operating fund balance commitment of $7,108,905 of prior year savings."

PURPOSE

Approval of the Fiscal Year 2021-2022 Operating Expense Budget so that Colleges and Departments can begin ramping up operations for the fall 2021 semester. In August 2021, we will submit for approval the Total Budget including: a) Operating Tax Revenue updates upon receipt of the tax rolls, b) Restricted and Plant fund budgets and c) fund balance transfer updates as required.

BACKGROUND

The 2021-22 fiscal year budget reflects a balanced budget in these unprecedented times with an emphasis on two key focal points: ***our students***, by sustaining excellent instructional services and a full suite of wrap-around support services, and ***our employees***, by maintaining competitive compensation and fringe benefits and other services aimed at retaining and supporting our talented workforce.

Key Assumptions for the FY22 budget include:

- Revenues
  - Projected 3.8% growth in student enrollment with no change in Tuition rates.
  - Increase of $16.8 million in ad valorem tax revenue - 5% taxable assessed valuation growth (TAV) in Bexar County, and a 98% collection rate. Provides sustainable funding for student success strategies and Facilities Maintenance and Operations with no tax rate increase.
  - Increase of $1.5 million in state appropriated funding as fiscal year 2022 - first year of the bi-annual funding of the 87th Texas Legislature
- Expenses
  - Provide all essential personnel and services required to serve our students
  - Student-focused: Instruction and student support services, including advocacy centers at each college, enrollment coaches, certified advisors, and the accessibility to healthcare centers via on-campus and tele-medicine services
    - $2.0 million in the Student Success fund – Expanded tutoring for Math/English/Science/Accounting, Macro-credentialing, digital badges & course peer review challenge, Healthcare Clinics, AlamoEXPERIENCE year 2 (50% funding), San Antonio Food Bank navigators and pop-up markets support, programming to support our equity mindedness strategies, participatory budgeting
  - Employee-focused: Retain and recruit our talented workforce by providing competitive market adjustments to compensation and a full suite of fringe benefits, along with training and development opportunities
  - Facilities Maintenance and Operations increase of $3.4M to operate the new CIP buildings supported 100% by ad valorem tax revenues without raising the tax rate.
  - Increased investments in Preventative Maintenance by $0.5M for our aging facilities with a total allocation of $19.5M in FY22. College Capital funds for furniture, fixtures and equipment replacement remain the same with a total allocation of $5.3M

IMPLICATIONS

Financial: Fiscal Year 2021-22 Educational and General (E&G) Operating Expense Budget of $384,952,213, Auxiliary Enterprises of $2,047,781, Mandatory Transfers of $16,123,567, Natatorium Major Repair Fund Addition of $51,000, Non-mandatory transfers of $1,257,453 and Capital Expense Budget of $5,300,000 based on revenues of $402,623,108 and operating fund balance commitment of $7,108,905 (from prior year budget savings).

Strategic Plan: Objective I, II and III: Student Success, Leadership, and Performance Excellence

Human Resources: N/A

ATTACHMENTS: Attachment I – FY22 Budget Overview

Shayne West Digitally signed by Shayne West Date: 2021.07.15 12:18:47 -05'00'

Shayne A. West Date
Interim Associate Vice Chancellor for Finance & Fiscal Services

Diane E. Snyder, CPA, Ph.D. Date
Vice Chancellor for Finance and Administration

Dr. Mike Flores Date
Chancellor

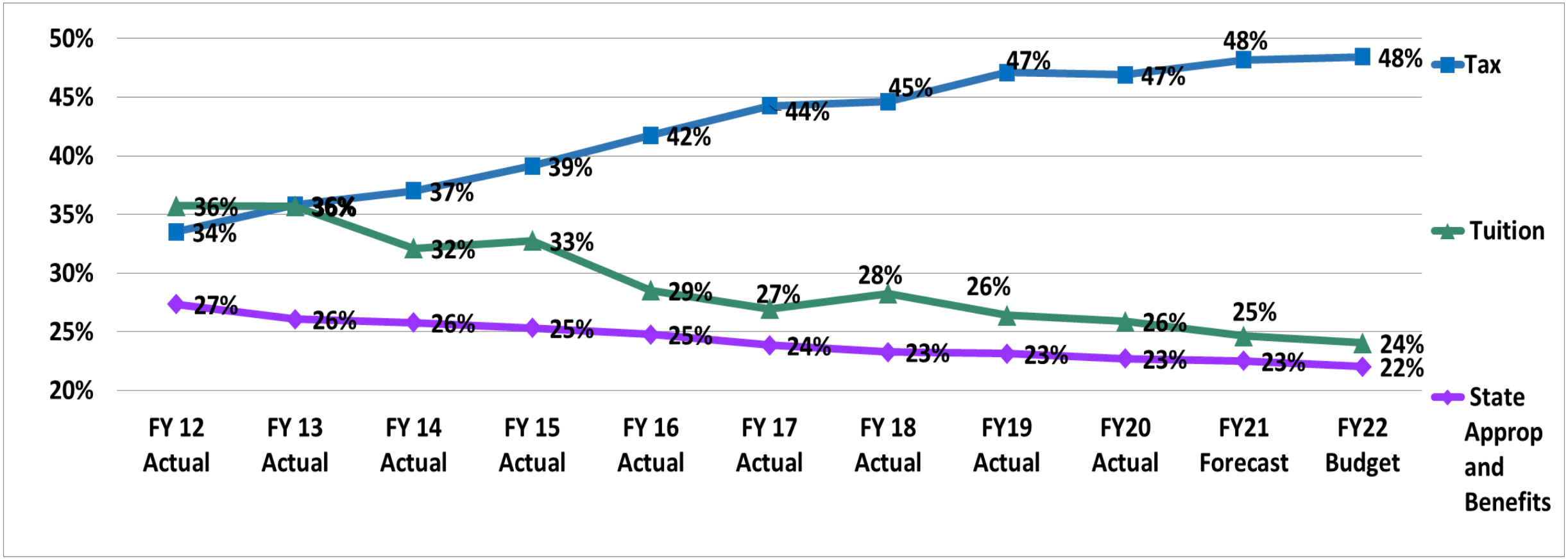
FY22 Revenue

Alamo Colleges District Revenues

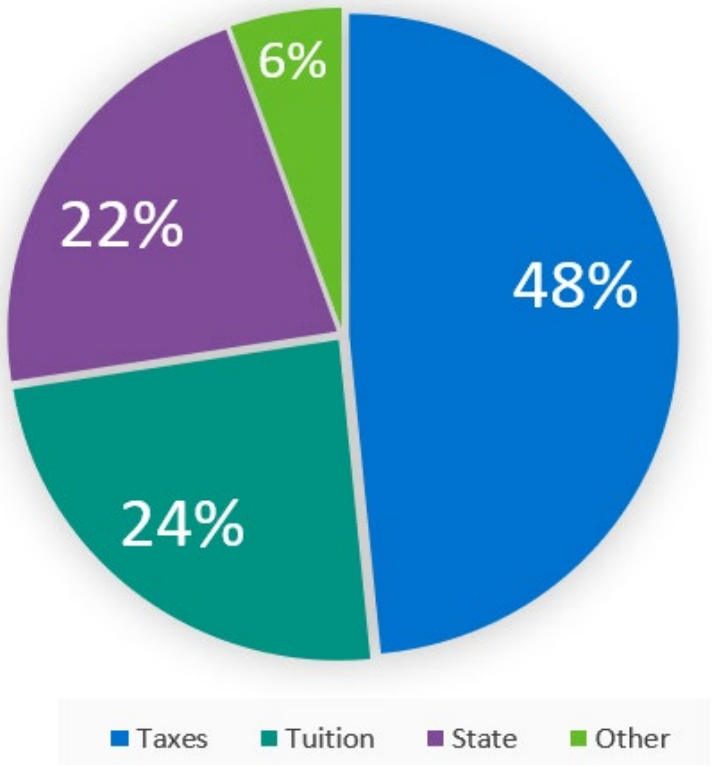
General Operating (UNRESTRICTED)

- Maintenance & Operation (M&O) Property Tax
- Tuition & Fees
- State Funding
- All Other

ACD Revenues 10 Year Historical Trend



ACD Revenue – What Does It Resource?



Ad Valorem Tax $195.0 (48.5%)

Capital, Preventive Maintenance, Facilities, Institutional Support, General Institutional, Fringe Benefits

Tuition $96.8M (24.1%)

Instruction, Student Services

State Appropriations $88.6M (22%)

Instruction, Academic Success, Student Services, Fringe Benefits, Veteran's Assistance Centers

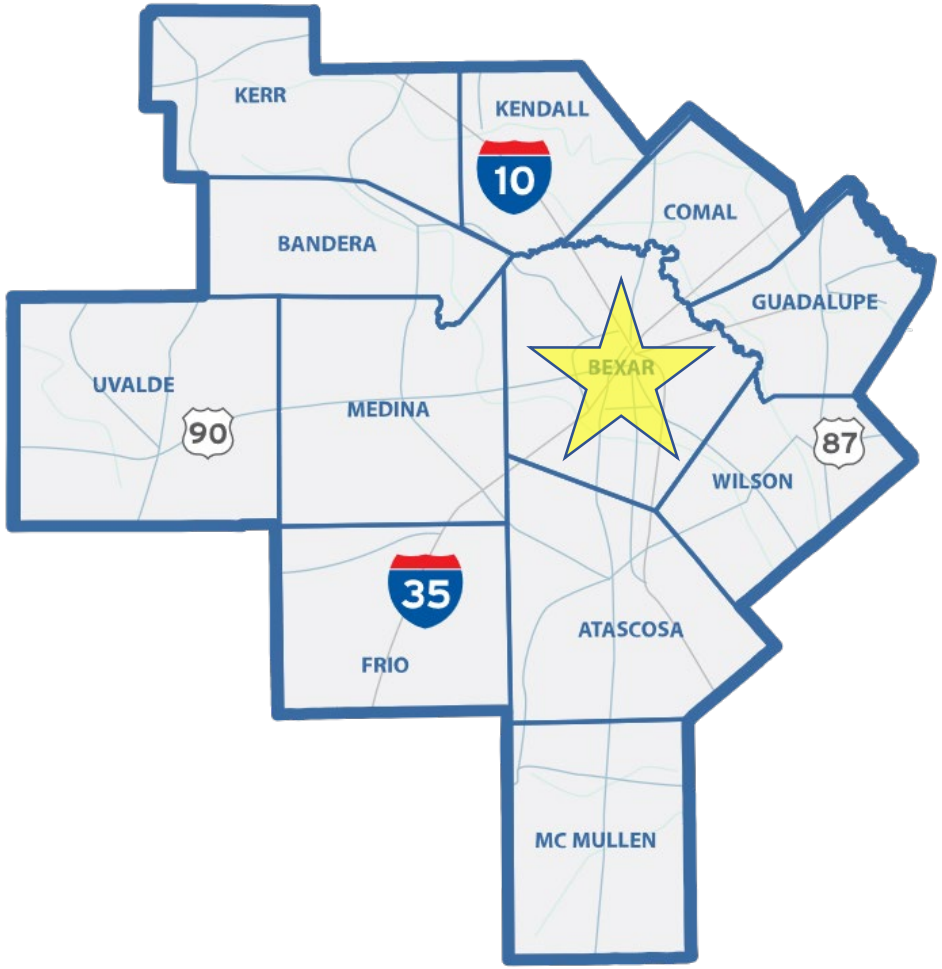
Other Formula, Investment Income, Non-formula, CE $22M (5.5%)

General Institutional, Non-Formula, Continuing Education (CE)

M&O Property Tax Revenue

M&O Tax Revenue – NO RATE INCREASE

- Bexar County Taxable Assessed Valuation (TAV) = $186.5B (2021 Prelim.)
- ACD Tax Rate = 14.9 cents per $100 of valuation
  - M&O $0.10776 per $100 of valuation
  - Debt $0.04139 per $100 of valuation
- How much of my property tax goes to ACD?
  - Median Home Value of $268,500
  - $268,500 / 100 x .14915 = $400
- For fiscal year 2022 budget, **M&O $195M**, or 48.5% of total revenue
  - 5% TAV growth, 98% Collection Rate

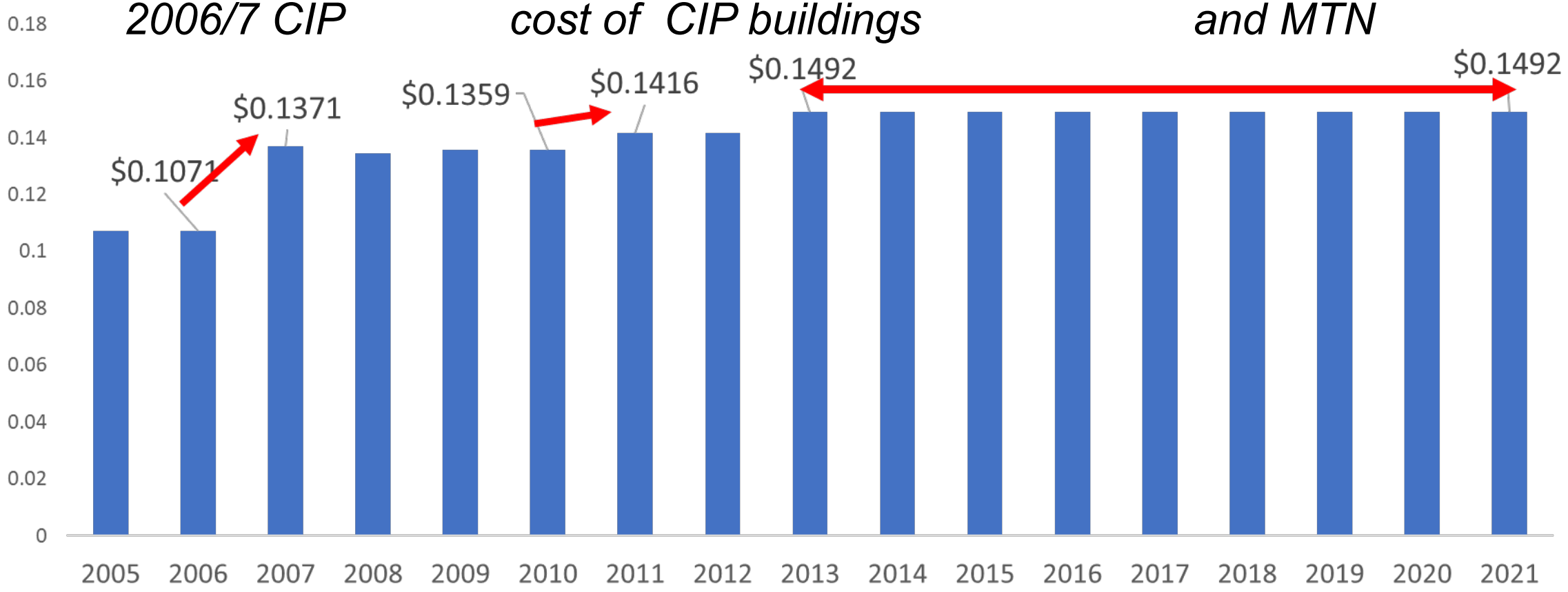


Manage Debt to Maintain a Stable Tax Rate

2007: 3 cent tax hike for $450M 2006/7 CIP

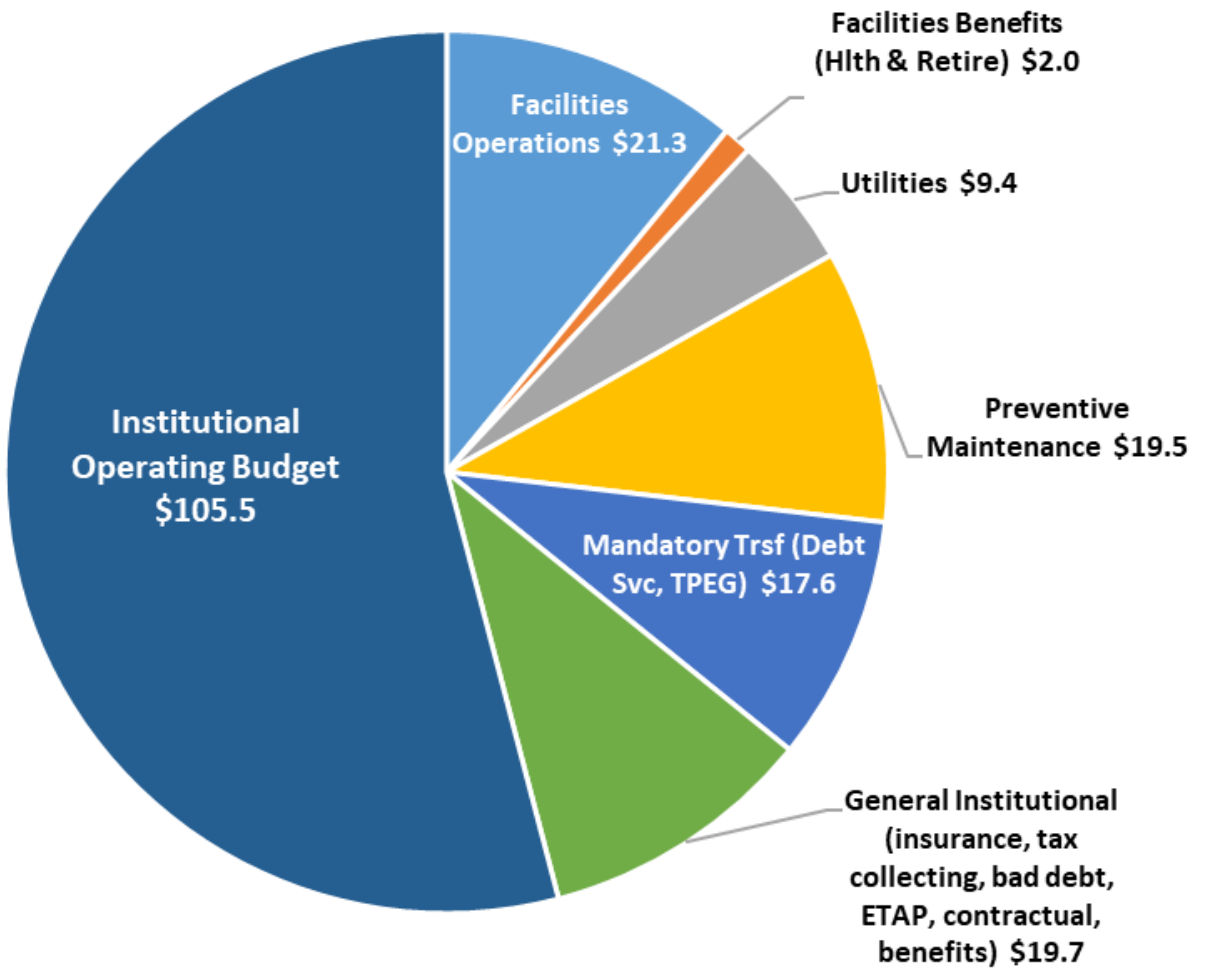
2011: half cent M&O tax hike to cover operating cost of CIP buildings

2017-2022: no tax hike for $500M CIP and MTN



CIP= Capital Improvement Plan MTN = Maintenance Tax Notes

FY22 - What Does M&O Taxes Fund? (In $Millions)



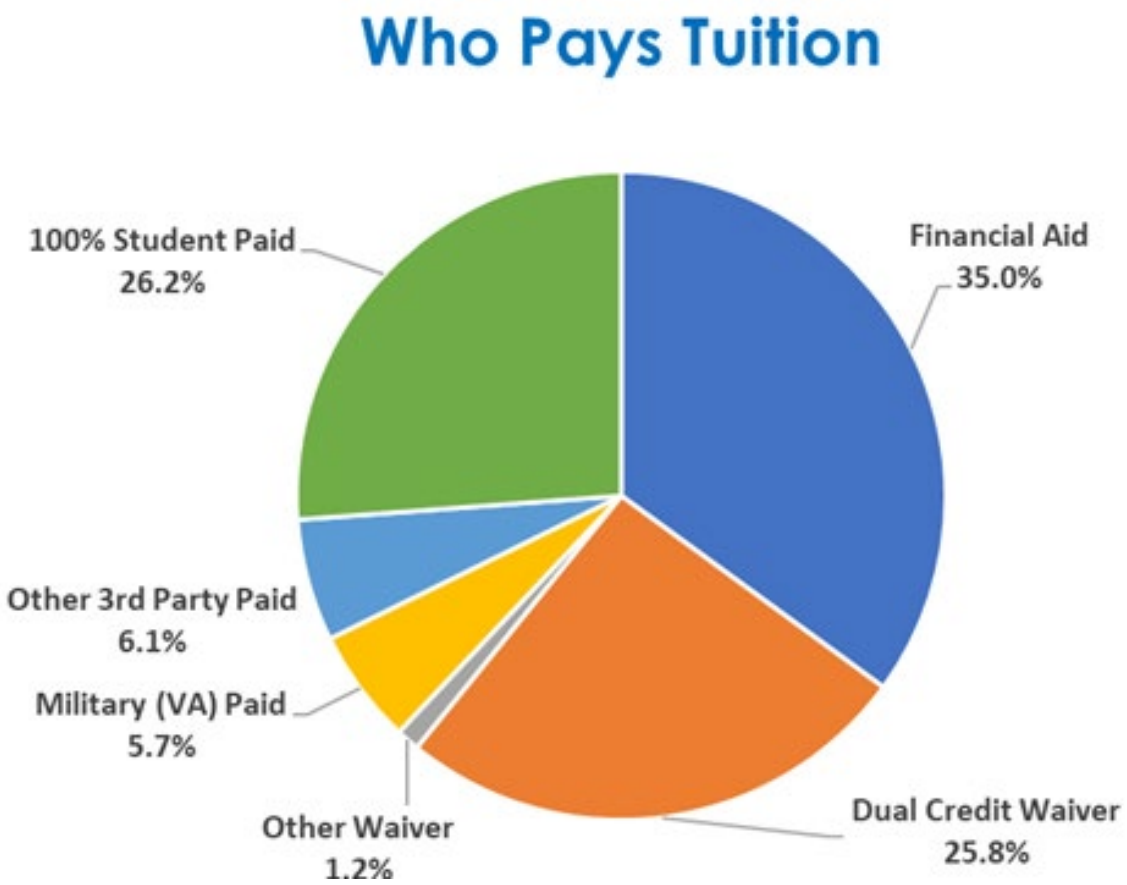
TPEG = Texas Public Educational Grant
ETAP = Employee Tuition Assistance Program

Tuition & Fee Revenue

Tuition & Fee Revenue – NO RATE INCREASE

- 1.1M Semester Credit Hours generates **$96.8M** in net revenue

- Enrollment Mix
  - 84% In-district
  - 14% Out-of-district
  - 2% Non-Texas Resident & International



State Revenue

State Appropriations

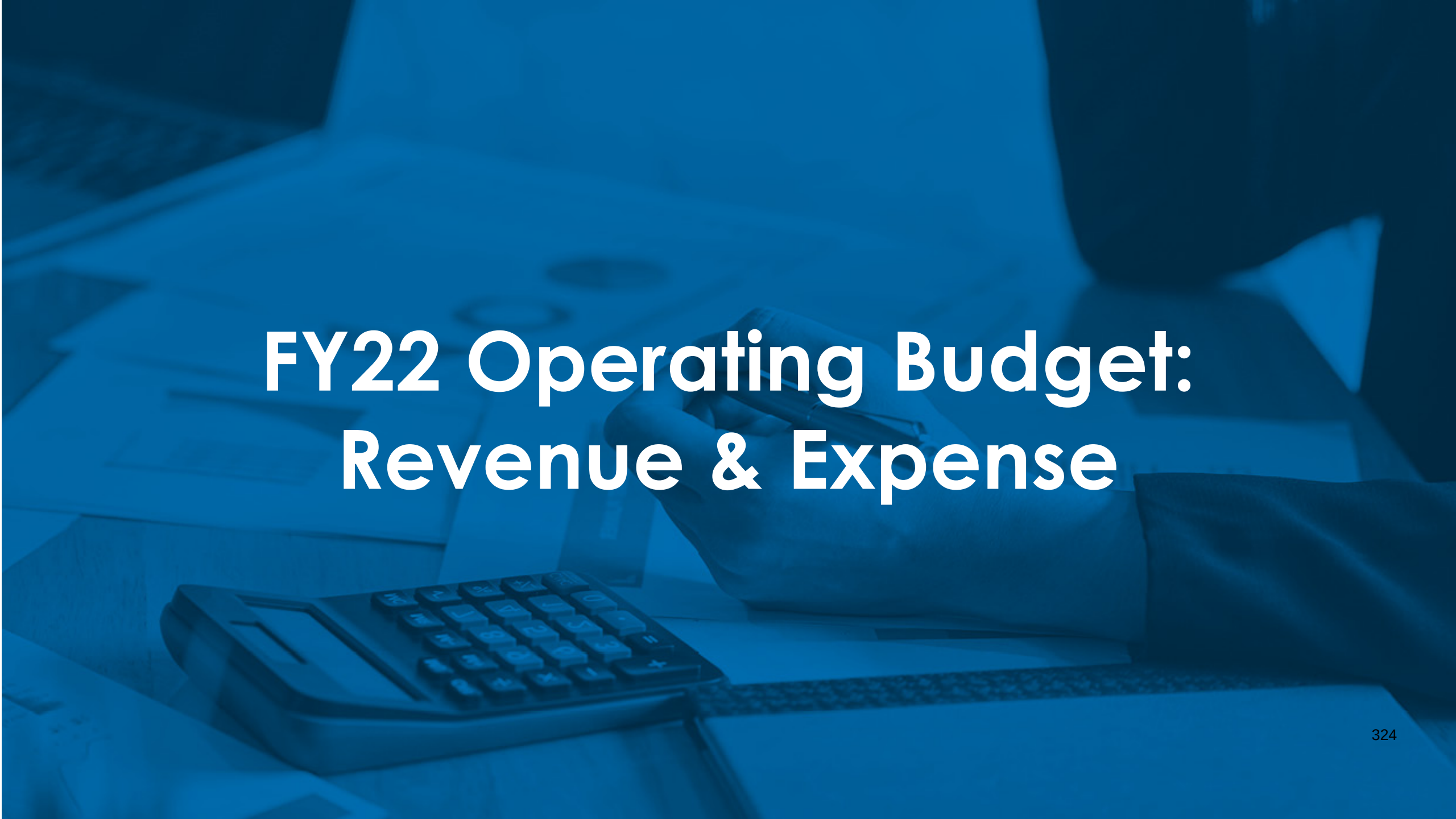
- Each biennium, the Legislature must pass one bill – the General Appropriations Act
- Article III (Education) provides funding for all 50 Community College Districts (also Public Ed & 4-Yr's)
- What does the State fund?
  - Instruction – Contact Hours & Student Success Points
  - Core Operations
  - Benefits – 50% of Group Health & Retirement
- For fiscal year 2022 budget, **$88.6M**, or 22% of total revenue

What Is The State Appropriation For The ACD?

	86th Legislature (FY'20-'21)	87th Legislature (FY'22-'23)	Difference %
Core Operations	$1,360,812	$1,360,812	0%
Student Success Points	$18,320,218	$24,115,318	31.6%
Contact Hours	$105,867,918	$102,400,624	-3.3%
TOTAL Instructional Funds	**$125,548,948**	**$127,876,754**	1.9%
Veterans Assistance Center	$8,116,800	$7,710,960	-5%
TOTAL State Appropriations (Biennium)	**$133,665,748**	**$135,587,714**	1.4%

TOTAL FY'22 State Appropriation = $67,793,857, plus State-Paid Benefits of $20,966,235

- **Core operations** funding remained flat for Alamo and all Texas CCs
- **Student Success Points** will see an increase of 31.6% as compared to last biennium
- **Contact Hour** funding will slightly dip by 3.3% due to enrollment declines in Fall '20 and Spring '21 semesters
- **Veterans Assistance Centers** funding was reduced by 5% at request of the Legislative Budget Board – this was an across the board cut to all CCs nonformula funding requests



FY22 Operating Budget: Revenue & Expense

FY22 Revenue Summary

M&O Property Tax	$195,031,684
Net Tuition & Fees	$96,821,730
State Funding	$88,760,092
All Other Revenues	$22,009,602
FY22 Proposed Revenue	**$402,623,108**
Fund Balance Transfer	$7,108,905
FY22 Proposed Resources	**$409,732,014**

Tax Revenue (***NO*** Change to Tax Rates)

- 5% Taxable Assessed Valuation growth
- 98% collection rate

Tuition Revenue (***NO*** Change to Tuition Rates)

- Based on SCH projections and Board-approved Tuition rates
- True-up to FY21 actuals including Lost Revenue covered by HEERF
- FY21 = $88.2 + $7.8m = $96.1M

State Revenue

- 1% overall increase

- Fund Balance Transfer – putting prior year savings into production ($7.1M of $17M)

FY22 Expense Summary

FY21 Approved Expense	**$387,763,142**
	Change from Prior Year
Operating Budgets	$3,629,946
Preventive Maint. & Facilities	$3,869,878
Fringe Benefits	$2,566,633
General Institutional	-$1,057,227
Student Success Fund (***FY21 $2M, no char***	$0
Talent Strategies	$11,986,058
Technology & Other Investments	$973,584
FY22 Proposed Expense	**$409,732,014**

1. College & DSO Operating budgets reflect a $3.6M / 1.7% increase versus prior year
2. Funding provides full support for our students (Instruction and a full suite of Student Services) and our talent
3. Facilities increases provide the level of service needed for our students & employees upon return-to-campus and sustains new buildings (CIP) coming on-line
4. $11.9M talent strategy to retain & recruit talent in a tight market
5. Investments in Community Connections and Cyber Security & Technology
6. Student Success Fund remains at $2M

Student Success Fund - $2M

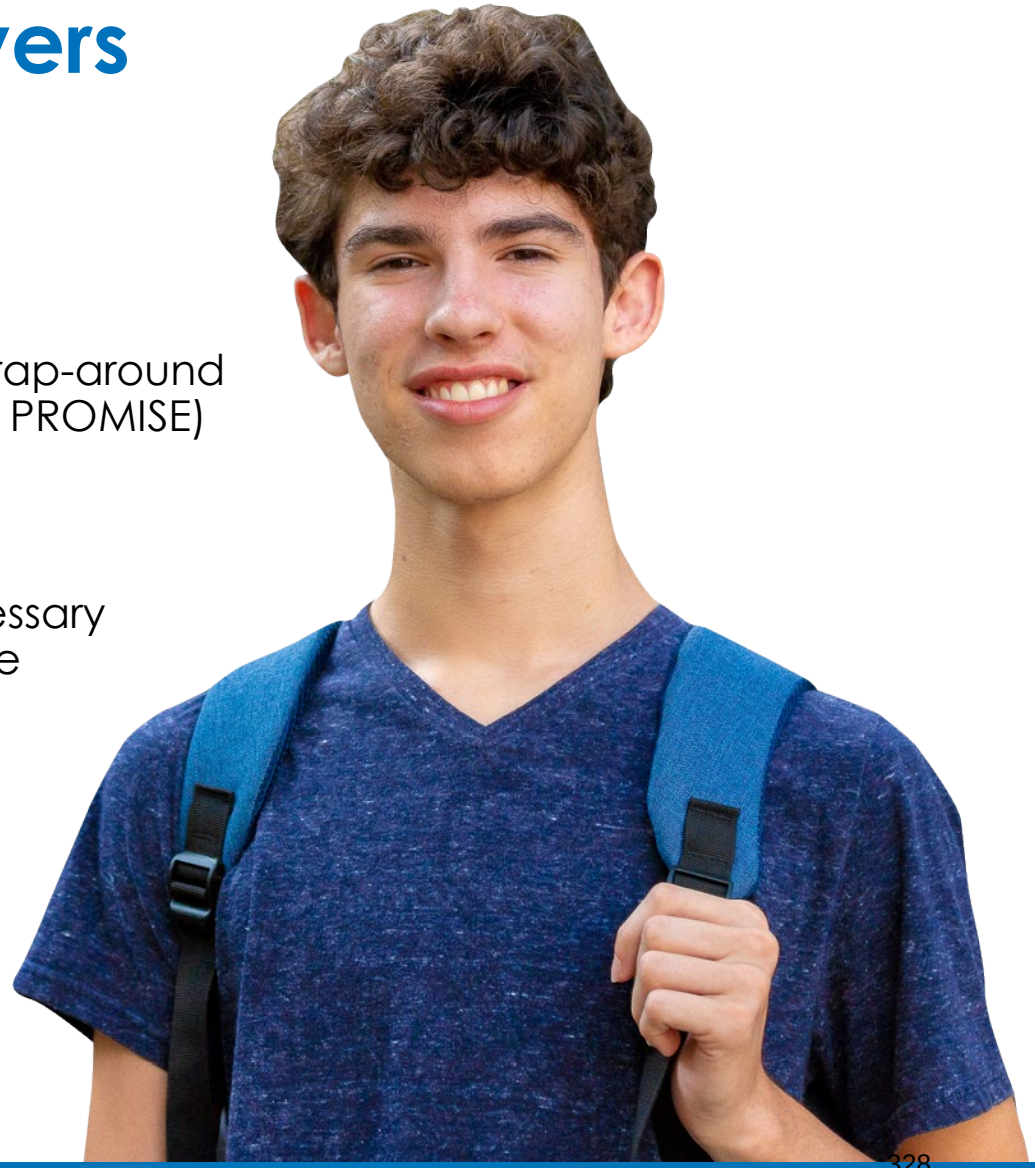
FY22 Budgeted Investments	
Expanded Tutoring for Math/English/Science/Accounting	$300,000
Micro-credentialing, Digital Badges & Course Peer Review Challenge	$585,000
Student Advocacy: Healthcare Clinics	$500,000
AlamoEXPERIENCE team leads (year 2, 50% funding)	$250,000
Student Advocacy: San Antonio Food Bank	$210,000
Participatory Budget	$125,000
Diversity, Equity & Inclusion training	$30,000
TOTAL	**$2,000,000**

ALAMO COLLEGES DISTRICT
Malcolm Baldrige National Quality Award 2018 Award Recipient
Achieving the Dream LEADER COLLEGE OF DISTINCTION

State Of The ACD: What FY22 Delivers

The Fiscal Year 2022 budget delivers:

1. Support for our 71k students
   - 5% growth in contact hours
   - Return-to campus Instructional delivery and a full-suite of wrap-around services (Advocacy Centers, Advisors, Enrollment Coaches, PROMISE)
2. Support for our 5k+ employees (full-time & part-time)
   - Return-to campus
   - Comprehensive market adjustments to compensation necessary to retain and attract talent (last market adjustment effective Jan. 1, 2020)
3. Looking forward
   - Lay the foundation for long-term growth and achieving our 'Moon Shot'
   - Healthy fund balance, with a projected $15M - $19M increase in available funds



Request For Approval Of The Minute Order For The FY22 Operating Budget

REVENUE	$402,623,108
FUND BALANCE TRANSFER *	$7,108,905
OPERATING EXPENSES	-$409,732,014
BALANCED BUDGET	**$0**

* Fund balance transfer utilizing $7.1M of the current year $19.5M favorable increase to fund balance.

July 17, 2021 Minute Order Actions

- 6.E. Discussion and Possible Action on FY22 Smart Talent Compensation Adjustments

- 6.F. Discussion and Possible Action on FY 2022 Supplemental Employer Contribution for ORP Participants

- 6.G. Discussion and Possible Action on Approval of FY22 Operating Budget

- 6.H. Discussion and Possible Action on the District Internal Audit Department's Proposed Fiscal Year 2022 Budget and Staffing – Frank Cortez

Next Steps

- **August –** Minute Order approval for FY22 Preliminary All Funds Budget (Unrestricted & Restricted budgets, including briefing on HEERF)
- **September –** Minute Order approval setting Tax Rate for FY 2021-2022
- **October –** Minute Order approval for Spring 2022 Tuition & Fee Schedule

Appendix

ALAMO COLLEGES DISTRICT

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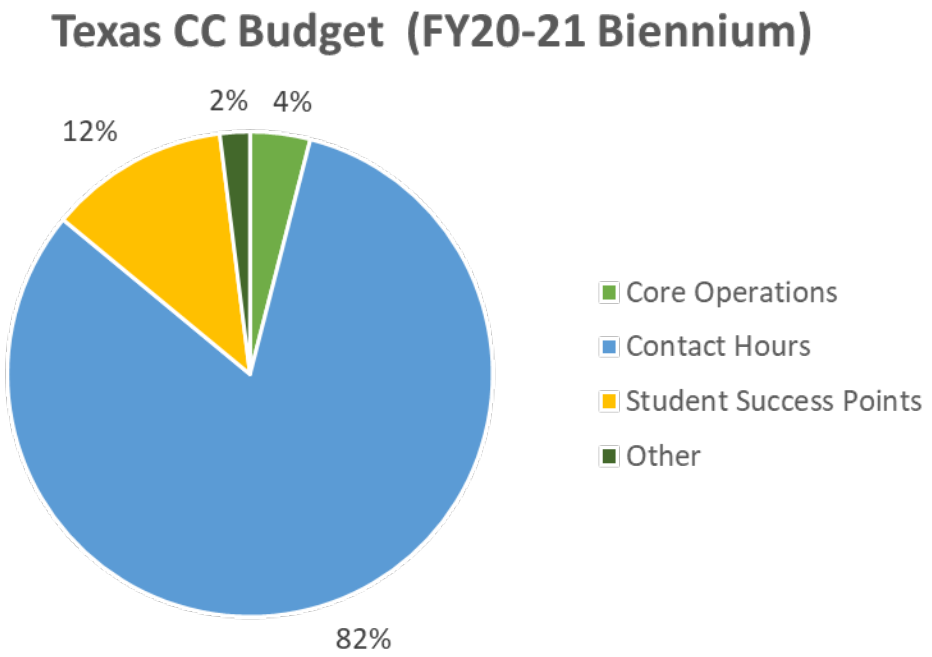
FY22 Revenue Details – *Reference Information*

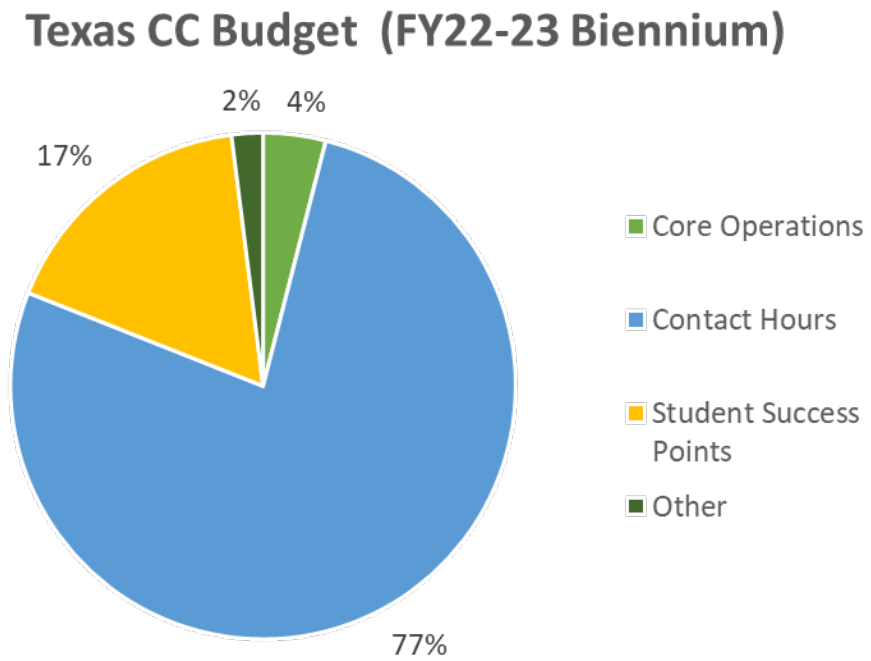
REVENUE CATEGORY	FY21 Approved	FY22 Proposed	$ Δ
M&O Property Tax	**$178,255,051**	**$195,031,684**	**$16,776,633**
Gross Tuition	$132,198,195	$130,631,441	-$1,566,754
Exemptions & Waivers	-$30,168,563	-$30,808,363	-$639,800
Summer Momentum Prgm	-$3,001,348	-$3,001,348	$0
TOTAL NET TUITION	**$99,028,284**	**$96,821,730**	**-$2,206,554**
State Appropriations	$62,774,478	$63,938,377	$1,163,899
Nonformula Item - Vet Ctrs	$4,058,400	$3,855,480	-$202,920
State Paid Benefits	$20,443,541	$20,966,235	$522,694
TOTAL STATE FUNDS	**$87,276,419**	**$88,760,092**	**$1,483,673**
All Other Formula Revenue	**$4,483,000**	**$3,770,000**	**-$713,000**
TOTAL NON-FORMULA & CE	**$18,720,388**	**$18,239,602**	**-$480,786**
Fund Balance Transfer	**$0**	**$7,108,905**	**$7,108,905**
TOTAL REVENUE	**$387,763,142**	**$409,732,014**	**$21,968,871**

FY22 Expense Details – *Reference Information*

	FY21 Approved	FY22 Balanced to Revenue	$ Δ vs. FY21
Colleges			
Formula	$153,746,130	$156,038,225	$2,292,095
Capital	$4,730,920	$5,300,000	$569,080
Non-Formula	$10,261,563	$9,539,764	-$721,799
TOTAL COLLEGE	**$168,738,613**	**$170,877,989**	**$2,139,376**
DSO			
Formula	$72,837,027	$74,344,238	$1,507,211
Non-formula/CE	$3,385,211	$3,368,570	-$16,641
TOTAL DSO	**$76,222,238**	**$77,712,808**	**$1,490,570**
Institution-wide Costs			
Fringe Benefits	$59,904,378	$62,471,011	$2,566,633
General Institutional	$33,440,358	$32,383,131	-$1,057,227
Facilities/Utilities	$24,338,495	$27,708,373	$3,369,878
Preventive Maintenance	$19,000,000	$19,500,000	$500,000
TOTAL INSTITUTION-WIDE COSTS	**$136,683,231**	**$142,062,515**	**$5,379,284**
Strategic Initiatives/Investments			
Student Success Fund	$2,000,000	$2,000,000	$0
Talent Strategies	$0	$11,986,058	$11,986,058
Other Investments	$4,119,060	$5,092,644	$973,584
TOTAL INITIATIVES/INVESTMENTS	**$6,119,060**	**$19,078,702**	**$12,959,642**
GRAND TOTAL EXPENSE	**$387,763,142**	**$409,732,014**	**$21,968,872**

Overview Of The Budget For Texas Community Colleges





Community colleges receive state funding for instructional support through a formula consisting of:

- **Core Operations** Funding,
- **Contact Hour** Funding, and
- **Student Success Points** (outcomes-based funding)

The state also provides support for group health insurance and retirement benefits.

Student Success Point Shift For Texas Community Colleges

	Historical	Adopted (SB1)
SCH Completion		
15 SCH Completed	1 point	1 point
30 SCH Completed	1 point	**1.5 points**
Transfer		
Transfer	2 points	**3 points**
Co-enrolled Transfer	2 points	**3 points**
Degrees/Certificates		
Critical Degrees	2.25 points	**3.25 points**
All other Degrees	2 points	**1.2 points**

- **Two issues considered by Budget writers this session:**
  - Whether to shift the weights within the Student Success Points system
  - Whether to use updated base year contact hours
- Legislators shifted Student Success points to focus on **transfer** and **critical degree** completion
- Legislators utilized updated base year contact hours BUT also removed $86.5M from the Contact Hour portion of the budget to Student Success Points

FY21 Recap

FY21 Recap

FY21 Budget

- Sustained operations during pandemic
- Conservative revenue estimates

FY21 Forecast

- Enrollment remained steady, but contact hours were down, as students took fewer classes
- M&O Tax Revenue – favorable collections produced $8.5M > budget; covered tuition underrun
- Lived within our means, managing expense budget
- RESULT: projected $17M increase to fund balance for future investments and growth.

FY21 Recap

$ in M	FY21 Budget	FY21 Baseline	One-time Adjustments: HEERF	HEERF (summer '21)	M&O	Excellence Award	FY21 Forecast
Revenue	$387.8	$371.3	7.8	2.8	8.5		$390.4
Expense	-$387.8	-$368.1				-5.4	-$373.5
	$0.0	**$3.2**	**$7.8**	**$2.8**	**$8.5**	**-$5.4**	**$16.9**

Projected $17M Increase In Fund Balance

ALAMO COLLEGES DISTRICT
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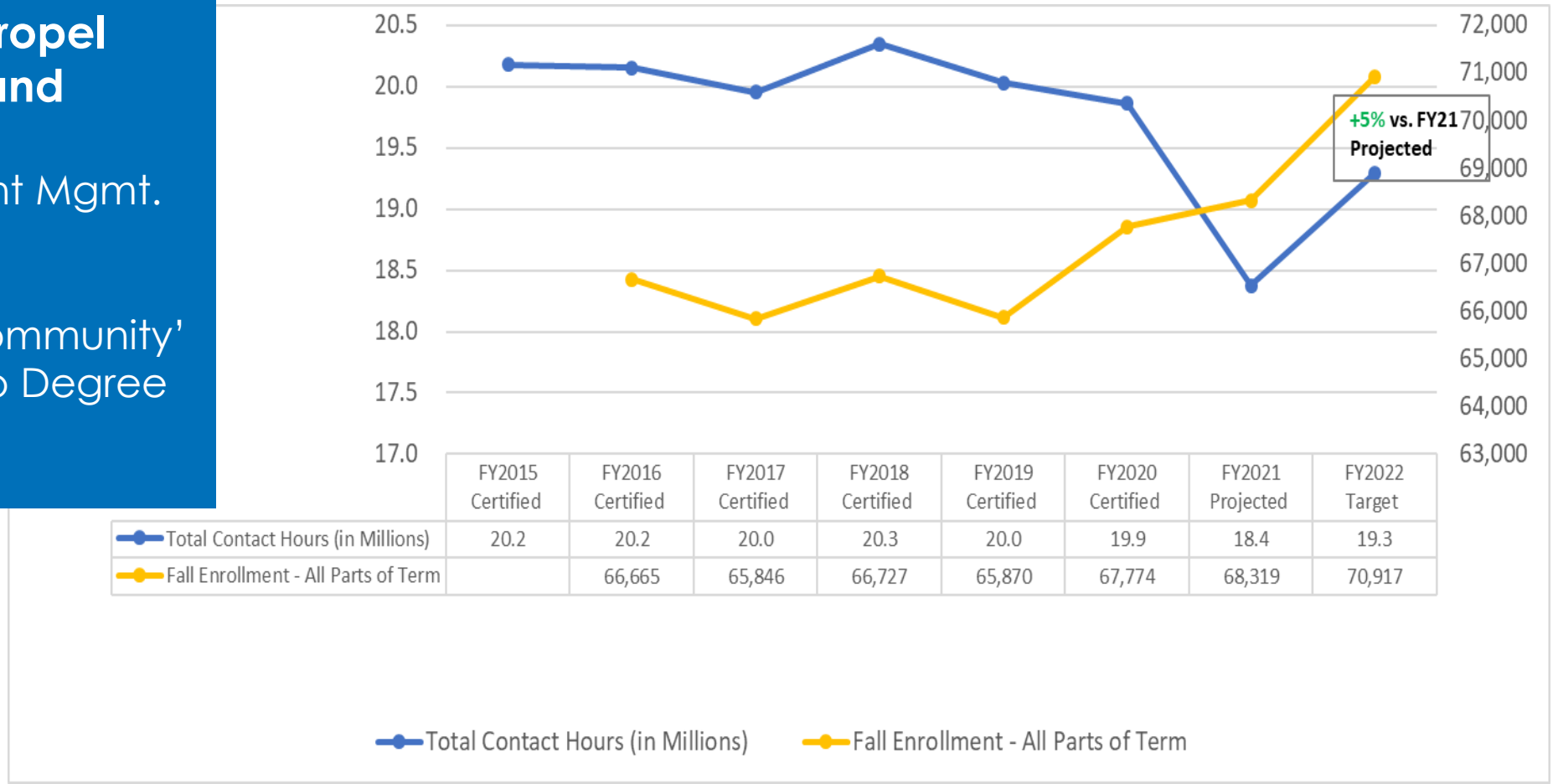
Enrollment

Fall Enrollment & Contact Hour Trends

ACD Strategies to propel enrollment growth and rebound:

- Strategic Enrollment Mgmt.
- Advising
- PROMISE
- 'Connecting to Community'
- Micro-credential to Degree pathway



	FY2015 Certified	FY2016 Certified	FY2017 Certified	FY2018 Certified	FY2019 Certified	FY2020 Certified	FY2021 Projected	FY2022 Target
Total Contact Hours (in Millions)	20.2	20.2	20.0	20.3	20.0	19.9	18.4	19.3
Fall Enrollment - All Parts of Term		66,665	65,846	66,727	65,870	67,774	68,319	70,917

Fall Enrollment per THECB

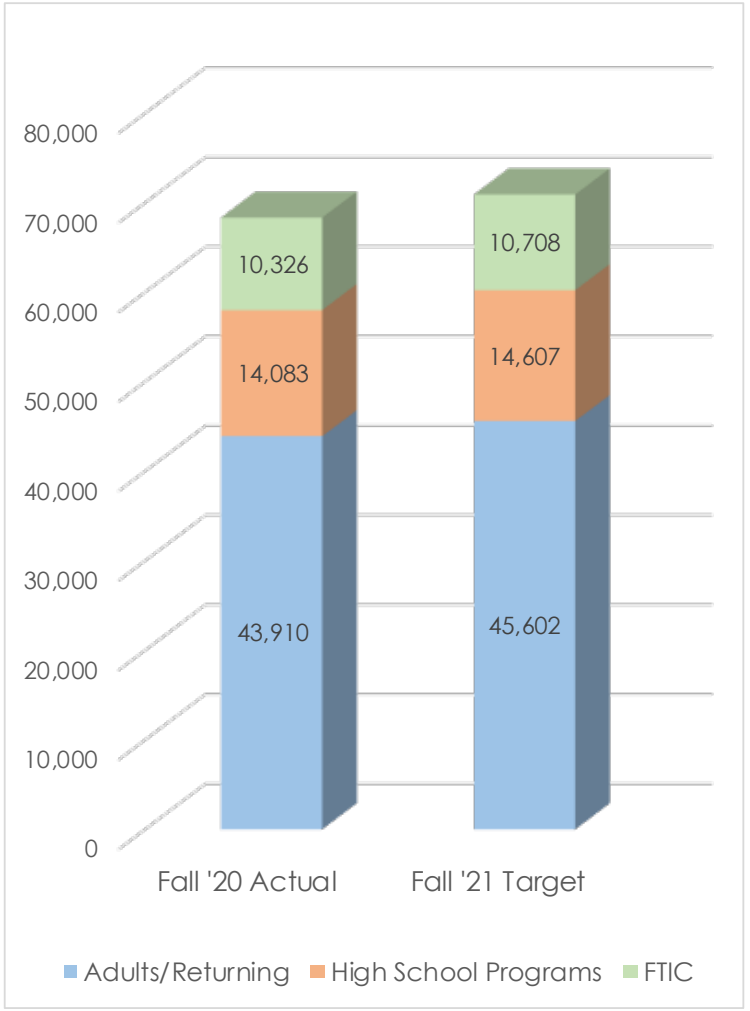
Restated Enrollment (headcount) changed in Fall'19 to include "All Parts of Term"

Enrollment Trends – All Parts Of Term

Fall 2021 (FY22) projects 3.8% Growth in Headcount

FITC* includes AlamoPROMISE phase 1
*FTIC = First Time in College

	Fall '20 Actual	Fall '21 Target	Growth	% Growth
Adults/Returning	43,910	45,602	1,692	3.9%
High School Programs	14,083	14,607	524	3.7%
FTIC	10,326	10,708	382	3.7%
TOTAL HEADCOUNT	**68,319**	**70,917**	**2,598**	**3.8%**



Thank you.

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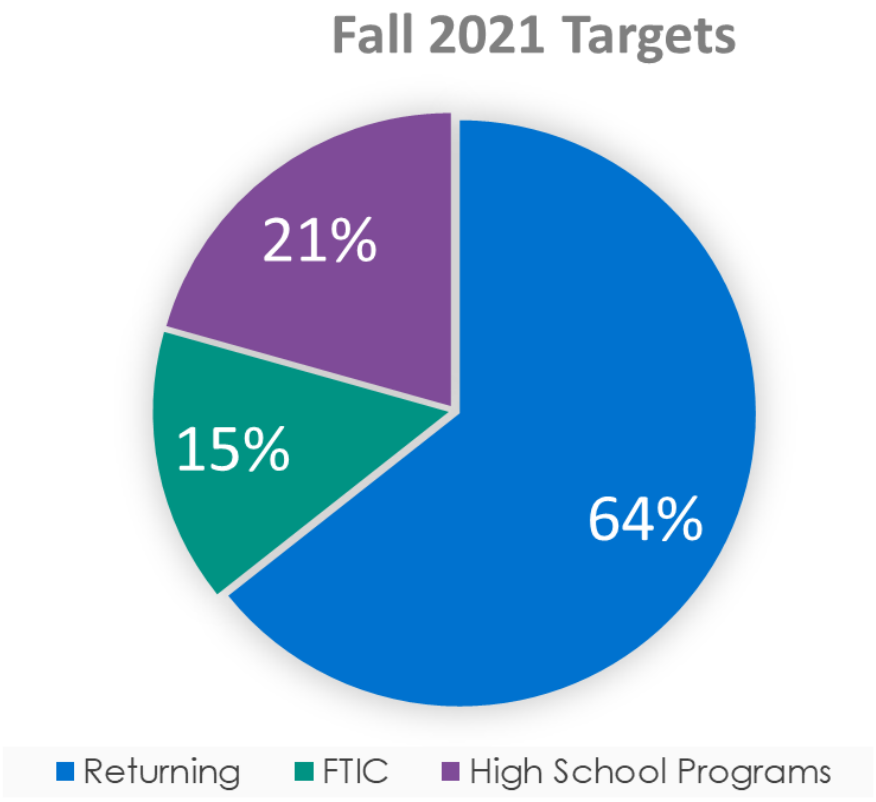
Fall Enrollment



Returning Students (64%)

*45,602 Students
* SMP Summer Momentum Program, expanded thru 2022 w/ free 3 to 9 hrs
*Federal & State Financial Aid

FTIC (First Time in College, 15%)

*10,708 Students
* SMP Summer Momentum Program, expanded thru 2022 with free 3 to 9 hours
*Federal & State Financial Aid
*AlamoPROMISE Program

High School Students (21%)

*14,607 Students
*Tuition and Fees waived
*No Financial Aid

Overview for Contract Amendment - Purchase of Executive Recruitment Services

Linda Boyer-Owens, MA, SPHR, SCRM-SCP

Associate Vice Chancellor for Human Resources & Organizational Development

Gary O'Bar, C.P.M.

Director, Purchasing & Contract Administration

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Recommended Amendment to Purchasing Contract

Background:

- In November 2020, a contract was awarded to Helbling & Associates, Inc. for Executive Recruitment Services for Associate Vice chancellor for Facilities and Construction Management in the amount of $56,308, as a result of a Competitive Sealed Proposals (CSP).

- Since purchasing services from Helbling & Associates, Inc. a new scope work requirement has been identified for the position of District Associate Vice Chancellor for Finance & Fiscal Services.

Recommended Amendment:

This recommendation seeks to amend the contract with Helbling & Associates, Inc. for an increased authorization amount of $168,924, for a new estimated annual purchase amount of $225,232; and provides for two, one-year options for renewal (after August 31, 2022); funding is provided from DIS New Hire Funds

Thank you.

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Discussion and Possible Action on Amending a Contract with Helbling & Associates, Inc. providing for the Purchase of Executive Recruitment Services

Presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER

The Board of Trustees hereby approves amending a contract with Helbling & Associates, Inc. providing for the Purchase of Executive Recruitment Services for an increased authorization of $56,308 for a new amended estimated annual purchase amount of $112,616 as requested by the Associate Vice Chancellor for Human Resources & Organizational Development."

PURPOSE

This contract action provides for the recruitment, screening and hiring of highly qualified applicants to fill the vacant positions, including the Alamo Colleges District Associate Vice Chancellor for Finance and Fiscal Services. The Contractor will present applications to the designated Alamo Colleges District hiring official(s) for initial review and recommendation of candidates to be interviewed. The scope of work requires the Contractor to provide the following services:

- Conduct search services for the Alamo Colleges District to fill the District Associate Vice Chancellor for Finance and Fiscal Services position.
- Using guidelines and requirements for the vacant position as established by the Alamo Colleges District, provide services on marketing and targeting strategies to advertise, recruit and attract a diverse group of highly qualified applicants.
- Assist hiring officials and screening committees with developing a comprehensive model or profile of qualities and qualifications, as a premise for comparative consideration.
- Use mail, telephone, internet, and/or networking to conduct a recruitment campaign to develop a pool of qualified applicants, which is representative of the diverse community the Alamo Colleges District serves.
- Receive, review and provide a complete application package on interested and qualified prospects that meet the Alamo Colleges District commitment to Equal Employment Opportunity Commission (EEOC) and affirmative action.
- Evaluate the applicant pool and screen to a group of 5-10 well qualified applicants, who meet the published requirements and submit those applicant packages to the screening committee through the hiring officials, until the position for the Alamo Colleges District Associate Vice Chancellor for Finance and Fiscal Services is filled.
- Assist the screening committee members and hiring officials in developing appropriate questions to conduct effective interviews, as needed.
- Use appropriate methods to conduct social media search in determining finalists' eligibility for public service.
- Offeror agrees to negotiate for reduced fee for additional search if a successful candidate terminates employment.

BACKGROUND

In November 2020, a contract was awarded to Helbling & Associates, Inc. for Executive Recruitment Services for Associate Vice chancellor for Facilities and Construction Management in the amount of $56,308, as a result of a Competitive Sealed Proposals (CSP). Since purchasing services from Helbling & Associates, Inc. new scope of work requirements have been identified requiring the increased authorization. The contract terminates August 31, 2021 and has a one-year option to renew.

IMPLICATIONS
Financial: Estimated Amount of $112,616
Funding Source: 119001 - 893202 - 71151 - 5010 DIS New Hire
Strategic Plan: Goal I – Student Success; Goal III Performance Excellence
Employee Services: None
ATTACHMENTS: Price Tabulation

Gary O'Bar,C.P.M.
Gary O'Bar,C.P.M.
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Gary O'Bar, C.P.M.
Director, Purchasing & Contract Administration

Linda Boyer-Owens
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Linda Boyer-Owens
Associate Vice Chancellor for Human Resources & Organizational Development

Dr. Diane Snyder
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Date: 2021.07.14 10:50:52 -05'00'

Dr. Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

Dr. Mike Flores
Chancellor

PRICE TABULATION

PURCHASE OF EXECUTIVE RECRUITMENT SERVICES

Item	Description	Price
1	Recruitment Services: Percentage rate based on the first-year salary	30%

Overview for Purchase of Group Life, Accidental Death & Dismemberment, Short-Term and Long-Term Disability Insurance

Linda Boyer-Owens, MA, SPHR, SCRM-SCP

Associate Vice Chancellor for Human Resources &

Organizational Development

Gary O'Bar, C.P.M.

Director, Purchasing & Contract Administration

ALAMO COLLEGES DISTRICT

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Achieving the Dream LEADER COLLEGE OF DISTINCTION

Background

Current Contract:

- July 2015, the Board of Trustees awarded a contract providing for the purchase of Group Life, Accidental Death & Dismemberment, Long Disability Insurance Coverage, and Short-Term Disability Administrative Services

- August 2021, the contract is scheduled to terminate

Recommended Contract Award

Competitive Proposals

- In April 2021, Competitive Sealed Proposal (CSP) was advertised over 33 days
- The eleven proposals received were evaluated by representatives from Human Resources and Organizational Development
- Recommendation for award is made on a best value basis

Recommendation

This recommendation seeks to award a contract to The Prudential Insurance Company of America for the purchase of Group Life, Accidental Death & Dismemberment, Short-Term and Long-Term Disability Insurance for approximately $333,068 annually; funding is provided from annual operating funds

Thank you.

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Discussion and Possible Action on the Purchase of Group Life, Accidental Death & Dismemberment, Short-Term and Long-Term Disability Insurance

Presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER
"The Board of Trustees hereby awards a contract to The Prudential Insurance Company of America providing for the purchase of Group Life, Accidental Death & Dismemberment, Short-Term and Long-Term Disability Insurance for approximately $333,068 annually as requested by the office of the Vice Chancellor for Finance & Administration."

PURPOSE
This contract action provides for the purchase of Group Life, Accidental Death & Dismemberment, Short-Term and Long-Term Disability Insurance Coverage, and Short-Term Disability Administrative Services for approximately 2,678 fulltime ACD Employees and approximately 1,295 Retirees. The amount paid for coverage is related to the total current life insurance annual volume for active employees, currently at $154,200,000; and $3,237,500 for retirees; and the total current monthly salary basis for disability is $12,805,244. The scope of work includes providing the policies, certificates, booklets and claim forms, informational brochures, and any other forms necessary for proper administration of the plan(s). Alamo Colleges will work with the contractor on the format and content of the materials to be distributed to Alamo Colleges` employees. Additionally, the contractor will provide a toll-free number for claims service, with customer service and claims staff appropriately trained on the Alamo Colleges plan(s); and provides online claim status and reporting for employees and Alamo Colleges.

BACKGROUND
In July 2015, the Board of Trustees awarded a contract providing for the purchase of Group Life, Accidental Death & Dismemberment, Long Disability Insurance Coverage, and Short-Term Disability Administrative Services that is scheduled to terminate August 31, 2021.

In April 2021, a notice soliciting Competitive Sealed Proposals (CSP) was advertised in the San Antonio Express News and La Prensa de San Antonio twice over a thirty-three (33) day period. Additionally, Purchasing and Contract Administration sent notices to approximately one-hundred fifty potential Offerors. The eleven proposals received were evaluated by representatives from Human Resources and Organizational Development considering the CSP specifications and requirements. As a result of this effort, the proposal submitted by The Prudential Insurance Company of America is recommended for award on a best value basis. The contract will begin September 1, 2021 and terminate August 31, 2023, and automatically renew for three one-year periods unless terminated in accordance with the contract.

IMPLICATIONS
Financial: $333,068 annually; Funding is not encumbered with this action and will provided at the time of purchase.
Strategic Objective: Goal I – Student Success; Goal III – Performance Excellence
Employee Services: None
ATTACHMENTS: Price Tabulation; Evaluation Criteria

Gary O'Bar,C.P.M. Gary O'Bar,C.P.M. cn=Gary O'Bar,C.P.M., o=Alamo Colleges District, ou=Purchasing & Contract Administration, email=gobar@alamo.edu, c=US 2021.07.06 10:51:15 -05'00'

Gary O'Bar, C.P.M.
Director Purchasing & Contract Administration

Linda Boyer-Owens
Associate Vice Chancellor for Human Resources & Organizational Development

Dr. Diane Snyder Digitally signed by Dr. Diane Snyder Date: 2021.07.06 10:49:14 -05'00'

Dr. Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

Dr. Mike Flores
Chancellor

Price Tabulation

Purchase of Group Life, Accidental Death & Dismemberment, Short and Long-Term Disability Insurance

Item No.	Description	Blue Cross and Blue Shield of Texas (BCBSTX)	Hartford Life and Accident Insurance Company	Lincoln Financial Group proposal #1 - on behalf of Valley Risk Consulting	Lincoln Financial Group proposal #2	Metropolitan Life Insurance Company
1	Group Life Insurance Coverage – price per $1000 of employees annual salary. Estimated Annually	No Bid	$0.175 $26,985	$0.233 $35,929	$0.197 $30,377	$0.182 $28,064
2	Basic Life Insurance coverage for Retirees ($2,500 in coverage) price per $1000 of retiree benefit. Estimated Annually	No Bid	$0.175 $6,799	$0.233 $9,052	$0.197 $7,653	$0.197 $7,653
3	Accidental Death and Dismemberment Insurance Coverage – price per $1000 of employees annual salary. Estimated Annually	No Bid	$0.012 $1,850	$0.015 $2,313	$0.010 $1,542	$0.012 $1,850
4	Long Term Disability Insurance Coverage - price per $100 of employees monthly salary up-to $13,000/month. Estimated annually	$0.154 $237,468	$0.135 $208,170	$0.170 $262,140	$0.150 $231,300	$0.124 $191,208

ALAMO COLLEGES DISTRICT

Item No.	Description	Blue Cross and Blue Shield of Texas (BCBSTX)	Hartford Life and Accident Insurance Company	Lincoln Financial Group proposal #1 - on behalf of Valley Risk Consulting	Lincoln Financial Group proposal #2	Metropolitan Life Insurance Company
5	Short Term Disability Coverage – price per $100 of employees monthly salary up-to $13,000/month. Estimated Annually	No Bid	$1.50 per employee $48,204	$1.50 per employee $48,204	$1.050 per employee $33,743	$1.50 per employee $48,204
Estimated Annual Premium		NOT RANKED	$292,008	$357,638	$304,615	$276,979
Price Ranking		NOT RANKED	3	7	4	2
Technical Ranking		NOT RANKED	3	7	7	4
Overall Ranking		NOT RANKED[1]	3	8	6	2

Item No.	Description	Mutual of Omaha – on behalf of Valley Risk Consulting	Ochs, Inc., Dba. Securian Financial	Symetra Life Insurance Company	The Prudential Insurance Company of America	United Healthcare Insurance Company
1	Group Life Insurance Coverage – price per $1000 of employees annual salary. Estimated Annually	No Bid	$0.186 $28,681	$0.213 $32,845	$0.197 $30,377	$0.285 $43,947
2	Basic Life Insurance coverage for Retirees ($2,500 in coverage) price per $1000 of retiree benefit. Estimated Annually	No Bid	$5.58 per Retiree $7,226	$0.123 $8,275	$0.197 $7,653	$8.55 per Retiree $11,072
3	Accidental Death and Dismemberment Insurance Coverage – price per $1000 of employees annual salary. Estimated Annually	No Bid	$0.012 $1,850	$0.012 $1,850	$0.012 $1,850	$0.012 $1,850

ALAMO COLLEGES DISTRICT

Item No.	Description	Mutual of Omaha – on behalf of Valley Risk Consulting	Ochs, Inc., Dba. Securian Financial	Symetra Life Insurance Company	The Prudential Insurance Company of America	United Healthcare Insurance Company
4	Long Term Disability Insurance Coverage - price per $100 of employees monthly salary up-to $13,000/month.	$0.120	$0.120 for 3-year rate $0.145 for 5-year rate	$0.150	$0.162	$0.166
	Estimated Annually	$185,040	Estimated based on 3-year rate $185,040	$231,300	$249,804	$225,972
5	Short Term Disability Coverage – price per $100 of employees monthly salary up-to $13,000/month.	$0.125 per employee	$1.35 per employee for 3-year rate $1.50 per employee for 5-year rate	$1.50 per employee	$1.35 per employee	$1.50 per employee
	Estimated Annually	$40,170	Estimated based on 3-year rate $43,384	$48,204	$43,384	$48,204
Estimated Annual Premium		NOT RANKED	$266,181	$322,474	$333,068	$361,045
Price Ranking		NOT RANKED	1	5	6	8
Technical Ranking		NOT RANKED	5	6	1	2
Overall Ranking		NOT RANKED[1]	4	7	1	5

Notes:
1. The proposals submitted by Blue Cross and Blue Shield of Texas, Mutual of Omaha, did not propose pricing on all items, and were not ranked.
2. The CSP pricing (not shown here) for Long-Term and Short-Term Disability Insurance Coverage per $100 of employee's monthly salary up-to $10,000/month will not be purchased.

Evaluation Criteria

Purchase Group Life, Accidental Death & Dismemberment, Short and Long-Term Disability Insurance

Criteria	Points
Price	40
Quality of Vendor's Goods and Services	30
Extent to Which the Goods or Services Meet the District's Needs	30

Overview for Purchase of Campus Dining Services

Gary O'Bar, C.P.M.
Director, Purchasing & Contract Administration

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Background

Current Contract:

- July 2015 - the Board of Trustees awarded a contract providing for the purchase of Campus Dining Services and it is scheduled to terminate August 31, 2021

- March 2020 - the services were suspended in response to COVID-19

Benefits to Students

- ✓ Various services - cafeteria style, grab and go café, or food truck services
- ✓ Breakfast, lunch, and dinner options
- ✓ Healthy menu items available
- ✓ Items priced affordable for students, faculty, and staff
- ✓ Employment opportunities to work onsite at the college
- ✓ $7,500 annual student scholarships

Heartland Food Group

Proposal Standard Menu

Entrée's		**Breakfast**	
Chicken Tenders (4)	**$4.00**	**Pancakes (3)**	**$2.95**
Fried Chicken Wings (4)	**$4.00**	**Biscuit & Gravy**	**$1.95**
Chicken Fajitas (2)	**$4.00**	**Breakfast Taco**	**$1.50**
Beef Fajitas (2)	**$4.00**	**Hearty Meal**	**$4.00**
Taco (2)	**$3.00**		
Hamburger	**$3.50**		
Hot Dog	**$2.50**		
Pizza	**$2.50**		
Sub-Sandwiches	**$2.95**	**Specialty Coffee Same**	
Ham & Cheese		**Starbuck Menu**	
Roast Beef	**$2.95**		
Turkey	**$2.95**		
Philly Cheese Steak	**$3.95**		
Salad Salad Bar	**$4.25**	**Smoothies**	**$3.00**
Toss Salad	**$2.50**		
Taco Salad	**$3.50**		
Fruit Salad	**$2.75**		
Sides		**Fresh Fruits**	
Fries	**$2.00**		**$1.00**
Baked Beans	**$1.50**		
Pinto Beans	**$1.50**		
Mac & Cheese	**$1.50**		
Mash Potatoes	**$1.50**		
Green Beans	**$1.50**		
Rice Pilaf/Spanish	**$1.50**		
Mexican Corn	**$1.50**		
Baked Potatoes	**$1.50**		

Drinks		
Soda	**$2.00**	
Bottled Water	**$1.50**	
Coffee	**$2.00**	**(not specialty coffee)**
Tea	**$2.00**	

Various Services

Locations and Services

College	Services
St. Philip's College and the Southwest Campus	Cyber Café in SWC Industrial Technology Center (ITC) Building 1 Cyber Café in MLK Turbon Student Center (TSC) Food Truck
Palo Alto College	Cafeteria in Student Center (SC) Cyber Café in Ozuna Learning & Academic Center (OZU) Food Truck
San Antonio College	Cafeteria in Loftin Student Center (LSC) Cyber Café in Moody Learning Center (MLC) Kiosk in Oppenheimer Academic Center (OC) Food Truck
Northwest Vista College	Cyber Café in Redbud Learning Center (RLC) Food Truck
Northeast Lakeview College	Cyber Café in Library (NLIB) Food Truck

Competitive Sealed Proposals (CSP)

- A notice soliciting competitive sealed proposals (CSP) was advertised in the San Antonio Express News and La Prensa de San Antonio twice over a sixty (60) day period. Additionally, Purchasing and Contract Administration sent notices to one-hundred forty-four potential Offerors.

- The two proposals submitted were evaluated by representatives from various college and district offices considering the CSP specifications and requirements.

- As a result of this effort, the proposal submitted by East Pointe Holdings, Inc. DBA Heartland Food Group is recommended for award on a best value basis.

Recommended Contract Award

This recommendation seeks to award a contract award to Eastpointe Holdings, Inc. DBA Heartland Food Group for an estimated annual receipts of $287,500.

- This contract action provides for the purchase of Campus Dining Services including cafeteria style, grab and go café, and food truck type services. A variety of services are proposed considering our college requirements and facility availability.

- The contract awarded to East Pointe Holdings, Inc. DBA Heartland Food Group will contribute to the Alamo Colleges District, Small, Minority, Women, and Veteran-Owned Business Enterprise (SMWVBE) Program Aspirational Goals.

- Alamo Colleges District estimated annual receipts of $287,500 ($135,000 for facilities rental, $115,000 from estimated sales commission to cover ACD's indirect costs, $30,000 from sale of equipment, and $7,500 for student scholarships).

- Upon approval, Vendor services to commence in September 2021.

Thank you.

ALAMO COLLEGES DISTRICT

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2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Transition Time Line

- Award new contract July 2021
- Finalize contract negotiations with the new contractor July 2021
- Transition begins upon contract signature July 2021
- Current contract terminates August 31, 2021
- Finalize transition of dining services operations September 2021

Payments for Use of ACD Facilities

Facilities Maintenance & Operations

- There is a minimum requirement that the contractor pays rent for use of the ACD facilities.
- In consideration of the rent amount paid by the contractor, Alamo Colleges District will provide a retail ready shell space and furnish all utilities, including electricity and air conditioning; provide local telephone service, exterior dumpster containers for trash/garbage and recyclables; exterminator service; and floor stripping and waxing.
- The CSP requirements provide that no equipment for use in the operation will be provided by the Alamo Colleges District. Contractor will be responsible for providing all necessary equipment and furniture at its own expense provided that the use and location of any such equipment is approved by the Alamo Colleges District.

Career Opportunities for Our Students

- Students employed at the onsite dining services may reach 30 students on average

- Students are given the flexibility to work around the student's academic schedules, and are granted periods of inactivity to suit their needs

Requirements Planning and Proposal Evaluation

Current and past participants in one or both committees:

- Chad Wilson, Manager for Fiscal Services
- Erin Sherman, VPCS for Northwest Vista College
- Jacob Colunga, Coordinator of College Risk Management for St. Philip's College
- Janae Johnson, Director of College Services for San Antonio College
- John Gomez, Information and Communication for St. Philip's College
- Jorge Lopez, Director of College Services for Northeast Lakeview College
- Katherine Doss, VPCS for Palo Alto College
- La-Keisha Harrell, College Budget Officer for San Antonio College
- Laura Alvarez, Director of College Services for Northwest Vista College
- Max Davis, District Director of Facility Operations
- Mordecai Brownlee, Vice President for Student Success for St. Philip's College
- Pamela Ansboury, Associate Vice Chancellor for Finance & Fiscal Services
- Patrick Vrba, Controller
- Paul Machen, Dean of Educational Support Services for St. Philip's College
- Stella Lovato, VPCS for San Antonio College
- Vanessa Anderson, VPCS for St. Philip's College
- Tangila Dove, VPSS for Northeast Lakeview College

Discussion and Possible Action on the Purchase of Campus Dining Services

Presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER
" The Board of Trustees hereby awards a contract to Eastpointe Holdings, Inc. DBA Heartland Food Group providing for the purchase of Campus Dining Services for the Alamo Colleges District for estimated annual receipts of $287,500 ($135,000 from facilities rental, $115,000 from sales commission to cover ACD's indirect costs, $30,000 from sale of equipment, and $7,500 for student scholarships)."

PURPOSE
This contract action provides for the purchase of Campus Dining Services including cafeteria style, grab and go café, and food truck services. Service delivery will vary based on college and facility availability. The contract scope of work requires the contractor to provide the management, systems, inventory, labor, and materials necessary to provide various types of dining services; healthy menu items; timely services; priced items affordable to students, faculty, and staff. East Pointe Holdings, Inc. DBA Heartland Food Group proposed providing breakfast, lunch, dinner options, food truck and catering services in compliance with food safety and sanitation standards, as certified by the City of San Antonio Metropolitan Health District.

The annual estimated receipts of $135,000 for facilities rental is used to cover building lease payments for use of the space at each campus; and the contract commitments of the Alamo Colleges District including furnishing all utilities, such as electricity and air conditioning/heating; providing local telephone service, exterior dumpster containers for trash/garbage and recyclables; providing exterminator, and floor stripping/waxing services.

The CSP requirements provides that no equipment for use in the operation will be provided by the Alamo Colleges District. Contractor will be responsible for providing all necessary equipment and furniture at its own expense provided that the use and location of any such equipment is approved by the Alamo Colleges District. The recommended Offeror's will maintain and/or replace the furniture and equipment provided.

In furtherance of the Alamo Colleges District Goal of Student Success, the recommended proposal includes employment opportunities for our students to work in the onsite dining services. Students will work in the stores as employees with a verified time sheet and pay for the hours worked.

BACKGROUND
In July 2015, the Board of Trustees awarded a contract providing for the purchase of Campus Dining Services and is scheduled to terminate August 31, 2021.

In March 2020, Campus Dining Services was suspended in accordance with Alamo Colleges District response to COVID-19.

In December 2020, a notice soliciting competitive sealed proposals (CSP) was advertised in the San Antonio Express News and La Prensa de San Antonio twice over a sixty (60) day period. Additionally, Purchasing and Contract Administration sent notices to one-hundred forty-four potential Offerors. The proposal submitted by Old San Francisco Steakhouse DBA Absolutely Delicious Catering was withdrawn. The proposals submitted by Aladdin, and the East Pointe Holdings, Inc. DBA Heartland Food Group were evaluated by representatives from various college and district offices considering the CSP specifications and requirements. As a result of this effort, the proposal submitted by East Pointe Holdings, Inc. DBA Heartland Food Group is recommended for award on a best value basis. The contract awarded to East Pointe Holdings, Inc. DBA Heartland Food Group will contribute to the Alamo Colleges District, Small, Minority, Women, and Veteran-Owned Business Enterprise (SMWVBE) Program Aspirational Goals. The contract will begin upon award and terminate August 31, 2022 with five, one-year options for renewal upon mutual consent of the contractor and the Alamo Colleges District.

IMPLICATIONS
Financial: Estimated annual receipts of $287,500
Strategic Objective: Goal I – Student Success; Goal III – Performance Excellence
Employee Services: None
ATTACHMENTS: Price Tabulation; Evaluation Criteria

Gary O'Bar,C.P.M.
Gary O'Bar,C.P.M.
cn=Gary O'Bar,C.P.M., o=Alamo Colleges District, ou=Purchasing & Contract Administration, email=gobar@alamo.edu, c=US
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Gary O'Bar, C.P.M.
Director Purchasing & Contract Administration

Shayne West
Interim Associate Vice Chancellor for Finance & Fiscal Services

Dr. Diane Snyder
Digitally signed by Dr. Diane Snyder
Date: 2021.07.08 16:26:00 -05'00'

Dr. Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

Dr. Mike Flores
Chancellor

Price Tabulation

Purchase of Campus Dining Services

Item No.	Description	Aladdin	East Pointe Holdings, Inc. DBA Heartland Food Group
1	Menu Pricing	As Specified	As Specified
2	Student Scholarships paid to ACD	$5,000	$7,500
3	Sales Commission paid to ACD (Estimated Annually)	0% $0	5% $115,000(1)
	Other Financial Considerations		
4	Less Proposed Management Fee charged to ACD	- $75,000(2)	None
5	Rent Amount paid to ACD (4)	$135,000	$135,000
6	Equipment Purchase Amount paid to ACD	No Bid	$150,000(4) (average amount of $30,000 for 5 years)
Average Annual ACD Receipts (5 year) (5)		$65,000	$287,500
Price Ranking		2	1
Technical Ranking		2	1
Overall Ranking		2	1

Notes:

1. For evaluation purposes the amount shown for the Sales Commission paid to ACD is based on 3-year average annual sales of $2.3 million.
2. The proposal submitted by Aladdin requires an annual $75,000 management fee for all campuses paid by ACD.
3. The Rent Amount shown reflects the available space for use at the colleges.
4. The proposed amount shown for the Equipment Purchase Amount paid to ACD is subject to change based on equipment availability.
5. The amounts shown include the Alamo Colleges District best estimates for a one-year period.
6. The proposal submitted by Aladdin included a proposed $125,000 Capital Investment (excluding NVC and SPC) amortized over the 5-year term of the agreement and is not recommended at this time.
7. The proposal submitted by Old San Francisco Steakhouse DBA Absolutely Delicious Catering was withdrawn.

Evaluation Criteria

Purchase of Campus Dining Services

Criteria	Points
Price	40
Quality of Vendor's Goods and Services	40
Extent to Which the Goods or Services Meet the District's Needs	20

Overview for Contract Amendment - Purchase of Student Retention and Recruitment Services for Palo Alto College

Dr. Robert Garza

President, Palo Alto College

Gary O'Bar, C.P.M.

Director, Purchasing & Contract Administration

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Recommended Amendment to Purchasing Contract

Background:

- In November 2020, a Memorandum of Understanding was executed for $35,000 to provide services; and amended in May 2021 for $89,395 for additional services.

- Since purchasing the Student Retention and Recruitment Services for Palo Alto College, requirements have been identified for increases in service delivery.

Recommended Amendment:

This recommendation seeks to amend the contract with Communities in Schools of San Antonio, a non-profit Corporation, CIS-SA for an increased authorization of $35,000, for a new estimated annual purchase amount of $159,395; funding is provided from the PAC Operating – PAC VP Student Success Office

Thank you.

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Discussion and Possible Action on Ratifying an Amendment to the Memorandum of Understanding with Communities in Schools of San Antonio, a non-profit Corporation, CIS-SA providing for the purchase of Student Retention and Recruitment Services for Palo Alto College

Presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER

The Board of Trustees hereby approves ratification on amending the Memorandum of Understanding with Communities in Schools of San Antonio, a non-profit Corporation, CIS-SA providing for the purchase of Student Retention and Recruitment Services for an increased authorization of $35,000 for a new annual purchase amount of $159,395 as requested by the Office of the President for Palo Alto College."

PURPOSE

This contract action provides for the authorization to amend a contract executed November 2020, to increase the amount of services to be purchased. Since purchasing the Student Retention and Recruitment Services for Palo Alto College, requirements have been identified that require an increase in service delivery. The support services will take place via the Wraparound Retention and Persistence Program ("WRAPP"), a collaborative retention initiative serving high-need first year students. The program will focus on serving first year students from underserved high schools on the Southside of San Antonio who attend Palo Alto College. Approval of this amendment action enables negotiated changes to the Memorandum of Understanding that will result in continued service delivery to meet current and future student needs.

BACKGROUND

In November 2020, a Memorandum of Understanding was executed with Communities in Schools of San Antonio, a non-profit Corporation, CIS-SA for $35,000 to provide services; and in May 2021 for $89,395 for additional services.

The amendment is effective September 1, 2021, and expires on August 31, 2022, unless otherwise terminated in accordance with the contract. The Contractor is a local non-profit organization that specializes in the provision of the services in meeting the Alamo Colleges requirements, and as such this purchase is being made on a solesource basis in accordance with TX GOV 791.025 for Inter-Local Contracts, and TX ED 44.031.

IMPLICATIONS

Financial: Increased authorization of $35,000 for a new annual purchase amount of $159,395 annually;
Funding is provided from 113001-832001PAC Operating – PAC VP Student Success Office
Strategic Plan: Goal I – Student Success; Goal III Performance Excellence
Employee Services: None
Attachments: Price Tabulation

Gary O'Bar, C.P.M.
Director, Purchasing & Contract Administration

Dr. Robert Garza
President, Palo Alto College

Dr. Diane Snyder

Digitally signed by Dr. Diane Snyder
Date: 2021.07.13 12:27:54 -05'00'

Dr. Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

Dr. Mike Flores
Chancellor

PRICE TABULATION

Ratifying an Amendment to the Memorandum of Understanding with Communities in Schools of San Antonio, a non-profit Corporation, CIS-SA, providing Student Retention and Recruitment Services for Palo Alto College

Description	Price
Student Retention and Recruitment Services to include: continued support services to First Time in College (FTIC) students as they transition from high school to post-secondary education	$35,000

Internal Audit Quarterly Update

July 20, 2021

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Internal Audit Plan for Fiscal Year 2021

(Status as of March 31, 2021)

	FY 2020 Audit Plan – Carryover Projects	Status	Phase
1	Alamo Colleges Foundation Audit	✓	-
2	Banner Security Audit	✓	-
	FY 2021 Audit Plan Projects		
3	COVID-19 related activity or CARES Act Compliance (HEERF Audit)	In Progress	Planning
4	Facility Management – Preventive Maintenance Program Audit	FY 2022 Plan	New Process
5	Fiscal Services – Budgeting Audit	FY 2022 Plan	New Process
6	Time and Attendance Reporting Audit (Employees only)	Planned	-
7	IT Interface Control Audit	Pending IT Auditor Hire	-
8	Colleges - Program Review – Nursing Program Audit (SPC and/or SAC)	FY 2022 Plan	-

Internal Audit Plan for Fiscal Year 2021 (Continued)

(Status as of March 31, 2021)

	FY 2021 Audit Plan Projects	Status	Phase
9	IT - Systems/Database Support – System Audit	Pending IT Auditor Hire	-
10	Construction Contracts and Project Management – CIP Audit (Phase II)	In Progress	Reporting
11	Student Disability Support Services (DSS) Audit	✓	
12	Title IX Compliance Audit	In Progress	Planning
13	Procurement Card (Pcard) Audit	In Progress	Reporting
	FY 2021 Investigations		
14	State Auditor's Office (Case #20-3306) *(Case Received September 15, 2020)*	✓	-
15	Ethics Point (Case #685) *(Case Received October 29, 2020)*	✓	-

Status of Management Action Plans

Management Responses to Internal Audits Recommendations		
	As of September 1, 2020	As of July 6, 2021
Closed	0	8
Past Due	5	4
Open	15	19
Total	20	31

Internal Audit (IA) Required Communications

Std.	Communication Requirement	Timing
1000	The CAE must periodically review the internal audit charter and present it to senior management and the Board for approval.	01/2021
1010	The CAE should discuss the Mission of Internal Audit and the mandatory elements of the International Professional Practices Framework with senior management and the board.	04/2021
1110	The CAE must confirm to the Board, at least annually, the organizational independence of the internal audit activity.	04/2021
1111	The CAE must communicate and interact directly with the Board.	Ongoing
1312	The CAE must discuss with the Board the form and frequency of external assessments and the qualifications and independence of the external assessor or assessment team, including any potential conflicts of interest.	8/2021
1320	The CAE must communicate the results of the quality assurance and improvement program to senior management and the Board. Disclosure should include: the scope and frequency of both the internal and external assessments; the qualifications and independence of the assessor(s) or assessment team, including potential conflicts of interest; conclusions of assessors; and corrective action plans.	Ext. QAR 5/2018 Int. QAR 8/2021
2020	The CAE must communicate the internal audit activity's plans and resource requirements, including significant interim changes, to senior management and the Board for review and approval. The CAE must also communicate the impact of resource limitations.	7/2021 & 8/2021
2060	The CAE must report periodically to senior management and the Board on the internal audit activity's purpose, authority, responsibility, and performance relative to its plan and on its conformance with the Code of Ethics and the Standards. Reporting must also include significant risk and control issues, including fraud risks, governance issues, and other matters that require the attention of senior management and/or the Board.	10/2021 & Ongoing
2600	When the chief audit executive concludes that management has accepted a level of risk that may be unacceptable to the organization, the chief audit executive must discuss the matter with senior management. If the chief audit executive determines that the matter has not been resolved, the chief audit executive must communicate the matter to the board.	7/2021

Financial and Operational Impact Assessment

Financial Impact	Operational Impact
>$250K	Gross Negligence/Illegal Act/Material Impact
$50K - $250K	Policy Compliance/Lack of Internal Controls
<$50K	Efficiency/Effectiveness Opportunities

Student Disability Support Services Audit

Objective Included	Findings/Priority	Management Action Plan
Ascertain whether information regarding the Disability Support Services (DSS) Offices is provided to students in a timely manner.	• DSS Operational Procedure Manual was in draft. • DSS Student Grievance Procedure was in draft.	• DSS Operational Procedure was approved. (Completed) • DSS Student Grievance Procedure will be presented to the Board for approval.
Determine whether the DSS Offices process student accommodation requests effectively and in a manner consistent with the DSS Committee initiatives.	• Inconsistent Processing of Student Accommodation Requests. • Inconsistent use of DSS guidelines to process student accommodations request. • Perform reconciliations of requests and consider establishing quality checks.	• Accommodation requests will be processed according to guidelines and requests will be reconciled. • Will discuss developing a workflow to establish a quality check process of critical steps.
Determine whether accommodations were provided to students in accordance with Alamo College District (ACD) Board Policy and on a timely basis.	• Some DSS Website missing links to DSS forms • Update enrollment checklist to include DSS information.	• The enrollment checklist and DSS websites was updated to include DSS services and links to forms. (Completed)
Assess the effectiveness of the controls used to safeguard the assistive technology equipment and software.	• Organizational code not always used to track technology by College • Software licenses not always assigned to specific individuals per agreement / contract.	• DSS technology was assigned to DSS organizational codes by College (Completed). • Software was assigned to specific individuals (Completed).

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Banner User Access Audit

Objective Included	Findings/Priority	Management Action Plan
To determine whether access rights to the Banner System are properly managed to safeguard Alamo Colleges' information and prevent unauthorized changes.	• Termination processes initiated by the employees' supervisor/department are not always performed timely. • Delays exist in deactivating Banner system access upon terminations. • Time-frame for disabling access for terminated employees is not defined.	• HR established a process to notify senior leadership when supervisors do not initiate separations timely (Completed) • IT will update its procedures, develop an automated Banner separation workflow process, and create a report to monitor Banner access for terminations.
	• Transfer processes initiated by the employees' supervisor/department are not always performed timely. • Delays exist in modifying Banner system access upon transfers. • Time-frame for modifying access for transferred employees is not defined. • The Daily Transfer Report did not include all transferred employees.	• HR has updated the parameters on the Daily Transfer Report (Completed) • IT will update its procedure and work with HR to improve Banner access notifications and modifications when an employee transfers.

Thank you.

ALAMO COLLEGES DISTRICT

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Achieving the Dream LEADER COLLEGE OF DISTINCTION

Internal Audit Proposed Budget for Fiscal Year 2022

July 20, 2021

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

FY 2022 Budget Overview (effective 9-1-2021)

- Total Operating Budget - $812,476
  - Decrease of $45,679 over prior year FY 2021 budget due to salary adjustments and benefits.
- Salaries and Other Compensation - $ 530,846 *(65 percent)*
  - Staff - Director and four Auditors (Five FTE).
  - Cell phone allowance of $720.
- Professional Fees - $40,000 *(4.9 percent)*
  - No increase over prior year FY 2021 budget.
  - Internal Audit may elect to use an outside consultant or specialized audit firm to assist the Internal Audit Department in its performance of the IT Remote Device Management audit or other audits included on the FY 2022 Internal Audit Plan. Internal Audit has determined that the best resource for performing specialized audit work would be an experienced external service provider.

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FY 2022 Budget Overview (effective 9-1-2021)

- Employee Development and Travel - $40,000 *(4.9 percent)*
  - No increase over prior year FY 2021 budget.
  - Regular continuing professional education (CPE) training provided to Internal Audit staff which is required to maintain the active status of professional certifications and keep staff up-to-date on the latest auditing techniques and skills. The overall training program will pay long-term dividends in the quality of audit work in the coming years.
- Professional Dues - $5,000 *(0.6 percent)*
  - No increase over prior year FY 2021 budget.
  - Expenses for professional membership dues are necessary to maintain the active status of the professional certifications and memberships held by Internal Audit staff.
- Office Expenses and Software - $25,000 *(3 percent)*
  - Cost for supporting audit management and analytical software.
- Fringe Benefits - $171,630 *(21 percent)*
  - Decrease of $10,412 due to salary adjustments.

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Budget Comparison (effective 9-1-2021)

Operating Budget	Board Approved FY 2021 Budget	FY 2021 Actual and Projected	FY 2022 Budget
Salaries	$565,393	$488,718	$530,126
Other Compensation (Cell Phone Allowance)	720	720	720
Professional Fees	40,000	390	40,000
Office Expense	5,000	4,094	5,000
Software	20,000	11,361	20,000
Employee Development	25,000	15,990	25,000
Professional Dues/Licenses/Memberships	5,000	3,855	5,000
Travel	15,000	0	15,000
Fringe Benefits	182,042	157,354	171,630
Total	$858,155	$682,482	$812,476
% Variance from Board Approved FY 2021 Budget. *(Projected $175,673 or 20.5% under budget in 2021; $45,679 or 5.3% under budget in 2022 due to salary adjustments and benefits.)*		-20.5%	-5.3%

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Action Required in July

Approve the preliminary Internal Audit department's operating budget of $640,846 plus an additional amount of $171,630 for allocable benefit costs, for a total of $812,476 for consideration in the overall Alamo Colleges budget planning process.

The final Internal Audit budget will be considered for approval with the overall Alamo Colleges fiscal year 2022 budget.

Thank you.

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE OF DISTINCTION

Discussion and Possible Action on the District Internal Audit Department's Proposed Fiscal Year 2022 Budget and Staffing

Presented to the Board Acting as Committee of the Whole on July 20, 2021, and now presented to the Board for approval on July 27, 2021.

MINUTE ORDER

"The Board of Trustees hereby approves the proposed Internal Audit Department operating budget for the fiscal year 2022 of $640,846 plus an additional amount of $171,630 for allocable benefit costs, for a total of $812,476. This total does not include any adjustments for salaries that are included in the general budget presentation for the new fiscal year. The final Internal Audit budget will be considered for approval with the overall Alamo Colleges fiscal year 2022 budget."

PURPOSE

The Audit Committee Charter tasks the Audit, Budget, and Finance Committee with reviewing the plans, activities, staffing, and budget for the Internal Audit function.

The Internal Audit Charter states that Internal Audit has various responsibilities, including but not limited to:

Maintaining a professional audit staff group;
Following professional audit practices and standards; and
Proposing an appropriate annual staffing plan to the Audit Committee and Board.

BACKGROUND

The District Director of Internal Audit prepared a proposed operating budget for the fiscal year 2022. The analysis provides a summary of expenditures anticipated and a comparison with the current year's budget.

The total does not include any adjustments for salaries that Alamo Colleges has typically included in the general budget presentation for implementation in the new fiscal year.

The proposed budget amount totals $812,476, including salaries, direct operating expenses, and allocable benefit costs. The proposed budget is sufficient to fund the Internal Audit Department to include the District Director of Internal Audit position and four experienced internal audit professionals. It also has $40,000 for potential contracting with an outside source to perform specialized audit work to assist Internal Audit in its performance of Information Technology related work or other audits included on the fiscal year 2022 Internal Audit Plan. Internal Audit has determined that the best resource for performing this specialized audit work would be an experienced external service provider.

An internal audit plan is being developed that can be accomplished with the available resources.

IMPLICATION

Financial: Funding Source: Account 119001-891031-5010

Cost: Internal Audit Department's Budget for the fiscal year 2022 is $812,476 for direct salaries, operating expenses, and allocable benefit costs.

Strategic Plan: Strategic Objective III: Performance Excellence

Employee Services: None

ATTACHMENT: Internal Audit Proposed Budget for Fiscal Year 2022

_____	_____
Frank Cortez Date	Dr. Diane E. Snyder Date
District Director of Internal Audit	Vice Chancellor for Finance & Administration

_____

Dr. Mike Flores Date
Chancellor

Discussion and Possible Action on Monthly Contracts Report

Presented to the Board Acting as Committee of the Whole on June 20, 2021, and now presented to the ALAMO COLLEGES DISTRICT BOARD OF TRUSTEES on June 27, 2021

MINUTE ORDER
"The Alamo Colleges District Board of Trustees hereby approves this report on non-grant contracts (public) made to the Alamo Colleges District for the period of September 1, 2020, through June 30, 2021."

PURPOSE
To provide a monthly report on non-grant contracts received by the Alamo Colleges District.

BACKGROUND
Contracts – Non-grant contracts are contracts in which Alamo Colleges District receives funds to provide special or negotiated services or training to private corporations. For the period ending June 30, 2021, there are a total of 16 contracts that total $1,023,679.00 in external funding. This will allow services to be provided to 4260 individuals.

OBJECTIVE/FACT
To supplement activities not funded by Institutional Funds.

IMPLICATIONS

Financial:	Yes
Strategic Plan:	Goal III. Performance Excellence
Human Resources:	Yes

ATTACHMENTS: YTD Contract (Non-Grant) Summary Report.

Linda Rivas Digitally signed by Linda Rivas Date: 2021.07.15 13:22:48 -05'00'

Linda Rivas, Interim Associate Vice Chancellor of Continuing Education

Xavier Urrutia Digitally signed by Xavier Urrutia Date: 2021.07.15 14:09:42 -05'00'

Xavier Urrutia, Interim Vice Chancellor for Economic & Workforce Development

Dr. Mike Flores, Chancellor

ALAMO COLLEGES DISTRICT

Year-To-Date Contract (Non-Grant) Summary Report

Status: September 1, 2020 – June 30, 2021

I. Current Month Contracts District Wide:

No.	Contract Recipient (District Wide)	No. of Courses	Monthly No. Students to be Served	YTD No. Students to be Served
1	Continuing Education	217	3,213	4,260
	Total	**217**	**3,213**	**4,260**

II. Year-to-Date Number of Contracts in Selected Dollar Ranges:

No.	Contract Recipient	$.01-$9,999.99	$10,000-$100,000	$100,000 and Higher	Total
1	Workforce Training Network	7	5	4	16
	Total	**7**	**5**	**4**	**16**
Source: All data provided by Workforce Training Network-Continuing Education Department.					

Discussion and Possible Action on Approval of Monthly Grants and Contracts Reports

Presented to the Board acting as Committee of the Whole on July 20, 2021 and now presented to the Board for approval on July 27, 2021.

MINUTE ORDER:
"The Alamo Colleges District Board of Trustees hereby approves this report on grants and contracts (public) and ratifies acceptance of the donations and grants made to the Alamo Colleges District."

PURPOSE:
To provide a monthly report on new grant awards, continuation awards, funding increases, and restricted contracts received during the month; and, obtain ratification of their acceptance by the Alamo Colleges District.

Background

1. Grants – The Alamo Colleges District received 7 new grant awards, 11 continuation grant awards, for the period ending May 31, 2021. The year-to-date (YTD) funding is $180,553,032 and allows for 147.30 FTE positions.
2. Restricted Grant Contracts – The Alamo Colleges District had 1 new restricted grant contracts for the same period. YTD funding is $133,077 and it allows for 172 students to be served.

OBJECTIVE/FACT: To supplement activities not funded by Institutional Funds.

IMPLICATIONS:

Financial:	Yes
Strategic Plan:	Strategic Objective III Performance Excellence
Human Resources:	Yes

ATTACHMENTS: Monthly Grant Award Funding Activity Report; YTD Grant Funding Activity Report with Award Description; YTD Grant Award Summary Report; Monthly Restricted Contract Funding Activity Report; YTD Restricted Contract Summary Report.

Dr. Diane Snyder
Digitally signed by Dr. Diane Snyder
Date: 2021.07.07 09:42:46 -05'00'

Shane West Date
Interim, Associate Vice Chancellor for Finance and Fiscal Services

Diane E. Snyder, CPA, Ph.D. Date
Vice Chancellor for Finance and Administration

Dr. Mike Flores Date
Chancellor

ALAMO COLLEGES DISTRICT

ALAMO COLLEGES DISTRICT

FY2021 MONTHLY (MTD) GRANT AWARD ACTIVITY REPORT

April 01, 2021 - May 31, 2021

Item No.	Grant Code	College	Funding Source/Grant	Description/Function	Date of Award Letter	Match Amount	Indirect Cost	Funding Amount	Students Served	No. of FTEs
1	212425	St. Philip's College	**U.S. Department Of Education,** Program Title: *"CARES ACT Higher Education Emergency Relief Fund for Institutions and students impacted by COVID-19".*	CARES ACT Institutional Costs funding will be used to enable to operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Funding will be used to address allowable costs associated with significant changes to the delivery of instruction.	5/6/2020	$0	$0	$6,888,489	13,000	0.00
2	212426	St. Philip's College	**U.S. Department Of Education,** Program Title: *"CARES ACT HBCU Emergency Relief Fund for institutions and students impacted by COVID-19".*	CARES ACT HBCU funding will be used to enable to operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Funding will be used to address allowable costs associated with significant changes to the delivery of instruction.	5/1/2020	$0	$0	$30,775,853	13,691	0.00
3	252425	St. Philip's College	**U.S. Department of Education,** Program Title: *"CARES ACT Higher Education Emergency Relief Fund for students impacted by COVID-19".*	The American Rescue Plan (ARP) will address the pressing financial need of students due to the disruption of campus operations from the Coronavirus. Funds will be used for the sole and exclusive purpose of providing emergency financial aid grants to students for their expenses such as food, housing, course materials, technology, health care related to the disruption of campus operations. *Additional Funding in the amount of $8,016,027.*	4/15/2021	$0	$0	$8,016,027	13,691	0.00
	3		**Total SPC-MTD Single Year Grants**			**$0**	**$0**	**$45,680,369**	**40,382**	**0.00**
1	213098	Palo Alto College	**Texas Workforce Commission,** Program Title: *"Governors Summer Merit Program".*	Purpose of the Governor's Summer Merit Program is to improve middle and high school students familiarity and experience with post secondary education opportunities leading to STEM careers while developing collaboration among workforce development programs, colleges and universities.	3/23/2021	$0	$0	$83,206	120	1.00
2	213425	Palo Alto College	**U.S. Department Of Education**, Program Title: *"Palo Alto College-CARES Institutional".*	Funds to cover costs for changes that have a clear nexus to significant changes to the delivery of instruction due to COVID-19.	4/5/2020	$0	$0	$6,865,308	5,196	0.00
3	213426	Palo Alto College	**U.S. Department of Education**, Program Title: *"Palo Alto College-CARES HSI".*	Funds to cover costs for changes that have a clear nexus to significant changes to the delivery of instruction due to COVID-19. *Additional funding in the amount of $473,598.*	12/9/2020	$0	$0	$473,598	2,000	0.00
4	253425	Palo Alto College	**U.S. Dept. of Education,** Program Title: *"Palo Alto College CARES".*	The American Rescue Plan (ARP) funds will address the pressing financial need of students due to the disruption of campus operations from Coronavirus; funds will be used for the sole and exclusive purpose of providing emergency financial aid grants to students for their expenses such as food, housing, course materials, technology, health care related to the disruption of campus operations. *Additional funding in the amount of $7,943,670.*	4/25/2020	$0	$0	$7,943,670	5,000	0.00
	4		**Total PAC-MTD Single Year Grants**			**$0**	**$0**	**$15,365,782**	**12,316**	**1.00**
1	214425	Northwest Vista College	**U.S. Department of Education,** Program Title: *"NVC CARES Act HEERF Grant Institutional Support".*	Funding will be used to address allowable costs associated with significant changes to the delivery of instruction due to COVID-19 and campus reopening.	1/16/2021	$0	$0	$11,960,913	14,182	0.00
2	214426	Northwest Vista College	**U.S. Department of Education,** Program Title: *"NVC CARES Act HEERF Grant-MSI DHSI Support".*	CRRSAA HEERF funding will be used to enable to operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Activities and expenditures will be prioritized to help ensure that learning can continue for NVC students during our community's recovery from the coronavirus pandemic.	3/3/2021	$0	$0	$855,160	8,126	0.00
3	254425	Northwest Vista College	**U.S. Department of Education**, Program Title: *"NVC CARES Act HEERF Grant-Institutional Support".*	The American Rescue Plan Act (ARP) Institutional Aid funding will be used to enable to operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Funds will strengthen NVC's capacity to support continued remote and online learning in the future. *Additional funding in the amount of $13,781.925.*	5/12/2021	$0	$0	$13,781,925	14,182	0.00
	3		**Total NVC-MTD Single Year Grants**			**$0**	**$0**	**$26,597,998**	**36,490**	**0.00**
1	215425	Northeast Lakeview College	**U.S.Department of Education**, Program Title: *"Northeast Lakeview College CARES Project Part 2 (NLC CARES 2)".*	CARES ACT HEERF-Institutional Costs funding will be used to enable to operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Funding will be used to address allowable costs associated with significant changes to the delivery of instruction.	6/5/2020	$0	$0	$3,735,493	6540	0.00
2	255425	Northeast Lakeview College	**U.S. Department of Education,** Program Title: *"Northeast Lakeview College CARES Project (NLC CARES)".*	The American Rescue Plan Act (ARP) funding will be used to Provide emergency financial aid grants to students whose lives have been disrupted, many of whom are facing financial challenges and struggling to make ends meet. *Additional funding in the amount of $3,967,442.*	5/5/2020	$0	$0	$3,967,442	3,448	0.00
	2		**Total NLC-MTD Single Year Grants**			**$0**	**$0**	**$7,702,935**	**9,988**	**0.00**
	12			**Total MTD Single Year Grants**		**$0**	**$0**	**$95,347,084**	**99,176**	**1.00**
				Multi Year Grants						

1	219117	District	**Texas Higher Education Coordinating Board (THECB)**, Program Title: *"Nudges to the Finish Line"* . Year 2 of 2.	Alamo Colleges District is participating in research project on the impact of text message nudges. ACD will share data for the purposes of assigning students to cohorts and for evaluating impact of interventions on credit completion and degree attainment.	5/24/2021	$0	$0	$5,613	0	0.00
2	219124	District Economic Workforce Development	**U.S. Department of Labor**, Program Title: *"Apprenticeship: Closing the Skills Gap"*. Year 2 of 4.	The Healthcare Apprenticeship Partnership will convene key employer partners to develop new apprenticeship programs in key occupations in the h healthcare sector to build an apprenticeship pathway and expand access to trainees.	2/18/2020	$115,103	$59,645	$255,785	800	2.50
3	219345	District Economic Workforce Development	**Texas Workforce Commission/ESC 20**, Program Title: *"Adult Education and Literacy (AEL)"*. Year 1 of 7	This consortium grant will be used to build systems of success for Adult Education and Literacy (AEL) and English Literacy Civics at all levels. The AEL Consortium will lead the Adult Learner Success Network in planning and designing education services, support services and workforce pathways across the 12 county service area of Alamo Workforce Development. *Additional funding in the amount of $16,341.*	7/1/2020	$0	$0	$16,341	521	0.00
	3		**Total Dist.-MTD Multi Year Grants**			**$115,103**	**$59,645**	**$277,739**	**1,321**	**2.50**
1	212089	St. Philip's College	**Texas Higher Education Coordinating Board (THECB);** Program Title: *"Nursing Shortage Reduction Program (NSRP) Under 70 Program"* . Year 2 of 2.	Funds received from this grant would be necessary to hire additional nursing faculty for the LVN to RN program.	10/7/2020	$0	$0	$34,555	12	0.00
	1		**Total SPC-YTD Multi-Year Grants**			**$0**	**$0**	**$34,555**	**12**	**0.00**
1	213084	Palo Alto College	**Defense Intelligence Agency / University of Texas at San Antonio,** Program Title: *"The UTSA IC CAE Critical Technology Studies Program"*. Year 3 of 3.	Palo Alto College is partnering with the University of Texas at San Antonio (UTSA) in a Defense Intelligence Agency Community Center for Academic Excellence that will help enhance security in the homeland, graduate education and public understanding of issues pertaining to national security.	9/28/2018	$0	$0	$21,000	24	0
	1		**Total PAC-MTD Multi Year Grants**			**$0**	**$0**	**$21,000**	**24**	**0.00**
1	214049	Northwest Vista College	**National Science Foundation,** Program Title: *"Alamo Institute for Materials (Micro, Bio, Nano) Technology (AIM-TEC)"*. Year 3 of 3.	Program will support the educational preparation of next generation technicians with 21st century knowledge and skills in micro-Nano-bio technologies. *Additional funding in the amount of $149,970.*	2/1/2021	$0	$6,202	$149,970	28	1.00
	1		**Total NVC-MTD Multi Year Grants**			**$0.00**	**$6,202**	$149,970	**28**	**1.00**
	6			**Total MTD Multi-Year Grants**		**$115,103**	**$65,847**	**$483,264**	**1,385**	**3.50**
	18			**GRAND TOTAL-MTD SINGLE AND MULTI-YEAR GRANTS**		**$115,103**	**$65,847**	**$95,830,348**	**100,561**	**4.50**

ALAMO COLLEGES DISTRICT

FY 2021 YTD Grant Award Summary Report

Includes All Single Year Grants and the Current Year of Multi-Year Grants

September 1, 2020 -May 31, 2021

No.	College	No. of Grants	Match Amounts	Indirect Cost Received	YTD Funding Amount	No. of Students Served	No. of FTEs
1	District Grants	15	$ 115,103	$ 65,963	$ 39,492,704	21,957	49.50
2	San Antonio College	19	$ 341,068	$ 237,028	$ 22,659,319	62,312	28.00
3	St. Philip's College	11	$ -	$ 301,503	$ 56,923,777	42,364	17.00
4	Palo Alto College	22	$ 2,114,792	$ 169,742	$ 21,621,938	16,885	43.00
5	Northwest Vista College	8	$ -	$ -	$ 31,446,837	17,840	9.80
6	Northeast Lakeview College	4	$ -	$ 6,202	$ 8,408,458	10,503	0.00
GRAND TOTAL		**79**	**$ 2,570,963**	**$ 780,438**	**$ 180,553,032**	**171,861**	**147.30**

ALAMO COLLEGES DISTRICT

FY 2021 Monthly & YTD Grant Award Funding Activity Report with Award Description

September 1, 2020 -May 31, 2021

Item No.	Grant Code	College	Funding Source/Grant	Description/Function	Date of Award Letter	Match Amount	Indirect Cost	Funding Amount	Students Served	No. of FTEs
1	219131	District-Economic Workforce	**AmeriCorps / Public Allies National Office**, Program Title: *"Public Allies"*.	The purpose of this grant is to develop our ability to meet the needs of the community by increasing our opportunity to work with community based organization. The partnership with the organizations will help develop a cohort of young social service leaders who can facilitate transformational change learning to the improvement of their communities.	9/1/2020	$0	$6,318	$317,500	25	2.00
2	219132	District Economic and Workforce Development	**U.S. Department of Education /Texas Higher Education Coordinating Board (THECB)**, Program Title: *"Texas Reskilling Support Fund Grant Program"* .	Project will support displaced Texas workers impacted by the COVID-19 pandemic who need to res-skill or upskill to get back into the workforce and will support Texas students who have previously stopped out of higher education institutions without completing a postsecondary credential.	12/18/2020	$0	$0	$300,000	200	0.00
3	219133	District	**Department of State thru University of Nebraska**, Program Title: *"Sons Charitable Trust, Coimbatore, India and Hindustan University, Chennai India"*.	Provide workforce training skills in alternative energies to India villages through partnerships with three India Colleges including the Hindustan Institute of Technology and Science (Chennai, India), Sri Ramakrishna Engineering College (Coimbatore India) and the Sri Ramakrishna College of Arts and Sciences (Coimbatore, India). This project will promote economic development and increased employment among the under-served residents of India villages.	3/1/2020	$0	$0	$37,952	0	0.00
4	219161	District Workforce Development	**City of San Antonio,** Program Title: *"Train for Jobs SA"*.	Consists of providing workforce upskills opportunities through education, training and stipends to residents negatively-affected by job loss, to increase their chances of obtaining general employment and better employment opportunities as businesses affected by COVID-19 begin to rehire.	8/10/2020	$0	$0	$32,753,000	5,050	18.00
5	219420	District Student Success	**Federal Emergency Management Agency (FEMA)/United Way,** Program Title: *Emergency Food and Shelter National Board Program Phase 38.*	The Alamo Colleges District's five Advocacy Centers address housing and food insecurities through wrap-around social work, case management and emergency aid to students struggling to make utility or rent payments. A helpline is connecting students to the Supplemental Nutrition Plan, the SA Food Bank and other community partners for housing assistance, food and grocery gift cards.	2/1/2021	$0	$0	$50,000	50	0.00
6	219424	District	**Emergency Food and Shelter National Board Program**, Program Title: *"Emergency Food and Shelter Program-Phase 37 Housing"*.	The Alamo Colleges districts' five Advocacy Centers address housing and food insecurities through wrap-around social work, case management and emergency aid to students struggling to make utility or rent payments in order to avoid eviction or termination of utilities. A helpline is connecting students to the Supplemental Nutrition Plan, the SA Food Bank and other community partners for housing assistance, food and grocery gift cards.	7/31/2020	$0	$0	$29,545	50	0.00
7	219425	District	**Emergency Food and Shelter National Board Program**, Program Title: *"Emergency Food and Shelter Program-Phase CARES Housing"*.	The Alamo Colleges districts' five Advocacy Centers address housing and food insecurities through wrap-around social work, case management and emergency aid to students struggling to make utility or rent payments in order to avoid eviction or termination of utilities. A helpline is connecting students to the Supplemental Nutrition Plan, the SA Food Bank and other community partners for housing assistance, food and grocery gift cards.	7/31/2020	$0	$0	$49,900	115	0.00

ALAMO COLLEGES DISTRICT

FY 2021 Monthly & YTD Grant Award Funding Activity Report with Award Description

September 1, 2020 -May 31, 2021

Item No.	Grant Code	College	Funding Source/Grant	Description/Function	Date of Award Letter	Match Amount	Indirect Cost	Funding Amount	Students Served	No. of FTEs
8	219873	District Economic Workforce	**U.S. Department of Education/Texas Higher Education Coordinating Board**, Program Title: *"Carl D. Perkins/Career and Technical Education-Basic Grants to States"*.	The Perkins Basic Grant program supports awarded applicants in educating students who enroll in CTE courses and programs in preparation for high-skill or high-demand occupations. *Additional funding in the amount of $266,076.*	7/1/2020	$0	$0	$1,867,735	14,500	5.00
	8		**Total Dist.- YTD Single Year Grants**			**$0**	**$6,318**	**$35,405,632**	**19,990**	**25.00**
1	211159	San Antonio College	**Texas Higher Education Coordinating Board,** Program Title: *"Nursing & Allied Health-Supporting Clinical Learning to Mitigate Impediments due to COVID-19"*.	To support eligible initial RN licensure programs in their efforts to mitigate the impact on Texas students' clinical learning experiences from the Coronavirus Disease 2019 (COVID-19), in anticipation that the impact could be potentially long-lasting.	10/16/2020	$0	$0	$73,926	350	1.00
2	211425	San Antonio College	**U.S. Department of Education**, Program Title: *"San Antonio College's (SAC) CARES"*.	CARES Act-Institutional costs will be used to enable and operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Funding will be used to address allowable costs associated with significant changes to the delivery of instruction. *Additional funding in the amount of $14,126,237.*	5/7/2020	$0	$0	$14,126,237	18,643	0.00
3	211426	San Antonio College	**U.S. Department of Education,** Program Title: *"San Antonio College's (SAC) CARES Emergency Fund-Hispanic/Minority-Serving Institutions"*.	To address the financial needs of students due to the disruption of campus operations from coronavirus; funds will be used for the sole and exclusive purpose of providing emergency financial aid grants to students for their expenses related to the disruption of campus operations due to coronavirus. *Additional Funding in the amount of $991,224.*	12/9/2020	$0	$0	$995,960	50	1.00
4	251425	San Antonio College	**U.S. Department of Education**, Program Title: *"San Antonio College (SAC) CARES Emergency Student AID Project"*.	To address the pressing financial need of students due to the disruption of campus operations from Coronavirus. Funds will be used for t he sole and exclusive purpose of providing emergency financial aid grants to students for their expenses such as food, housing, course materials, technology, health care related to t he disruption of campus operations. *Additional funding in the amount of $3,824,127*	4/25/2020	$0	$0	$3,824,127	7,000	0.00
5	251426	San Antonio College	**Texas Higher Education Coordinating Board**, Program Title: *"U.S. Department of Education, "Governor's Emergency Education Relief (GEER) Fund"*.	Under the e Governor's Emergency Education Relief Fund (GEER FUND), the U.S. Department of Education awards grants to Governors for the purpose of providing local educational agencies (LEAs) institutions of higher education (IHEs), and other education related entities with emergency assistance as a result of the Novel Coronavirus Disease 2019 (COVID-19). The Emergency Educational grant is to provide financial relief to victims of the pandemic emergency through federally-funded educational grants that keep Texans on track to attaining high-value educational credentials.	9/1/2020	$0	$0	$271,953	150	0.00
	5		**Total SAC-YTD Single-Year Grants**			**$0**	**$0**	**$19,292,203**	**26,193**	**2.00**
1	212425	St. Philip's College	**U.S. Department Of Education,** Program Title: "*CARES ACT Higher Education Emergency Relief Fund for Institutions and students impacted by COVID-19"*.	CARES ACT Institutional Costs funding will be used to enable to operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Funding will be used to address allowable costs associated with significant changes to the delivery of instruction.	5/6/2020	$0	$0	$6,888,489	13,000	0.00

ALAMO COLLEGES DISTRICT

FY 2021 Monthly & YTD Grant Award Funding Activity Report with Award Description

September 1, 2020 -May 31, 2021

Item No.	Grant Code	College	Funding Source/Grant	Description/Function	Date of Award Letter	Match Amount	Indirect Cost	Funding Amount	Students Served	No. of FTEs
2	212426	St. Philip's College	**U.S. Department Of Education,** Program Title: *"CARES ACT HBCU Emergency Relief Fund for institutions and students impacted by COVID-19".*	CARES ACT HBCU funding will be used to enable to operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Funding will be used to address allowable costs associated with significant changes to the delivery of instruction.	5/1/2020	$0	$0	$30,775,853	13,691	0.00
3	212631	St. Philip's College	**Texas Workforce Commission**, Program Title: *"Apprenticeship Training Program".*	The Purpose of the Apprenticeship Training Program grant award is to pay a portion of the cost of job-related in person classroom instruction in registered apprenticeship. Registered apprenticeship combines on the job training under supervision of experienced journey workers with in-person classroom instruction. *Additional funding in the amount of $38,605.*	9/1/2020	$0	$0	$104,480	171	0.00
4	252425	St. Philip's College	**U.S. Department of Education,** Program Title: *"CARES ACT Higher Education Emergency Relief Fund for students impacted by COVID-19".*	To address the pressing financial need of students due to the disruption of campus operations from the Coronavirus. Funds will be used for the sole and exclusive purpose of providing emergency financial aid grants to students for their expenses such as food, housing, course materials, technology, health care related to the disruption of campus operations. *Additional funding in the amount of $8,016,027 from American Rescue Plan (ARP).*	4/25/2020	$0	$0	$9,729,780	15,055	0.00
4	252426	St. Philip's College	**Texas Higher Education Coordinating Board**, Program Title: *"U.S. Department of Education, "Governor's Emergency Education Relief (GEER) Fund".*	Under the Governor's Emergency Education Relief Fund (GEER FUND), the U.S. Department of Education awards grants to Governors for the purpose of providing local educational agencies (LEAs) institutions of higher education (IHEs), and other education related entities with emergency assistance as a result of the Novel Coronavirus Disease 2019 (COVID-19). The Emergency Educational grant is to provide financial relief to victims of the pandemic emergency through federally-funded educational grants that keep Texans on track to attaining high-value educational credentials.	9/1/2020	$0	$0	$107,633	55	0.00
4			**Total SPC YTD Single-Year Grants**			**$0**	**$0**	**$47,606,235**	**41,972**	**0.00**
1	213089	Palo Alto College	**Texas College & Career Readiness School Models**, Program Title: *"College and Career Readiness School Model Sub-Grant".*	The purpose of the CCRSM sub-grant is to provide best practices through the CCRSM website, conference sessions and open house opportunities; create resources including but not limited to video vignettes, resource documents and data sharing forms on a regular basis; host webinars or trainings and serve as a resource reviewer on a scheduled basis.	3/31/2020	$0	$0	$10,000	0	0.00
2	213092	Palo Alto College	**U.S. Department of Agriculture-National Resources Conservation Service,** Program Title: *"G.R.E.E.N. (Growing Roots for Education, Environment and Nutrition)".*	The project will demonstrate the need of educational and outreach purposes for community supported agriculture through the installation of rainwater system by providing hands on learning experiences through soil health programs, providing educational services, developing strong marketing alliance and to establish a producer mentoring network.	9/1/2020	$0	$0	$2,936	10	0.00
3	213096	Palo Alto College	**U.S. Department of Agriculture**, Program Title: *"Child and Adult Care Food Program".*	Ray Ellison Family Center will provide nutritious meals to children under the Child and Adult Care Food program. A Cook is on site daily to prepare and provide nutritious meals under these regulations.	10/1/2020	$0	$0	$27,419	50	1.00

ALAMO COLLEGES DISTRICT

FY 2021 Monthly & YTD Grant Award Funding Activity Report with Award Description

September 1, 2020 -May 31, 2021

Item No.	Grant Code	College	Funding Source/Grant	Description/Function	Date of Award Letter	Match Amount	Indirect Cost	Funding Amount	Students Served	No. of FTEs
4	213097	Palo Alto College	**U.S. Dept. of Health & Human Services /Workforce Solutions**, Program Title: *"Workforce Solution Alamo COVID-19 Texas Rising Star"* .	Funding will be used to promote business sustainability and assist with Child Care Regulation (CCR) and Center for Disease Control (CDC) Health and Safety standards.	11/24/2020	$0	$0	$3,000	0	0.00
5	213098	Palo Alto College	**Texas Workforce Commission,** Program Title: *"Governors Summer Merit Program"*.	Purpose of the Governor's Summer Merit Program is to improve middle and high school students familiarity and experience with post secondary education opportunities leading to STEM careers while developing collaboration among workforce development programs, colleges and universities.	3/23/2021	$0	$0	$83,206	120	1.00
6	213425	Palo Alto College	**U.S. Department Of Education**, Program Title: *"Palo Alto College-CARES Institutional"*.	Funds to cover costs for changes that have a clear nexus to significant changes to the delivery of instruction due to COVID-19.	4/5/2020	$0	$0	$6,865,308	5,196	0.00
7	213426	Palo Alto College	**U.S. Department of Education**, Program Title: *"Palo Alto College-CARES HSI"*.	Funds to cover costs for changes that have a clear nexus to significant changes to the delivery of instruction due to COVID-19. *Additional funding in the amount of $473,598.*	12/9/2020	$0	$0	$475,615	2,004	0.00
8	253425	Palo Alto College	**U.S. Dept. of Education,** Program Title: *"Palo Alto College CARES"*.	To address the pressing financial need of students due to the disruption of campus operations from Coronavirus; funds will be used for the sole and exclusive purpose of providing emergency financial aid grants to students for their expenses such as food, housing, course materials, technology, health care related to the disruption of campus operations. *Additional funding in the amount of $7,943,670 from American Rescue Plan (ARP).*	4/25/2020	$0	$0	$9,564,142	5,000	0.00
9	253426	Palo Alto College	**Texas Higher Education Coordinating Board**, Program Title: *"U.S. Department of Education, "Governor's Emergency Education Relief (GEER) Fund"*.	Under the e Governor's Emergency Education Relief Fund (GEER FUND), the U.S. Department of Education awards grants to Governors for the purpose of providing local educational agencies (LEAs) institutions of higher education (IHEs), and other education related entities with emergency assistance as a result of the Novel Coronavirus Disease 2019 (COVID-19).	9/1/2020	$0	$0	$132,228	80	0.00
	9		**Total PAC-YTD Single Year Grants**			**$0**	**$0**	**$17,163,854**	**12,460**	**2.00**
1	214425	Northwest Vista College	**U.S. Department of Education,** Program Title: *"NVC CARES Act HEERF Grant Institutional Support"*.	Funding will be used to address allowable costs associated with significant changes to the delivery of instruction due to COVID-19 and campus reopening.	1/16/2021	$0	$0	$11,960,913	14,182	0.00
2	214426	Northwest Vista College	**U.S. Department of Education,** Program Title: *"NVC CARES Act HEERF Grant-MSI DHSI Support"*.	CRRSAA HEERF funding will be used to enable to operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Activities and expenditures will be prioritized to help ensure that learning can continue for NVC students during our community's recovery from the coronavirus pandemic.	3/3/2021	$0	$0	$855,160	8,126	0.00
3	254425	Northwest Vista College	**U.S. Department of Education**, Program Title: *"Northwest Vista College CARES Emergency Student AID Project"*.	Funding will be used to address the pressing financial need of students due to the disruption of campus operations from Coronavirus. Funds will be disbursed for the sole and exclusive purpose of providing emergency financial aid grants to students for their expenses related to the disruption of campus operations due to Coronavirus such as food, housing, course materials, technology, health care and child care expenses. *Additional funding in the amount of $13,781,925 from the American Rescue Plan (ARP).*	2/1/2021	$0	$0	$17,245,235	7,861	0.00

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4	254426	Northwest Vista College	**Texas Higher Education Coordinating Board**, Program Title: *"U.S. Department of Education, "Governor's Emergency Education Relief (GEER) Fund".*	Under the e Governor's Emergency Education Relief Fund (GEER FUND), the U.S. Department of Education awards grants to Governors for the purpose of providing local educational agencies (LEAs) institutions of higher education (IHEs), and other education related entities with emergency assistance as a result of the Novel Coronavirus Disease 2019 (COVID-19). The Emergency Educational grant is to provide financial relief to victims of the pandemic emergency through federally-funded educational grants that keep Texans on track to attaining high-value educational credentials.	9/1/2020	$0	$0	$186,598	100	0.00
	4		**Total NVC-MTD Single Year Grants**			**$0**	**$0**	**$30,247,906**	**14,282**	**0.00**
1	215014	Northeast Lakeview College	**U.S.Department of Agriculture**, Program Title: *"Northeast Lakeview College NEST Community Garden Project".*	Funds will be used to create the NLC NEST Community Vegetable Garden which will provide produce to the NLC Nighthawk's NEST Food pantry.	8/26/2020	$0	$0	$10,500	500	0.00
2	215425	Northeast Lakeview College	**U.S.Department of Education**, Program Title: *"Northeast Lakeview College CARES Project Part 2 (NLC CARES 2)".*	CARES ACT HEERF-Institutional Costs funding will be used to enable to operate effectively in a remote learning environment resulting from the COVID-19 pandemic. Funding will be used to address allowable costs associated with significant changes to the delivery of instruction.	6/5/2020	$0	$0	$3,735,493	6540	0.00
3	255425	Northeast Lakeview College	**U.S. Department of Education**, Program Title: *"Northeast Lakeview College CARES Project (NLC CARES)".*	Supplementary funding for HEERF funds for emergency aid grants to students. *Additional funding in the amount of $3,967,442 from the American Rescue Plan (ARP).*	5/5/2020	$0	$0	$4,639,164	3,448	0.00
4	255426	Northeast Lakeview College	**Texas Higher Education Coordinating Board**, Program Title: *"U.S. Department of Education, "Governor's Emergency Education Relief (GEER) Fund".*	Under the e Governor's Emergency Education Relief Fund (GEER FUND), the U.S. Department of Education awards grants to Governors for the purpose of providing local educational agencies (LEAs) institutions of higher education (IHEs), and other education related entities with emergency assistance as a result of the Novel Coronavirus Disease 2019 (COVID-19). The Emergency Educational grant is to provide financial relief to victims of the pandemic emergency through federally-funded educational grants that keep Texans on track to attaining high-value educational credentials.	9/1/2020	$0	$0	$23,301	15	0.00
	4		**Total NLC-YTD Single Year Grants**			**$0**	**$0**	**$8,408,458**	**10,503**	**0.00**
	34			**Total YTD Single Year Grants**		**$0**	**$6,318**	**$158,124,288**	**125,400**	**29.00**
				Multi-Year Grants						
1	219089	District	**Texas Higher Education Coordinating Board**, Program Title: *"Pathways Project (TxRAN)"*. Year 8 of 8.	Continue leading one of the regional pathways partnerships in support of THECB's statewide pathways project. Team also develops educational and other support interventions to ease student transition from high school through college completion, thereby supporting 60x30 TX goals of increasing post secondary completions by 2030.	8/31/2020	$0	$0	$6,300	0	0.00
2	219117	District	**Texas Higher Education Coordinating Board (THECB)**, Program Title: *"Nudges to the Finish Line"*. Year 2 of 2.	Alamo Colleges District is participating in research project on the impact of text message nudges. ACD will share data for the purposes of assigning students to cohorts and for evaluating impact of interventions on credit completion and degree attainment.	5/24/2021	$0	$0	$5,613	0	0.00

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3	219121	District	**University of Texas at San Antonio**, Program Title: *"Bexar County Fostering Educational Success Project"*. Year 3 of 3.	The University of Texas at San Antonio, Texas A&M San Antonio, Alamo Colleges District, Bexar County Children's Court and Child Advocates have partnered for the creation of the Fostering Educational Success for students with a history of Foster Care. *Additional funding in the amount of $134,290.*	9/1/2019	$0	$0	$282,915	336	4.00
4	219124	District Economic Workforce Development	**U.S. Department of Labor**, Program Title: *"Apprenticeship: Closing the Skills Gap"*. Year 2 of 4.	The Healthcare Apprenticeship Partnership will convene key employer partners to develop new apprenticeship programs in key occupations in the h healthcare sector to build an apprenticeship pathway and expand access to trainees.	2/18/2020	$115,103	$59,645	$255,785	800	2.50
5	219327	District	**Texas Workforce Commission**, Program Title: *"Accelerate Texas IV: Integrated Education and Training.* Year 2 of 2.	Project funding will support Workforce Training, AEL services, coordination, staffing, curriculum development, student support and other service delivery. *Additional funding in the amount of $214.*	3/24/2021	$0	$0	$214	0	0.00
6	219345	District Economic Workforce Development	**Texas Workforce Commission/ESC 20**, Program Title: *"Adult Education and Literacy (AEL)"*. Year 1 of 7	This consortium grant will be used to build systems of success for Adult Education and Literacy (AEL) and English Literacy Civics at all levels. The AEL Consortium will lead the Adult Learner Success Network in planning and designing education services, support services and workforce pathways across the 12 county service area of Alamo Workforce Development. *Additional funding in the amount of $16,341.*	7/1/2020	$0	$0	$536,245	521	0.00
7	219742	District-Economic Workforce	**U.S. Department of Health & Human Services Administration for Children and Families,** Program Title: *"Healthcare Professions Opportunity Grant"*. Year 6 of 6.	The purpose of this grant is to provide direct training and education as well as prepare individuals for employment in the healthcare field. Will offer an exciting career laddering program that provides educational training for Temporary Assistance for Needy Family (TANF) recipients and low income eligible individuals in high demand healthcare fields.	9/30/2020	$0	$0	$3,000,000	310	18.00
	7		**Total Dist.-YTD Multi-Year Grants**			**$115,103**	**$59,645**	**$4,087,072**	**1,967**	**24.50**
1	211128	San Antonio College	**U.S. Department of Health and Human Services / Healthy Futures of Texas**, Program Title: *"Competitive Personal Responsibility Education Program (C-PREP)"*. Year 6 of 6.	The program aims to prevent unplanned pregnancy and reduce sexually transmitted diseases to college-aged youth between the age of 14-19 yrs. through two health education programs, Seventeen Days, and SHARP (Sexual Health Adolescent Risk Prevention).Target population includes dual-high school students enrolled at San Antonio College.	7/17/2020	$0	$0	$89,270	300	1.00
2	211137	San Antonio College	**U.S. Department of Education,** Program Title: *"Highlands Upward Bound Math and Science Project"*. Year 4 of 5.	Project provides student service programs for individuals from disadvantaged backgrounds, first generations, low-income individuals, etc. UBMS provides up to four years of additional academic support through summer instruction in math, language arts, composition, foreign language and lab science that aligns with state exams and state readiness standard.	9/6/2017	$0	$19,073	$297,584	60	3.00
3	211138	San Antonio College	**U. S. Department of Education,** Program Title: *"Child Access Means Parents in School (CCAMPIS)"*. Year 4 of 5.	Goal is to increase low-income student success by providing access to high quality child care. Project will provide academic support counseling for CCAMPIS parents at-risk for failure.	10/1/2017	$341,068	$22,821	$308,091	60	0.00
4	211141	San Antonio College	**Department of Health & Human Services / University of Texas at Austin,** Program Title: *"Addiction Technology Transfer Center HHS Region 6"*. Year 4 of 4.	The goal of the grant is to provide individuals in the field of addiction counseling and related areas, information regarding best practices when dealing with patients/clients. This will be accomplished through classroom and internet a academic course offerings as well as training workshops offered throughout the year.	9/30/2017	$0	$0	$15,000	159	1.00

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5	211143	San Antonio College	**Texas Higher Education Coordinating Board**, Program Title: *"Nursing Shortage Reduction Program/Nursing Under 70 Program"*. Year 2 of 2.	The purpose of the grant is to provide up-front funding for the institution's nursing department in order to hire additional faculty and to take additional measures necessary to improve the number of initial license graduates.	3/27/2019	$0	$0	$318,352	0	0.0
6	211146	San Antonio College	**National Science Foundation**, Program Title: *"Cyber Service Scholarship (CSS) Program"*. Year 2 of 5.	The principal goal of this project is to encourage and enable academically talented SAC CIS majors who are veterans of the Armed Forces to complete the AAS in Information Assurance and Cyber Security and enter into a federal, state, local government position related to Cyber Security.	9/14/2018	$0	$0	$241,621	5	2.00
7	211153	San Antonio College	**U.S. Department of Education**, Program Title: *"Project R.I.S.E. (Ready, Inspired, Successful, Engaged) SSS Program"*. Year 1 of 5.	San Antonio College proposes to serve at least 120 low-income, first-generation and/or disabled STEM and Health Sciences majors each year through Project R.I.S.E. The program will increase students' chances of success by providing year round tutoring and prescribed tutoring plans, academic and college readiness instruction.	8/11/2020	$0	$0	$261,879	120	5.00
8	211154	San Antonio College	**U.S. Department of Education,** Program Title: *"Veterans Achieving Learning through Opportunity and Resilience (VALOR) SSS Program"*. Year 1 of 5.	San Antonio College proposes to serve at least 120 low-income, first generation and/or disabled veterans each year through Project VALOR. The program will increase students' chances of success by providing year-round tutoring, academic and college readiness instruction, and postsecondary course selection.	8/11/2020	$0	$0	$261,786	120	5.00
9	211158	San Antonio College	**National Security Agency,** Program Title: *"National Centers of Academic Excellence in Cybersecurity (NCAE-C)"*. Year 1 of 2.	Goal is to increase the number of transitioning military veterans, existing first responders, and criminal justice and finance earners who are prepared to defend our nations security and prosperity via cybersecurity-related positions in San Antonio, Texas and beyond.	9/3/2020	$0	$25,958	$218,455	20	1.00
10	211161	San Antonio College	**National Security Agency/Dakota State University**, Program Title: *"Centers of Academic Excellence in Cybersecurity Program"*. Year 1 of 2.	SAC is pleased to partner with Dakota State University and seven of its university and community college partners to improve postsecondary cybersecurity education across the U.S.	9/30/2020	$0	$28,728	$205,024	25	1.00
11	211162	San Antonio College	**National Endowment for the Humanities**, Program Title: *"San Anto History GO!"*. Year 1 of 3.	This project aims to improve outcomes including completion, retention and learning outcome and engagement in both college and middle school history classes by providing students the opportunity to connect with the history of their neighborhoods and communities. Web-based "Story Maps" and mobile application map tours that can be shared with the general public will increase student engagement in the course.	1/30/2020	$0	$22,553	$42,987	150	1.00
12	211163	San Antonio College	**National Security Agency/California State University**, Program Title: *"CAE-C in Cybersecurity Education Innovation"*. Year 1 of 2.	SAC will prepare at least 25 existing cybersecurity faculty to obtain Department of Defense IT industry certifications with a focus on Security to prepare them for leading their institution's CAE accreditation process. SAC will identify at least 10 veterans or active duty military members who are employed in cybersecurity roles and who have an interest in teaching cybersecurity.	9/21/2020	$0	$42,895	$132,068	100	1.00

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13	211532	San Antonio College	**U.S. Department of Education,** Program Title: *"Tenaces: Staying the Course-A Project to Increase STEM Field Success for Hispanic and Low-income Students"*. Year 5 of 5.	Purpose of this program is to develop and carry out activities to improve and expand the institutions capacity to serve Hispanic and other low-income students in San Antonio who attain degrees in STEM fields.	10/1/2020	$0	$75,000	$775,000	15,000	5.00
14	211534	San Antonio College	**City of San Antonio,** Program Title: *"Educational Access Channel"*. Year 9 of 11.	Funding from this award will be used to replace or purchase multimedia equipment and materials for the COSA TV Education station.	9/1/2020	$0	$0	$200,000	20,000	0.00
	14		**Total SAC-YTD Multi-Year Grants**			**$341,068**	**$237,028**	**$3,367,116**	**36,119**	**26.00**
1	212079	St. Philip's College	**U.S. Department of Health and Human Services / Healthy Futures of Texas**, Program Title: *"Competitive Personal Responsibility Education Program (C-PREP)"*. Year 6 of 6.	Goal is to prevent unplanned pregnancy, STDs and HIV among the highest risk age and racial/ethnic groups of teens in Bexar County Texas; minority teens ages 18-19 attending three of the Alamo Colleges, St. Philip's College, San Antonio College and Palo Alto College.	7/17/2020	$0	$0	$88,895	300	1.00
2	212086	St. Philip's College	**U.S. Department of Education**, Program Title: *"St. Philip's College Child Care Access Means Parents in School Program"*. Year 4 of 5.	The goal of the project is to provide support for the participation of low-income student-parents in post secondary education through the provision of campus based child care services offered at the on-site nationally accredited SPC Development Center.	10/1/2020	$0	$0	$120,250	40	1.00
3	212088	St. Philip's College	**National Aeronautics and Space Administration (NASA) / University of Texas at San Antonio**. Program Title: *"NASA Center for Advanced Measurements in Extreme Environments (CAMEE)"*. Year 2 of 2.	The NASA MIRO significantly increase the number of under represented minority STEM students who transfer to four-year institutions to complete a Bachelor's degree in STEM fields. Objectives include providing professional development, peer mentorship, faculty mentorship, tutoring and enriched STEM labs.	10/1/2020	$0	$0	$46,861	10	0.00
4	212089	St. Philip's College	**Texas Higher Education Coordinating Board (THECB);** Program Title: *"Nursing Shortage Reduction Program (NSRP) Under 70 Program"*. Year 2 of 2.	Funds received from this grant would be necessary to hire additional nursing faculty for the LVN to RN program.	10/7/2020	$0	$0	$34,555	12	0.00
5	212604	St. Philip's College	**U.S. Department of Education**, Program Title: *"Historically Black Colleges and Universities Program"*. Year 4 of 5.	The funds allocated under this grant are being used to support Project Administration and Research Development, Center of Excellence for Math and Science, Campus Renovation, Information & Communication Technology, Student Services, Good Samaritan Veteran Outreach and Transition Center.	8/20/2020	$0	$0	$7,363,989	0	14.00
6	212628	St. Philip's College	**U.S. Department of Education,** Program Title: *"FUTURE Act"*. Year 1 of 5.	Funds for this grant will be used to implement and operate three activities that will support and strengthen the overall institution deliver of services to students. Project Administration and Research Development, Campus Renovation & Technology Improvements and Student Services	8/21/2020	$0	$0	$1,162,992	0	0.00
7	212634	St. Philip's College	**National Science Foundation,** Program Title: *"CIMA Louis Stokes Alliances for Minority Participation (LSAMP)"*. Year 1 of 3.	Program will assist universities and colleges in diversifying the STEM workforce through their efforts at increasing the number of students successfully completing high quality degree programs in science, technology, engineering and mathematics (STEM) Disciplines.	8/21/2020	$0	$301,503	$500,000	30	1.00
	7		**Total SPC-YTD Multi-Year Grants**			**$0**	**$301,503**	**$9,317,542**	**392**	**17.00**

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1	213069	Palo Alto College	**U.S. Department of Health and Human Services / Healthy Futures of Texas**, Program Title: *"Competitive Personal Responsibility Education Program (C-PREP)"*. Year 6 of 6.	Goal of Health Futures of Texas project is to prevent unplanned pregnancy, STDs and HIV among the highest risk age and racial/ethnic groups of teen in Bexar County Texas ages 18-19 attending the Alamo Colleges.	6/10/2020	$0	$0	$89,270	300	1.00
2	213076	Palo Alto College	**U.S. Department of Education**, Program Title: *"Palo Alto College Upward Bound Project"*. Year 4 of 5.	Upward Bound will provide participants from Poteet, Pleasanton, Lytle and Jourdanton High Schools with academic instruction; tutoring and advising on financial aid programs, assistance in completing financial aid applications, financial literacy and support for applying for college enrollment. Participants will be provided support for their diverse academic and non-cognitive needs to ensure that they persist.	9/30/2020	$0	$0	$287,429	77	2.00
3	213078	Palo Alto College	**U.S. Department of Education**, Program Title: *"Palo Alto College Child Care Means Access in School Project"*. Year 4 of 4.	The project will subsidize the majority of the cost of on-and off campus child care to ensure that PAC students realize their full potential by enrolling, persisting, and completing a college degree. The project will also subsidize off-campus infant care for a minimum of 2 student parents each year.	7/16/2020	$0	$10,746.88	$134,337	20	1.00
4	213079	Palo Alto College	**National Science Foundation**, Program Title: *"Palo Alto College S-STEM Project"*. Year 4 of 5.	The goal of this project is to increase the number of academically talented, financially needy Biology and Biosciences majors who transfer and graduate with a bachelors degree in STEM field on time. The project will help low-income, academically talented Biology students through involvement in Projects of Discovery (PODs).	7/28/2019	$0	$0	$118,842	25	7.00
5	213080	Palo Alto College	**U.S. Department of Education,** Program Title: *"Palo Alto College Upward Bound Math and Science Project"*. Year 4 of 5.	Project will provide participants from East Central High School with academic instruction, tutoring and advising, information on financial aid programs, assistance in completing financial aid applications, financial literacy and support for applying for college enrollment.	9/1/2020	$0	$0	$297,601	60	2.00
6	213081	Palo Alto College	**National Science Foundation,** Program Title: *"Advanced Technological Education"*. Year 3 of 3.	Program is geared to establish a new dual credit program in Logistics and Supply Chain by creating new emerging technology course models. Recruitment of students, developing a new training module for secondary school educators and a new transfer agreement with a local 4 year university.	3/30/2018	$0	$0	$60,332	1200	2.00
7	213084	Palo Alto College	**Defense Intelligence Agency / University of Texas at San Antonio,** Program Title: *"The UTSA IC CAE Critical Technology Studies Program"*. Year 3 of 3.	Palo Alto College is partnering with the University of Texas at San Antonio (UTSA) in a Defense Intelligence Agency Community Center for Academic Excellence that will help enhance security in the homeland, graduate education and public understanding of issues pertaining to national security.	9/28/2018	$0	$0	$21,000	24	0.00
8	213090	Palo Alto College	**City of San Antonio**, Program Title: *"Dental Hygiene Services"*. Year 1 of 9.	Grant project will support the Palo Alto College Associate of Applied Sciences (AAS) Dental Hygiene degree program when new building opens and to provide a full range of cleaning and preventive Oral Health services to children and adult patients.	1/30/2018	$0	$0	$500,000	750	0.00

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9	213091	Palo Alto College	**U.S. Department of Labor**, Program Title: *"Youth Apprenticeship Readiness Grant"*. Year 1 of 5.	The Education Success Pilot programs will be the target population to receive pre-apprenticeship training to expose them to local, state and national apprenticeship programs.	7/1/2020	$2,099,792	$79,215	$699,159	825	7.00
10	213093	Palo Alto College	**U.S. Department of Education**, Program Title: *"Palo Alto College SSS Project"*. Year 1 of 5.	The project will provide participants with academic support, tutoring and advising; information on financial aid assistance; financial literacy, career exploration; university visits and transfer workshops.	9/1/2020	$0	$17,780	$261,888	140	2.00
11	213095	Palo Alto College	**U.S. Department of Education**, Program Title: *"Palo Alto College DHSI: Project Listo"*. Year 1 of 5.	Project Listo or "ready" in English is designed to establish college-wide best practices and support one activity by increasing Student Support; Growing Partnerships and employer relations to increase student internship and service-learning opportunities; Enrich learning by increasing professional development for faculty to support curriculum design that incorporates career readiness and cultural competency for student success.	9/3/2020	$0	$0.00	$599,007	150	6.00
12	213516	Palo Alto College	**U.S. Department of Education**, Program Title: *"Palo Alto College Title V: Project Impacto"*. Year 5 of 5.	Project will establish college-wide best practices and support systems that enable high-need students to successfully enter, persist, and complete an associates degree program by Strengthening high impact practices for continuing students to improve persistence and completion; establish a student advocacy center and increase professional development opportunities for faculty and staff that will improve student engagement, teaching and learning.	3/1/2016	$0	$0	$525,000	500	6.00
13	213518	Palo Alto College	**U.S. Department of Education**, Program Title: *" SEEDS of Excellence in STEM at Palo Alto College: Support, Engagement Experiential and Development Systems"*. Year 5 of 5.	The SEEDS of excellence project is designed to establish college-wide best practices and support systems related to STEM that aim to increase the number of Hispanic and low-income students pursuing and graduating with STEM degrees be developing comprehensive and collaborative academic and student service programs and strengthening the STEM pipeline. *Additional funding in the amount of $89,219.*	9/27/2016	$15,000	$62,000	$864,219	354	5.00
	13		**Total PAC-YTD Multi-Year Grants**			**$2,114,792**	**$169,742**	**$4,458,084**	**4,425**	**41.00**
1	214049	Northwest	**National Science Foundation,** Program	Program will support the educational preparation of next generation	2/1/2021	$0	$6,202	$149,970	28	1.00
2	214050	Northwest Vista College	**U.S. Department of Education,** Project Title: *"Community Math Project: Building Math Proficiency to Strengthen Teacher Education through Collaborative Interventions"*. Year 3 of 5.	Project aims to narrow the achievement gap among underserved students and provide better educational access for underrepresented groups, through the implementation activities and services designed in t he Developing Hispanic Serving Institutions Programs.	9/28/2020	$0	$0	$718,091	3,375	4.8
3	214051	Northwest Vista College	**U.S. Department of Education / University of Texas at San Antonio**, Project Title: *"Latino Teacher Academy Learning Community (Latino TALC)"*. Year 3 of 5.	The project will provide a support system that facilitates a smooth transition for teacher candidates from the community college to four year institutions. This is a holistic development approach that will provide teacher candidates support as they navigate from a learning community to a professional learning network.	9/28/2020	$0	$0	$224,103	125	3.0

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September 1, 2020 -May 31, 2021

Item No.	Grant Code	College	Funding Source/Grant	Description/Function	Date of Award Letter	Match Amount	Indirect Cost	Funding Amount	Students Served	No. of FTEs
4	214053	Northwest Vista College	**National Science Foundation/Pasadena City College**. Program Title: *"The Micro Nano Technology Education Center"*. Year 1 of 5.	In collaboration with Pasadena City College, they will create a national-scale ATE center referred to as the Micro Nano Technology Educate Center. This center will connect to existing micro Nano NSF ATE support centers, will focus on the preparation of a nationwide workforce for the manufacture of micro and Nano technologies.	6/23/2020	$0	$0	$106,767	30	1.00
	4		**Total NVC-YTD Multi-Year Grants**			**$0**	**$6,202**	**$1,198,931**	**3,558**	**9.80**
	45			**Total YTD Multi-Year Grants**		**$2,570,963**	**$774,120**	**$22,428,744**	**46,461**	**118.30**
	79			**GRAND TOTAL-YTD SINGLE AND MULTI-YEAR GRANTS**		**$2,570,963**	**$780,438**	**$180,553,032**	**171,861**	**147.30**

ALAMO COLLEGES DISTRICT

FY 2021 Monthly (MTD) Restricted Contract Activity Report

April 01, 2021 -May 31, 2021

Item No.	Grant Code	College	Funding Source / Grant	Description/Function	Date of Award Letter	Match Amount	Indirect Cost	Funding Amount	Students Served	No. of FTEs
1	242011	St. Philip's College	**Bank of America,** Program Title: *"Economic Mobility-Workforce Development".*	The Bank of Ameria Grant was awarded to St. Philip's College to assist those affected by COVID-19 in their attempts to acquire additional workplace skills to enter high demand professional driving careers that offer competitive salaries for its workforce.	10/1/2020	$0	$0	$50,000	27	0.00
	1			**GRAND TOTAL-MTD RESTRICTED CONTRACTS**		**$0**	**$0**	**$50,000**	**27**	**0.00**

ALAMO COLLEGES DISTRICT

FY 2021 YTD Restricted Contract (Non-Grant) Summary Report

September 1, 2020 - April 30, 2021

No.	Contract Recipient	No. of Contracts Executed for the Year	YTD Total Amount of Contracts	No. Students to be Served
1	District Restricted Contracts			
2	San Antonio College	1	19,487	35
3	St. Philip's College	2	20,000	20
4	Palo Alto College	2	70,000	57
5	Northwest Vista College	1	20,000	60
6	Northeast Lakeview College	1	3,590	0
	Total	**7**	**$133,077**	**172**

Year-to-Date Number of Contracts in Selected Dollar Ranges:

No.	Contract Recipient	$.01-$9,999.99	$10,000- $99,999	$100,000 and Higher	Total
1	District Restricted Contracts	0	0	0	0
2	San Antonio College	0	1	0	1
3	St. Philip's College	0	2	0	2
4	Palo Alto College	0	2	0	2
5	Northwest Vista College	0	1	0	1
6	Northeast Lakeview College	1	0	0	1
	Total	**1**	**6**	**0**	**7**

Discussion and Possible Action on Approval of Construction Reports

Presented to the Board acting as Committee of the Whole on July 20, 2021 and now presented to the Board for approval on July 27, 2021.

MINUTE ORDER

"The Alamo Colleges District Board of Trustees hereby approves the construction reports as presented."

PURPOSE

The following construction reports are presented to the Board of Trustees for informational and approval purposes.

BACKGROUND

1. 2017 Capital Improvement Program Overview Chart(s)
2. 2017 CIP General Obligation Bond / Maintenance Tax Note Summary and Detail Report

IMPLICATIONS

Financial: N/A
Strategic Plan: Strategic Objective III Performance Excellence
Human Resources: N/A

ATTACHMENTS: Construction Reports

Dr. Diane Snyder Digitally signed by Dr. Diane Snyder Date: 2021.07.07 09:44:36 -05'00'

Shayne West
Interim Assoc. Vice Chancellor for
Finance and Fiscal Services

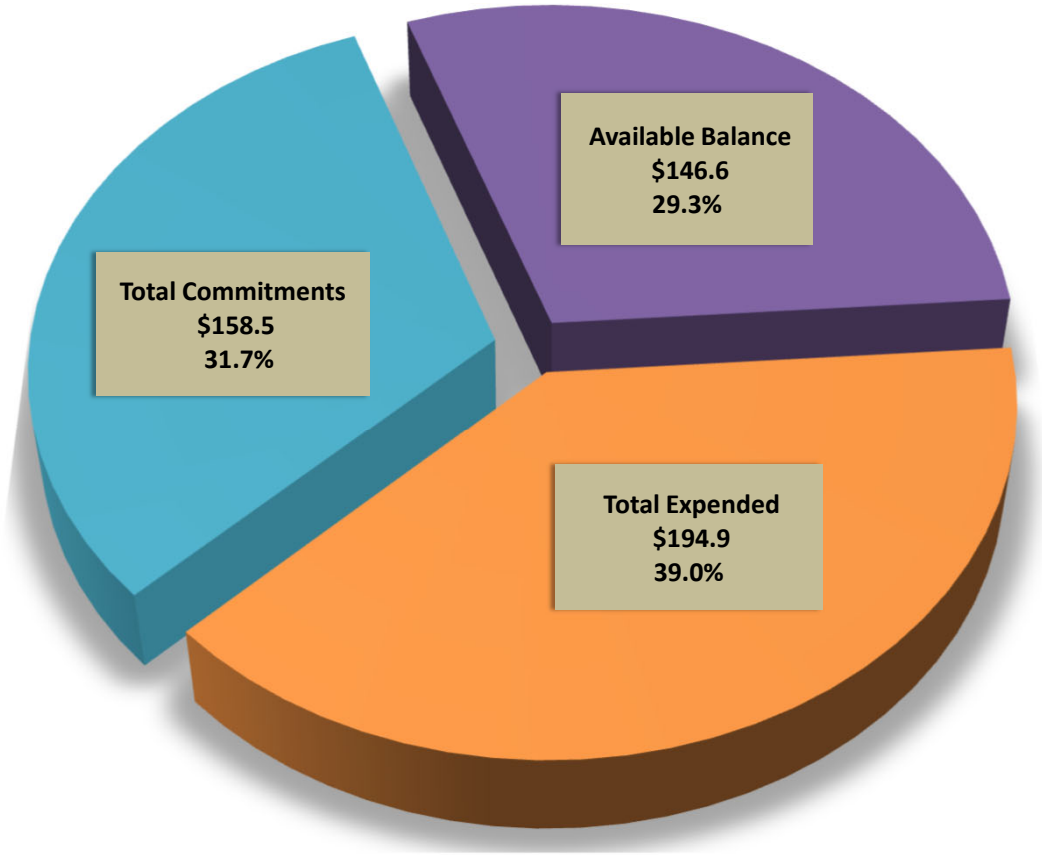
Diane E. Snyder, CPA, Ph.D.
Vice Chancellor of Finance and
Administration

Dr. Mike Flores, Chancellor

Budget vs Actual - Overview (GO & MTN)

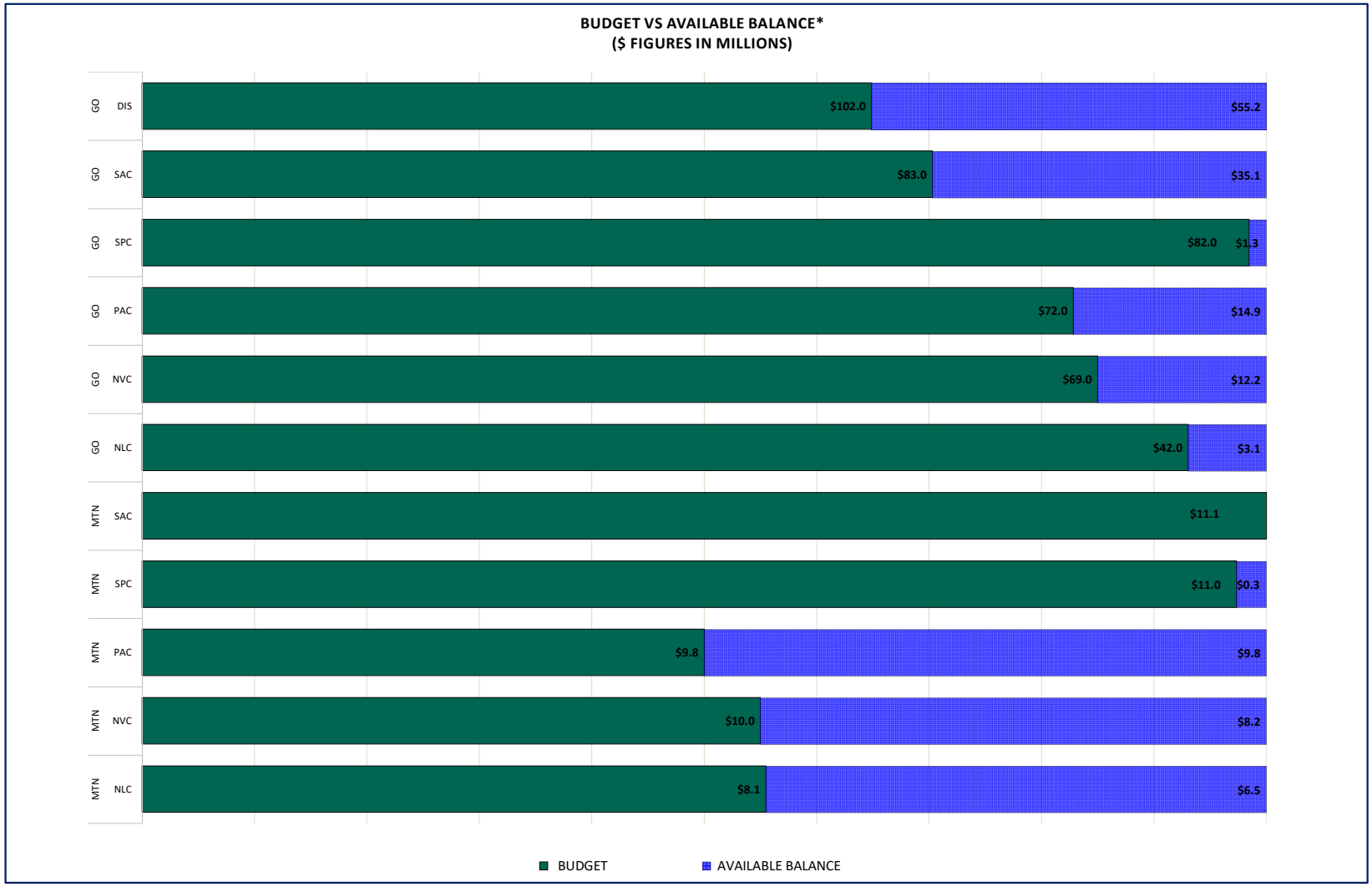
($ FIGURES IN MILLIONS)

As of April 30, 2021



ALAMO COLLEGES DISTRICT

Alamo Colleges District
Capital Improvement Program - Chart Summary



*Available balance reduced by actual amount expended as well as committed to spend.

ALAMO COLLEGES DISTRICT

ALAMO COLLEGES DISTRICT
2017 - CAPITAL IMPROVEMENT PROGRAM SUMMARY
As of April 30, 2021

FUNDING SOURCES	GO 2017 Limited Tax Bonds	MTN 2020 Maintenance Tax Bonds	*Unissued* GO 2021 Limited Tax Bonds	*Unissued* GO 2022 Limited Tax Bonds	TOTAL
General Obligation Bonds	$ 173,000,000	$ -	$ 169,000,000	$ 108,000,000	$ 450,000,000
Maintenance Tax Note Bonds	$ -	$ 50,000,000			$ 50,000,000
TOTAL FUNDING SOURCES	**$ 173,000,000**	**$ 50,000,000**	**$ 169,000,000**	**$ 108,000,000**	**$ 500,000,000**

BY LOCATION	BUDGET	CURRENT YEAR TOTAL	PRIOR YEARS' TOTAL	TOTAL TO DATE ALL YEARS	COMMITMENTS	AVAILABLE BALANCE
DISTRICT & DISTRICT WIDE - 2017 G.O. BOND	$ 102,000,000	$ 3,092,675	$ 23,991,667	$ 27,084,342	$ 19,711,889	$ 55,203,769
SAN ANTONIO COLLEGE - 2017 G.O. BOND	$ 83,000,000	$ 7,613,821	$ 18,918,460	$ 26,532,281	$ 21,402,963	$ 35,064,756
ST. PHILIP'S COLLEGE & SWC - 2017 G.O. BOND	$ 82,000,000	$ 12,721,041	$ 46,362,030	$ 59,083,071	$ 21,638,578	$ 1,278,352
PALO ALTO COLLEGE - 2017 G.O. BOND	$ 72,000,000	$ 2,748,116	$ 8,291,676	$ 11,039,792	$ 46,043,023	$ 14,917,185
NORTHWEST VISTA COLLEGE - 2017 G.O. BOND	$ 69,000,000	$ 9,770,676	$ 29,683,871	$ 39,454,547	$ 17,353,891	$ 12,191,562
NORTHEAST LAKEVIEW COLLEGE - 2017 G.O. BOND	$ 42,000,000	$ 8,465,429	$ 1,922,687	$ 10,388,116	$ 28,470,642	$ 3,141,242
General Obligation Bond Totals	**$ 450,000,000**	**$ 44,411,757**	**$ 129,170,392**	**$ 173,582,149**	**$ 154,620,986**	**$ 121,796,865**
SAN ANTONIO COLLEGE - 2020 MTN BOND	$ 11,100,000	$ 6,953,377	$ 1,578,294	$ 8,531,671	$ 2,568,329	$ -
ST. PHILIP'S COLLEGE & SWC - 2020 MTN BOND	$ 11,000,000	$ 4,020,188	$ 5,780,024	$ 9,800,211	$ 899,875	$ 299,913
PALO ALTO COLLEGE - 2020 MTN BOND	$ 9,800,000	$ -	$ -	$ -	$ -	$ 9,800,000
NORTHWEST VISTA COLLEGE - 2020 MTN BOND	$ 10,000,000	$ -	$ 1,818,853	$ 1,818,853	$ -	$ 8,181,147
NORTHEAST LAKEVIEW COLLEGE - 2020 MTN BOND	$ 8,100,000	$ 1,109,979	$ 53,210	$ 1,163,189	$ 442,694	$ 6,494,117
MTN Bond Totals	**$ 50,000,000**	**$ 12,083,544**	**$ 9,230,381**	**$ 21,313,924**	**$ 3,910,899**	**$ 24,775,177**
UNALLOCATED INTEREST INCOME	$ 0	$ -	$ -	$ -	$ -	$ 0
TOTAL FOR ALL 2017 CIP BONDS	**$ 500,000,000**	**$ 56,495,301**	**$ 138,400,772**	**$ 194,896,074**	**$ 158,531,885**	**$ 146,572,043**

ALAMO COLLEGES DISTRICT

2017 - CAPITAL IMPROVEMENT PROGRAM EXPENDITURES BY PROJECT

As of April 30, 2021

General Obligation Bonds

PROJECT TITLE	Adjusted Budget	Current Month Expenses	Current Yr Expenses	Prior Yrs Expenses	Total to Date All Yrs Expenses	Commitments	Available Balance
DIS-WETC GO17 - T1	23,000,000	10,110	1,014,241	1,188,843	2,203,084	567,845	20,229,071
DIS-SETC GO17 - T1	23,000,000	517,074	654,662	994,134	1,648,795	15,468,064	5,883,141
DIS-N. 281 Property purch - GO17 - T1	5,000,000	-	-	5,000,000	5,000,000	-	-
DIS I-10 NW Ed and Train Ctr. - GO17 - T2	23,000,000	63,135	146,538	1,710,781	1,857,319	61,368	21,081,313
SWC- Redund Police Dpatch @ SWC - GO17 - T1	3,000,000	-	48,774	2,906,634	2,955,408	-	44,592
TOTAL FOR DISTRICT	**$ 77,000,000**	**$ 590,319**	**$ 1,864,215**	**$ 11,800,391**	**$ 13,664,605**	**$ 16,097,278**	**$ 47,238,117**
DIS Instructional Tech GO17 - T1	1,500,000	-	-	788,961	788,961	-	711,039
DIS Infrastructural & ACOL GO17 T1	11,600,000	536,343	559,179	4,549,416	5,108,595	2,527,323	3,964,081
DIS Comm. & Collaboration Tools GO17 T1	4,100,000	-	251,908	3,097,378	3,349,286	648,900	101,814
Reporting and Analysis - T3	1,700,000	-	-	-	-	-	1,700,000
DIS Mobile Tech & Security GO17 - T3	6,100,000	60,085	417,373	3,755,521	4,172,894	438,388	1,488,717
TOTAL FOR DISTRICT WIDE INFO. TECH.	**$ 25,000,000**	**$ 596,428**	**$ 1,228,460**	**$ 12,191,276**	**$ 13,419,736**	**$ 3,614,612**	**$ 7,965,652**
TOTAL FOR DISTRICT / DISTRICT WIDE	**$ 102,000,000**	**$ 1,186,748**	**$ 3,092,675**	**$ 23,991,667**	**$ 27,084,342**	**$ 19,711,889**	**$ 55,203,769**
SAC-Parking Garage GO17 - T1	19,637,097	322,781	3,455,401	14,610,406	18,065,806	1,076,122	495,169
SAC-Childcare Bldg GO17 - T1	15,200,000	890,347	2,044,850	504,736	2,549,586	12,572,543	77,871
SAC Law Enforce/ 1st Responder - GO17 - T2	20,000,000	30,522	569,942	94,840	664,782	852,238	18,482,980
SAC Fletcher St Success Ren w/ Main Entry - GO17 - T2	9,161,321	5,637	153,229	1,679,427	1,832,656	6,451,863	876,802
SAC Physical Plant - GO17 - T3	2,581,979	45,063	637,733	1,875,069	2,512,802	69,177	0
SAC Chance Academic Ren - GO17 - T3	847,287	-	-	1,923	1,923	112,022	733,342
SAC MFA Ren - GO17 - T3	47,808	-	-	47,808	47,808	-	-
SAC NEW SCIENCE BLDG - GO17	15,524,509	15,718	752,667	104,252	856,919	268,998	14,398,592
TOTAL FOR SAC	**$ 83,000,000**	**$ 1,310,068**	**$ 7,613,821**	**$ 18,918,460**	**$ 26,532,281**	**$ 21,402,963**	**$ 35,064,756**
SPC Culinary Arts Center Exc GO17 -T1	30,000,000	-	290,196	29,705,706	29,995,902	3,685	413
SPC Norris Tech Renovation GO17 - T2	14,882,376	-	778,796	14,059,910	14,838,705	11,378	32,292
SPC Bowden Renovation GO17 - T3	14,000,000	27,059	4,772,002	1,407,385	6,179,387	7,362,223	458,390
TOTAL FOR SPC	**$ 58,882,376**	**$ 27,059**	**$ 5,840,994**	**$ 45,173,001**	**$ 51,013,995**	**$ 7,377,286**	**$ 491,095**
SPC Welding and Auto Body Fac -GO17 -T2	23,117,624	1,644,431	6,880,046	1,189,029	8,069,076	14,261,291	787,257
TOTAL FOR SWC	**$ 23,117,624**	**$ 1,644,431**	**$ 6,880,046**	**$ 1,189,029**	**$ 8,069,076**	**$ 14,261,291**	**$ 787,257**
TOTAL FOR SPC / SWC	**$ 82,000,000**	**$ 1,671,490**	**$ 12,721,041**	**$ 46,362,030**	**$ 59,083,071**	**$ 21,638,578**	**$ 1,278,352**

ALAMO COLLEGES DISTRICT

2017 - CAPITAL IMPROVEMENT PROGRAM EXPENDITURES BY PROJECT

As of April 30, 2021

General Obligation Bonds

PROJECT TITLE	Adjusted Budget	Current Month Expenses	Current Yr Expenses	Prior Yrs Expenses	Total to Date All Yrs Expenses	Commitments	Available Balance
PAC Manufacturing Bldg GO17 - T1	56,865,799	1,366,561	2,706,654	1,841,272	4,547,926	41,622,936	10,694,937
PAC Real Estate Purchase (under district funding) GO17 - T1	6,000,000	-	-	5,118,242	5,118,242	-	881,758
PAC Student Engagement & Welcome Ctr GO17 - T2	117,663	8,091	10,291	-	10,291	107,373	-
PAC Natatorium and Gym Ren GO17 - T2	4,721,641	-	30,948	1,161,206	1,192,154	320,160	3,209,327
PAC Physical Plant GO17 - T3	4,294,897	-	224	170,956	171,180	3,992,555	131,162
TOTAL FOR PAC	**$ 72,000,000**	**$ 1,374,651**	**$ 2,748,116**	**$ 8,291,676**	**$ 11,039,792**	**$ 46,043,023**	**$ 14,917,185**
NVC Parking Garage GO17 - T1	9,756,145	-	90,260	9,254,994	9,345,254	364,614	46,277
NVC Welcome Ctr. GO17 - T1	17,873,204	35,114	859,514	14,687,352	15,546,865	108,874	2,217,464
NVC Cultural Prog Ctr Excellen GO17 - T2	4,671,863	-	603,460	465,598	1,069,058	133,592	3,469,213
NVC STEM GO17 - T3	33,900,000	3,146,574	8,128,206	2,646,733	10,774,939	16,666,453	6,458,608
NVC Physical Plant GO17 - T3	2,798,788	-	89,236	2,629,194	2,718,430	80,358	(0)
TOTAL FOR NVC	**$ 69,000,000**	**$ 3,181,688**	**$ 9,770,676**	**$ 29,683,871**	**$ 39,454,547**	**$ 17,353,891**	**$ 12,191,562**
NLC Tech Ctr Excellence/Science Building GO17 - T2	42,000,000	1,488,686	8,465,429	1,922,687	10,388,116	28,470,642	3,141,242
TOTAL FOR NLC	**$ 42,000,000**	**$ 1,488,686**	**$ 8,465,429**	**$ 1,922,687**	**$ 10,388,116**	**$ 28,470,642**	**$ 3,141,242**
TOTAL 2017 G.O. BONDS	**$ 450,000,000**	**$ 10,213,331**	**$ 44,411,757**	**$ 129,170,392**	**$ 173,582,149**	**$ 154,620,986**	**$ 121,796,865**

ALAMO COLLEGES DISTRICT

2017 - CAPITAL IMPROVEMENT PROGRAM EXPENDITURES BY PROJECT

As of April 30, 2021

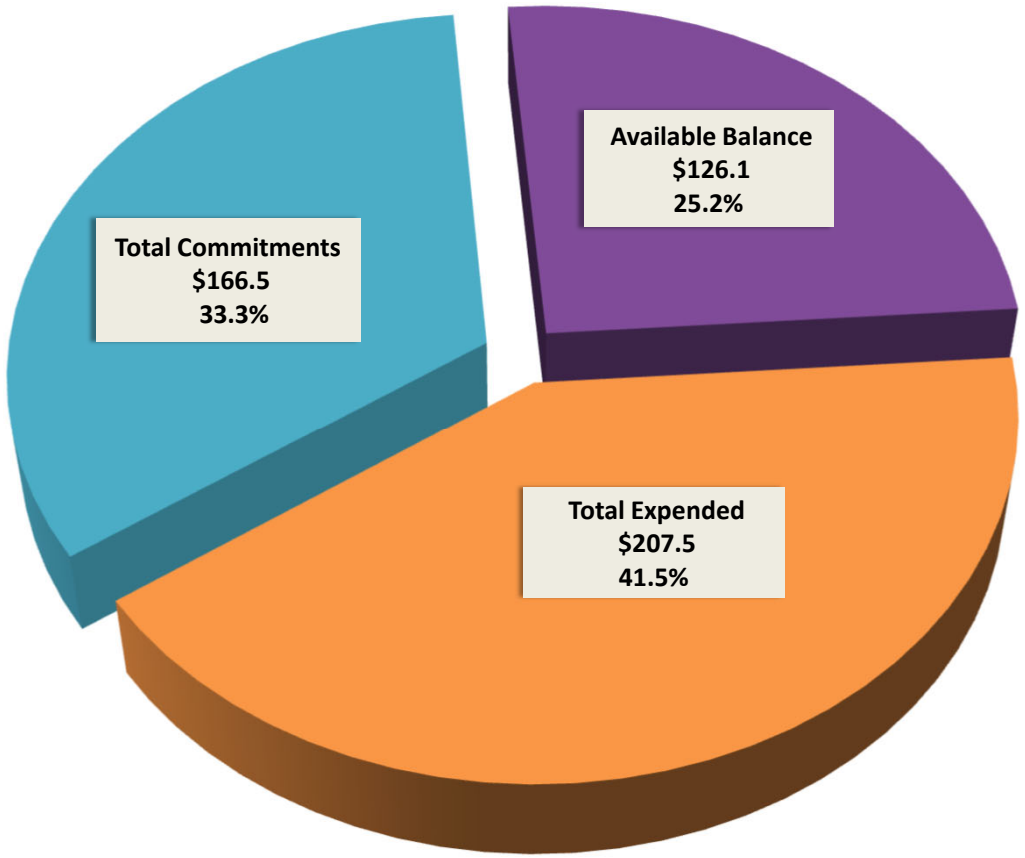
Maintenance Tax Notes

PROJECT TITLE	Adjusted Budget	Current Month Expenses	Current Yr Expenses	Prior Yrs Expenses	Total to Date All Yrs Expenses	Commitments	Available Balance
SAC FLETCH ST SCSS MTN20	11,100,000	1,188,176	6,953,377	1,578,294	8,531,671	2,568,329	-
TOTAL FOR SAC	**11,100,000**	**1,188,176**	**6,953,377**	**1,578,294**	**8,531,671**	**2,568,329**	**-**
SPC THCA Culinary-MTN20	2,181,723	-	517,900	1,015,778	1,533,678	602,139	45,906
SPC NORRIS TECH MTN20	8,808,277	15,780	3,502,288	4,764,246	8,266,533	297,736	244,008
SPC UNALLOCATED MTN20	10,000	-	-	-	-	-	10,000
TOTAL FOR SPC / SWC	**11,000,000**	**15,780**	**4,020,188**	**5,780,024**	**9,800,211**	**899,875**	**299,913**
PAC NATA & GYM IMP - MTN20	9,800,000	-	-	-	-	-	9,800,000
TOTAL FOR PAC	**9,800,000**	**-**	**-**	**-**	**-**	**-**	**9,800,000**
NVC CUL PRGMS CYP REN - MTN20	8,181,147	-	-	-	-	-	8,181,147
NVC WELCOME CTR - MTN20	1,818,853	-	-	1,818,853	1,818,853	-	0
TOTAL FOR NVC	**10,000,000**	**-**	**-**	**1,818,853**	**1,818,853**	**-**	**8,181,147**
NLC SCI/TECH CTR of EXEL - MTN20	4,000,000	-	-	-	-	-	4,000,000
NLC UNALLOCATED - MTN20	1,681,832	-	-	-	-	-	1,681,832
NLC ACA BLDG I ELEV - MTN20	1,274,314	1,723	812,013	-	812,013	442,694	19,607
NLC NLIB Elev & L Ren - MTN20	143,854	-	90,644	53,210	143,854	-	-
NLC STU COM MOIST BAR - MTN20	1,000,000	-	207,322	-	207,322	-	792,678
TOTAL FOR NLC	**8,100,000**	**1,723**	**1,109,979**	**53,210**	**1,163,189**	**442,694**	**6,494,117**
TOTAL 2020 MTN BONDS	**$ 50,000,000**	**$ 1,205,679**	**$ 12,083,544**	**$ 9,230,381**	**$ 21,313,924**	**$ 3,910,899**	**$ 24,775,177**
TOTAL 2017 CIP G.O. & MTN BONDS	**$ 500,000,000**	**$ 11,419,010**	**$ 56,495,301**	**$ 138,400,772**	**$ 194,896,074**	**$ 158,531,885**	**$ 146,572,043**

Budget vs Actual - Overview (GO & MTN)

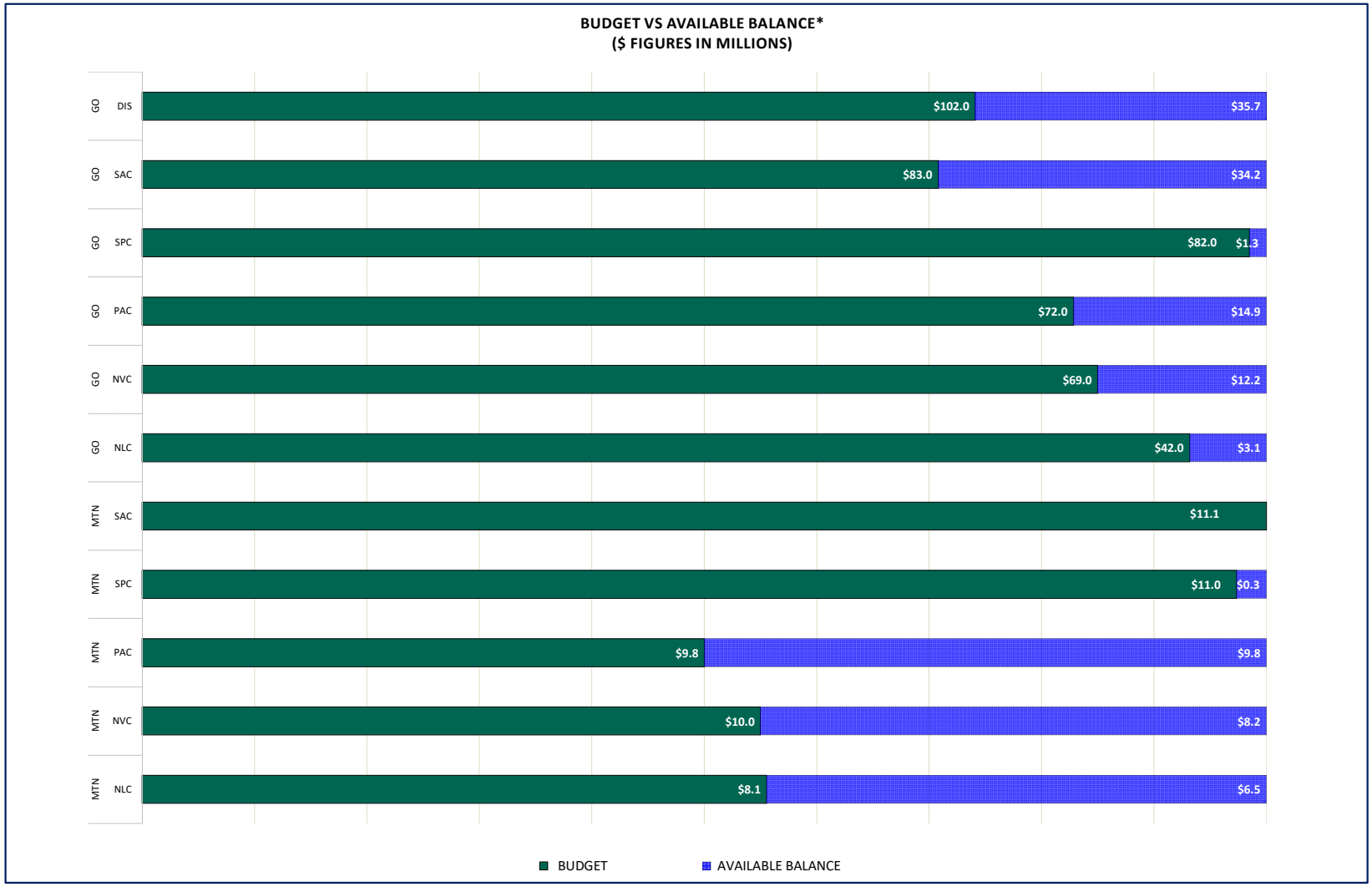
($ FIGURES IN MILLIONS)

As of May 31, 2021



ALAMO COLLEGES DISTRICT

Alamo Colleges District
Capital Improvement Program - Chart Summary



*Available balance reduced by actual amount expended as well as committed to spend.

ALAMO COLLEGES DISTRICT

ALAMO COLLEGES DISTRICT
2017 - CAPITAL IMPROVEMENT PROGRAM SUMMARY
As of May 31, 2021

FUNDING SOURCES	GO 2017 Limited Tax Bonds	MTN 2020 Maintenance Tax Bonds	*Unissued* GO 2021 Limited Tax Bonds	*Unissued* GO 2022 Limited Tax Bonds	TOTAL
General Obligation Bonds	$ 173,000,000	$ -	$ 169,000,000	$ 108,000,000	$ 450,000,000
Maintenance Tax Note Bonds	$ -	$ 50,000,000			$ 50,000,000
TOTAL FUNDING SOURCES	**$ 173,000,000**	**$ 50,000,000**	**$ 169,000,000**	**$ 108,000,000**	**$ 500,000,000**

BY LOCATION	BUDGET	CURRENT YEAR TOTAL	PRIOR YEARS' TOTAL	TOTAL TO DATE ALL YEARS	COMMITMENTS	AVAILABLE BALANCE
DISTRICT & DISTRICT WIDE - 2017 G.O. BOND	$ 102,000,000	$ 3,248,651	$ 23,991,667	$ 27,240,318	$ 39,108,987	$ 35,650,694
SAN ANTONIO COLLEGE - 2017 G.O. BOND	$ 83,000,000	$ 8,928,805	$ 18,918,460	$ 27,847,265	$ 20,943,575	$ 34,209,160
ST. PHILIP'S COLLEGE & SWC - 2017 G.O. BOND	$ 82,000,000	$ 16,082,926	$ 46,362,030	$ 62,444,957	$ 18,303,146	$ 1,251,898
PALO ALTO COLLEGE - 2017 G.O. BOND	$ 72,000,000	$ 6,426,574	$ 8,291,676	$ 14,718,250	$ 42,370,066	$ 14,911,685
NORTHWEST VISTA COLLEGE - 2017 G.O. BOND	$ 69,000,000	$ 11,903,513	$ 29,683,871	$ 41,587,384	$ 15,221,393	$ 12,191,223
NORTHEAST LAKEVIEW COLLEGE - 2017 G.O. BOND	$ 42,000,000	$ 10,148,748	$ 1,922,687	$ 12,071,435	$ 26,855,569	$ 3,072,996
General Obligation Bond Totals	**$ 450,000,000**	**$ 56,739,217**	**$ 129,170,392**	**$ 185,909,609**	**$ 162,802,735**	**$ 101,287,657**
SAN ANTONIO COLLEGE - 2020 MTN BOND	$ 11,100,000	$ 6,953,377	$ 1,578,294	$ 8,531,671	$ 2,568,329	$ -
ST. PHILIP'S COLLEGE & SWC - 2020 MTN BOND	$ 11,000,000	$ 4,020,188	$ 5,780,024	$ 9,800,211	$ 899,875	$ 299,913
PALO ALTO COLLEGE - 2020 MTN BOND	$ 9,800,000	$ -	$ -	$ -	$ -	$ 9,800,000
NORTHWEST VISTA COLLEGE - 2020 MTN BOND	$ 10,000,000	$ -	$ 1,818,853	$ 1,818,853	$ -	$ 8,181,147
NORTHEAST LAKEVIEW COLLEGE - 2020 MTN BOND	$ 8,100,000	$ 1,341,178	$ 53,210	$ 1,394,388	$ 220,945	$ 6,484,666
MTN Bond Totals	**$ 50,000,000**	**$ 12,314,743**	**$ 9,230,381**	**$ 21,545,124**	**$ 3,689,149**	**$ 24,765,727**
UNALLOCATED INTEREST INCOME	$ 0	$ -	$ -	$ -	$ -	$ 0
TOTAL FOR ALL 2017 CIP BONDS	**$ 500,000,000**	**$ 69,053,960**	**$ 138,400,772**	**$ 207,454,732**	**$ 166,491,885**	**$ 126,053,384**

ALAMO COLLEGES DISTRICT

2017 - CAPITAL IMPROVEMENT PROGRAM EXPENDITURES BY PROJECT

As of May 31, 2021

General Obligation Bonds

PROJECT TITLE	Adjusted Budget	Current Month Expenses	Current Yr Expenses	Prior Yrs Expenses	Total to Date All Yrs Expenses	Commitments	Available Balance
DIS-WETC GO17 - T1	23,000,000	-	1,014,241	1,188,843	2,203,084	19,801,626	995,290
DIS-SETC GO17 - T1	23,000,000	203,203	857,865	994,134	1,851,999	15,448,348	5,699,654
DIS-N. 281 Property purch - GO17 - T1	5,000,000	-	-	5,000,000	5,000,000	-	-
DIS I-10 NW Ed and Train Ctr. - GO17 - T2	23,000,000	-	146,538	1,710,781	1,857,319	61,368	21,081,313
SWC- Redund Police Dpatch @ SWC - GO17 - T1	3,000,000	-	48,774	2,906,634	2,955,408	-	44,592
TOTAL FOR DISTRICT	**$ 77,000,000**	**$ 203,203**	**$ 2,067,418**	**$ 11,800,391**	**$ 13,867,809**	**$ 35,311,342**	**$ 27,820,849**
DIS Instructional Tech GO17 - T1	1,500,000	-	-	788,961	788,961	-	711,039
DIS Infrastructural & ACOL GO17 T1	11,600,000	19,843	579,022	4,549,416	5,128,438	2,507,480	3,964,081
DIS Comm. & Collaboration Tools GO17 T1	4,100,000	-	251,908	3,097,378	3,349,286	648,900	101,814
Reporting and Analysis - T3	1,700,000	-	-	-	-	-	1,700,000
DIS Mobile Tech & Security GO17 - T3	6,100,000	350,303	350,303	3,755,521	4,105,824	641,264	1,352,911
TOTAL FOR DISTRICT WIDE INFO. TECH.	**$ 25,000,000**	**$ 370,146**	**$ 1,181,233**	**$ 12,191,276**	**$ 13,372,510**	**$ 3,797,645**	**$ 7,829,845**
TOTAL FOR DISTRICT / DISTRICT WIDE	**$ 102,000,000**	**$ 573,350**	**$ 3,248,651**	**$ 23,991,667**	**$ 27,240,318**	**$ 39,108,987**	**$ 35,650,694**
SAC-Parking Garage GO17 - T1	19,637,097	414,929	3,870,329	14,610,406	18,480,735	661,193	495,169
SAC-Childcare Bldg GO17 - T1	15,200,000	890,488	2,935,338	504,736	3,440,074	11,682,055	77,871
SAC Law Enforce/ 1st Responder - GO17 - T2	20,000,000	-	569,942	94,840	664,782	877,348	18,457,870
SAC Fletcher St Success Ren w/ Main Entry - GO17 - T2	9,161,321	9,568	162,797	1,679,427	1,842,223	7,272,781	46,317
SAC Physical Plant - GO17 - T3	2,581,979	-	637,733	1,875,069	2,512,802	69,177	0
SAC Chance Academic Ren - GO17 - T3	847,287	-	-	1,923	1,923	112,022	733,342
SAC MFA Ren - GO17 - T3	47,808	-	-	47,808	47,808	-	-
SAC NEW SCIENCE BLDG - GO17	15,524,509	-	752,667	104,252	856,919	268,998	14,398,592
TOTAL FOR SAC	**$ 83,000,000**	**$ 1,314,984**	**$ 8,928,805**	**$ 18,918,460**	**$ 27,847,265**	**$ 20,943,575**	**$ 34,209,160**
SPC Culinary Arts Center Exc GO17 -T1	30,000,000	193	290,389	29,705,706	29,996,095	3,492	413
SPC Norris Tech Renovation GO17 - T2	14,882,376	-	778,796	14,059,910	14,838,705	11,378	32,292
SPC Bowden Renovation GO17 - T3	14,000,000	1,522,909	6,294,911	1,407,385	7,702,297	5,860,367	437,336
TOTAL FOR SPC	**$ 58,882,376**	**$ 1,523,102**	**$ 7,364,096**	**$ 45,173,001**	**$ 52,537,097**	**$ 5,875,239**	**$ 470,041**
SPC Welding and Auto Body Fac -GO17 -T2	23,117,624	1,838,784	8,718,831	1,189,029	9,907,860	12,427,907	781,857
TOTAL FOR SWC	**$ 23,117,624**	**$ 1,838,784**	**$ 8,718,831**	**$ 1,189,029**	**$ 9,907,860**	**$ 12,427,907**	**$ 781,857**
TOTAL FOR SPC / SWC	**$ 82,000,000**	**$ 3,361,886**	**$ 16,082,926**	**$ 46,362,030**	**$ 62,444,957**	**$ 18,303,146**	**$ 1,251,898**

ALAMO COLLEGES DISTRICT

2017 - CAPITAL IMPROVEMENT PROGRAM EXPENDITURES BY PROJECT

As of May 31, 2021

General Obligation Bonds

PROJECT TITLE	Adjusted Budget	Current Month Expenses	Current Yr Expenses	Prior Yrs Expenses	Total to Date All Yrs Expenses	Commitments	Available Balance
PAC Manufacturing Bldg GO17 - T1	56,865,799	3,540,275	6,246,929	1,841,272	8,088,202	38,088,161	10,689,437
PAC Real Estate Purchase (under district funding) GO17 - T1	6,000,000	-	-	5,118,242	5,118,242	-	881,758
PAC Student Engagement & Welcome Ctr GO17 - T2	117,663	-	10,291	-	10,291	107,373	-
PAC Natatorium and Gym Ren GO17 - T2	4,721,641	12,904	43,852	1,161,206	1,205,058	307,256	3,209,327
PAC Physical Plant GO17 - T3	4,294,897	125,278	125,502	170,956	296,458	3,867,276	131,162
TOTAL FOR PAC	**$ 72,000,000**	**$ 3,678,457**	**$ 6,426,574**	**$ 8,291,676**	**$ 14,718,250**	**$ 42,370,066**	**$ 14,911,685**
NVC Parking Garage GO17 - T1	9,756,145	16,709	106,969	9,254,994	9,361,963	347,905	46,277
NVC Welcome Ctr. GO17 - T1	17,873,204	47,097	906,611	14,687,352	15,593,962	61,777	2,217,464
NVC Cultural Prog Ctr Excellen GO17 - T2	4,671,863	-	603,460	465,598	1,069,058	133,592	3,469,213
NVC STEM GO17 - T3	33,900,000	2,069,031	10,197,237	2,646,733	12,843,970	14,597,761	6,458,269
NVC Physical Plant GO17 - T3	2,798,788	-	89,236	2,629,194	2,718,430	80,358	(0)
TOTAL FOR NVC	**$ 69,000,000**	**$ 2,132,837**	**$ 11,903,513**	**$ 29,683,871**	**$ 41,587,384**	**$ 15,221,393**	**$ 12,191,223**
NLC Tech Ctr Excellence/Science Building GO17 - T2	42,000,000	1,683,319	10,148,748	1,922,687	12,071,435	26,855,569	3,072,996
TOTAL FOR NLC	**$ 42,000,000**	**$ 1,683,319**	**$ 10,148,748**	**$ 1,922,687**	**$ 12,071,435**	**$ 26,855,569**	**$ 3,072,996**
TOTAL 2017 G.O. BONDS	**$ 450,000,000**	**$ 12,744,832**	**$ 56,739,217**	**$ 129,170,392**	**$ 185,909,609**	**$ 162,802,735**	**$ 101,287,657**

ALAMO COLLEGES DISTRICT

2017 - CAPITAL IMPROVEMENT PROGRAM EXPENDITURES BY PROJECT

As of May 31, 2021

Maintenance Tax Notes

PROJECT TITLE	Adjusted Budget	Current Month Expenses	Current Yr Expenses	Prior Yrs Expenses	Total to Date All Yrs Expenses	Commitments	Available Balance
SAC FLETCH ST SCSS MTN20	11,100,000	-	6,953,377	1,578,294	8,531,671	2,568,329	-
TOTAL FOR SAC	**11,100,000**	**-**	**6,953,377**	**1,578,294**	**8,531,671**	**2,568,329**	**-**
SPC THCA Culinary-MTN20	2,181,723	-	517,900	1,015,778	1,533,678	602,139	45,906
SPC NORRIS TECH MTN20	8,808,277	-	3,502,288	4,764,246	8,266,533	297,736	244,008
SPC UNALLOCATED MTN20	10,000	-	-	-	-	-	10,000
TOTAL FOR SPC / SWC	**11,000,000**	**-**	**4,020,188**	**5,780,024**	**9,800,211**	**899,875**	**299,913**
PAC NATA & GYM IMP - MTN20	9,800,000	-	-	-	-	-	9,800,000
TOTAL FOR PAC	**9,800,000**	**-**	**-**	**-**	**-**	**-**	**9,800,000**
NVC CUL PRGMS CYP REN - MTN20	8,181,147	-	-	-	-	-	8,181,147
NVC WELCOME CTR - MTN20	1,818,853	-	-	1,818,853	1,818,853	-	0
TOTAL FOR NVC	**10,000,000**	**-**	**-**	**1,818,853**	**1,818,853**	**-**	**8,181,147**
NLC SCI/TECH CTR of EXEL - MTN20	4,000,000	-	-	-	-	-	4,000,000
NLC UNALLOCATED - MTN20	1,681,832	-	-	-	-	-	1,681,832
NLC ACA BLDG I ELEV - MTN20	1,274,314	231,200	1,043,212	-	1,043,212	220,945	10,156
NLC NLIB Elev & L Ren - MTN20	143,854	-	90,644	53,210	143,854	-	-
NLC STU COM MOIST BAR - MTN20	1,000,000	-	207,322	-	207,322	-	792,678
TOTAL FOR NLC	**8,100,000**	**231,200**	**1,341,178**	**53,210**	**1,394,388**	**220,945**	**6,484,666**
TOTAL 2020 MTN BONDS	**$ 50,000,000**	**$ 231,200**	**$ 12,314,743**	**$ 9,230,381**	**$ 21,545,124**	**$ 3,689,149**	**$ 24,765,727**
TOTAL 2017 CIP G.O. & MTN BONDS	**$ 500,000,000**	**$ 12,976,032**	**$ 69,053,960**	**$ 138,400,772**	**$ 207,454,732**	**$ 166,491,885**	**$ 126,053,384**

ALAMO COLLEGES DISTRICT

ALAMO COLLEGES DISTRICT
CAPITAL IMPROVEMENTS PROGRAM (CIP)
EXECUTIVE SUMMARY

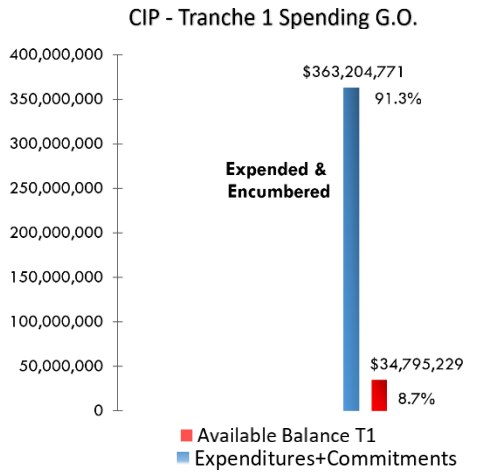
CIP Bond Construction *Estimated* Upcoming CIP Project – for Board Approval

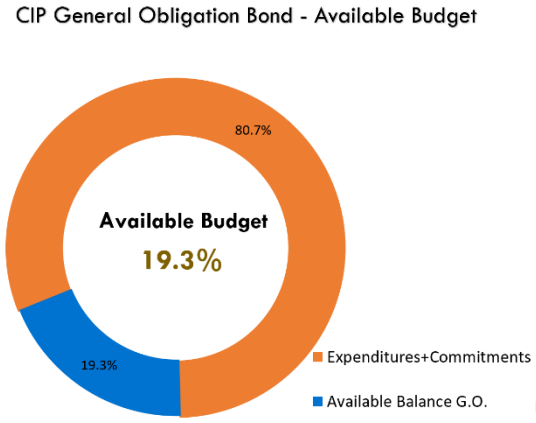
Estimated Upcoming GMP Board Pending Approval	Jul	Aug	Sept	Oct	Nov
SAC Realization of Savings – Physical Plant and Parking Garage/San Pedro (Skanska)	X				
SPC Realization of Savings – Clarence Windzell Norris Building (Skanska)	X				
NVC Cypress Cultural Center of Excellence Renovation (SpawGlass / Overland)			X		
PAC Natatorium/Gym Renovation (Bartlett Cocke / RVK)			X		
Northwest Education and Training Center (NWETC) (Sundt / Overland)					X
SAC First Responders Academy (Gilbane / O'Connell Robertson)				X	
SAC Chance Renovation (J.T. Vaughn / O'Connell Robertson)					X
TOTAL	**2**	**0**	**2**	**1**	**2**

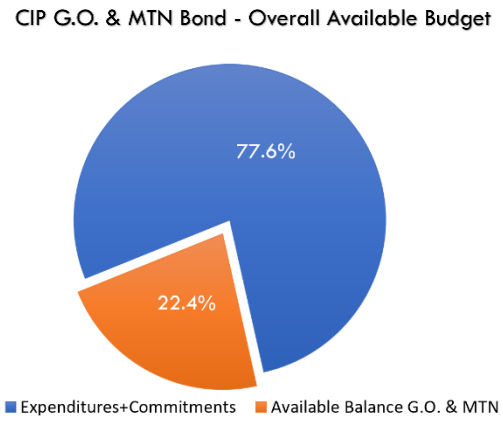
CIP Bond Construction Projects by The Numbers

Project Status	SPC	SAC	NVC	PAC	NLC	ETCs	Total
Projects Completed	3	2	3				8
Projects in Construction	2	3	1	2	1	2	11
Projects with Approved GMP							0
Projects with Upcoming GMP Approval			1	1			2
Projects in Various Design Phases		2				1	3
TOTAL							**24**

CIP Bond Budget – As of June 2021







Tranche 1 & 2 - Spend Summary			%
1st Tranche (GO17) & 2nd Tranche (GO21)	$	398,000,000	100.0%
Expenditures+Commitments	$	363,204,771	91.3%
Available Balance T1&2	$	34,795,229	8.7%

CIP General Obligation Bond - Available Budget			%
CIP GO Budget	$	450,000,000	100.0%
Expenditures+Commitments		363,204,771	80.7%
Available Balance G.O.	$	86,795,229	19.3%

Overall CIP GO & MTN - Available Budget			%
CIP GO+MTN Budget	$	500,000,000	100.0%
Expenditures+Commitments		388,018,992	77.6%
Available Balance G.O. & MTN	$	111,981,008	22.4%

Total General Obligation & MTN funding	Total expenditures on all CIP projects to date	Remaining balance of funding
$500,000,000	**$167,245,505**	**$111,981,008**

**Preliminary Bond Budget Numbers as of June 15, 2021, Report, subject to change and unaudited*

Next CBOC Meeting

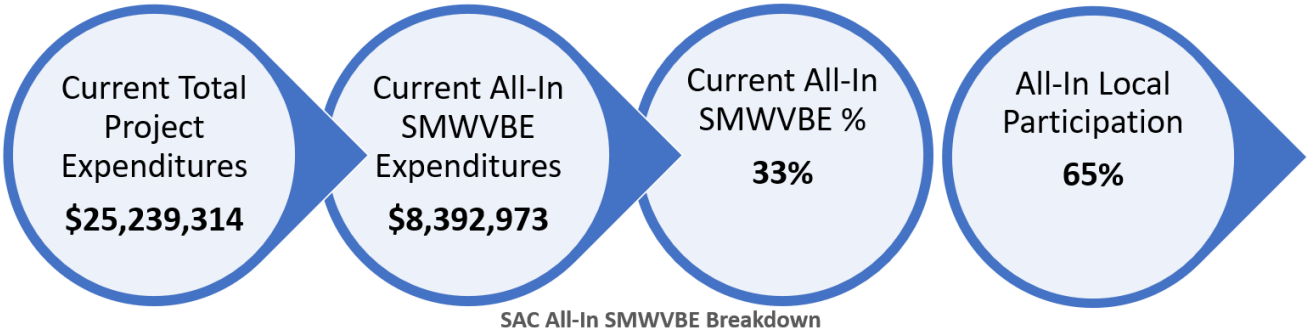
- The next meeting is scheduled to be held on August 9, 2021.

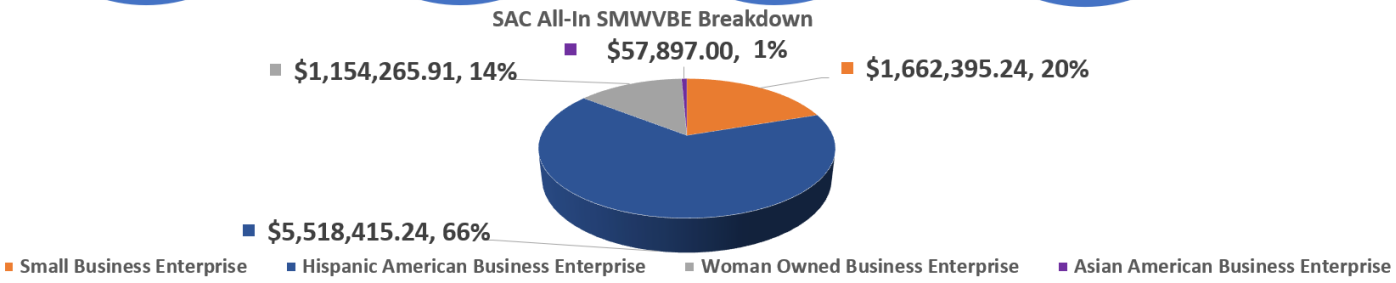
CIP Bond SMWVBE Reporting (as reported in May 2021)

San Antonio College

ALAMO COLLEGES DISTRICT
San Antonio College

- Total Campus CIP Funding: $96,362,258
- **Remaining Funding Spending Opportunities : $71,122,943**

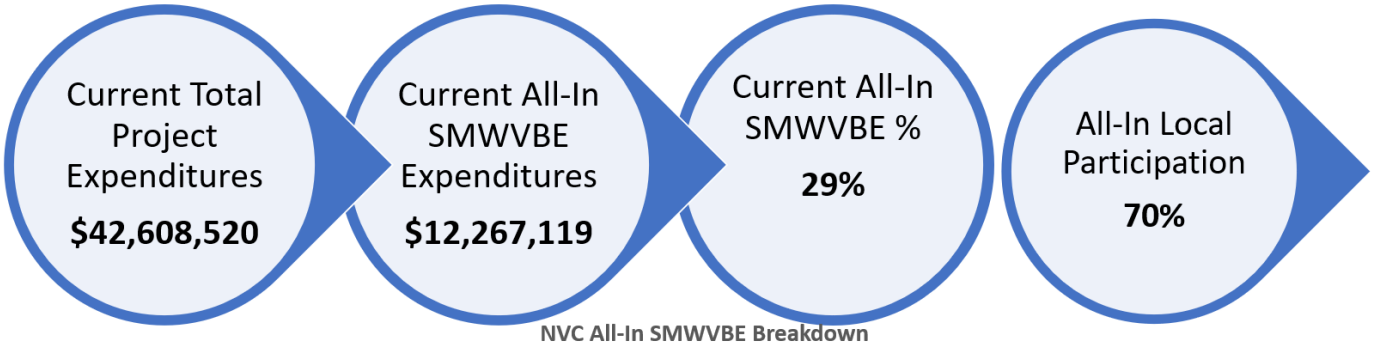


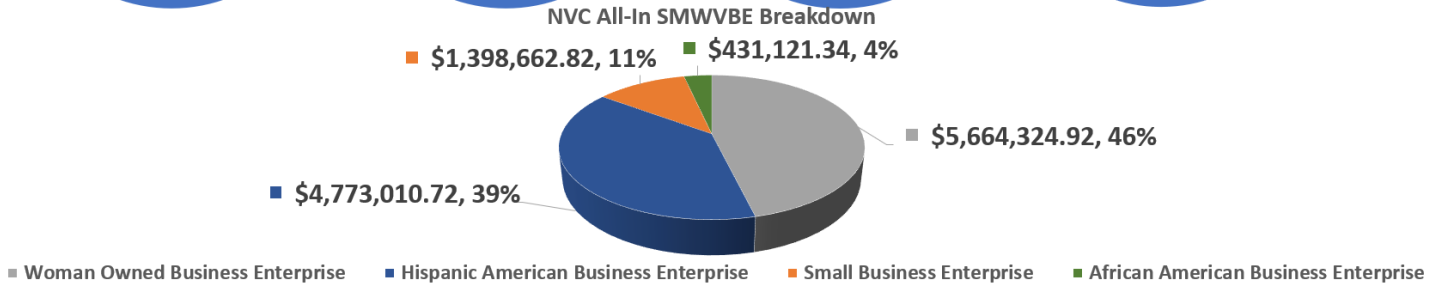


Northwest Vista College

ALAMO COLLEGES DISTRICT
Northwest Vista College

- Total Campus CIP Funding: $79,000,000
- **Remaining Funding Spending Opportunities : $36,391,479**

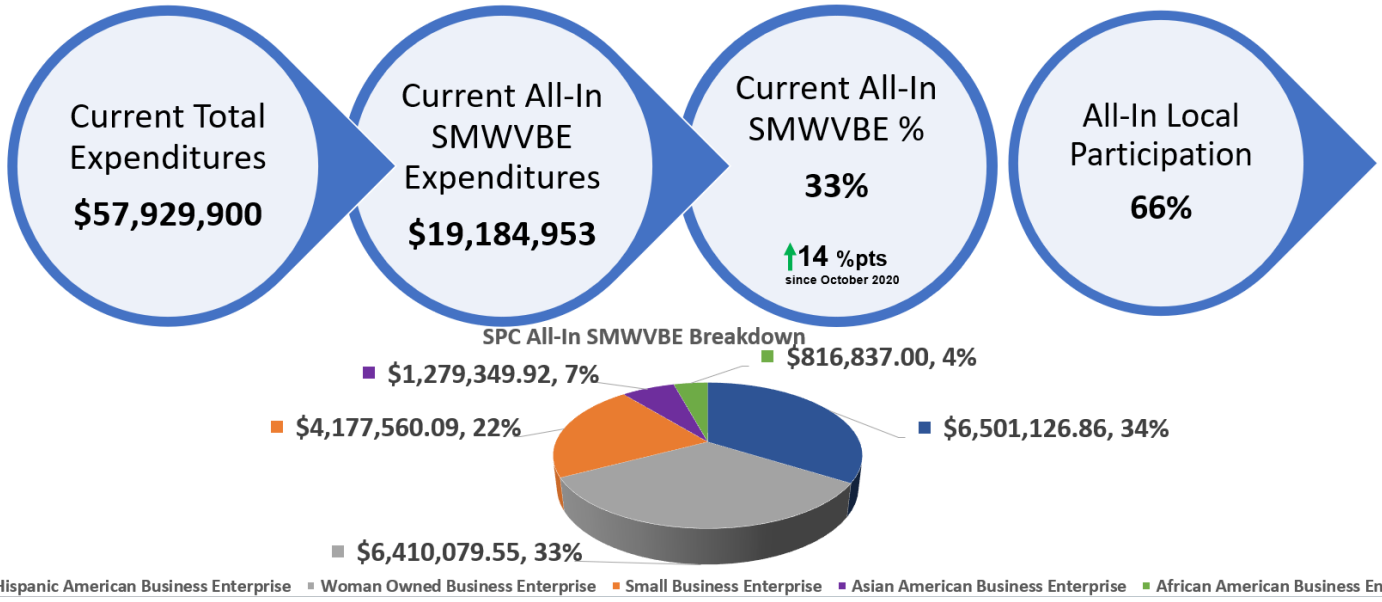




St. Philip's College

ALAMO COLLEGES DISTRICT
St. Philip's College

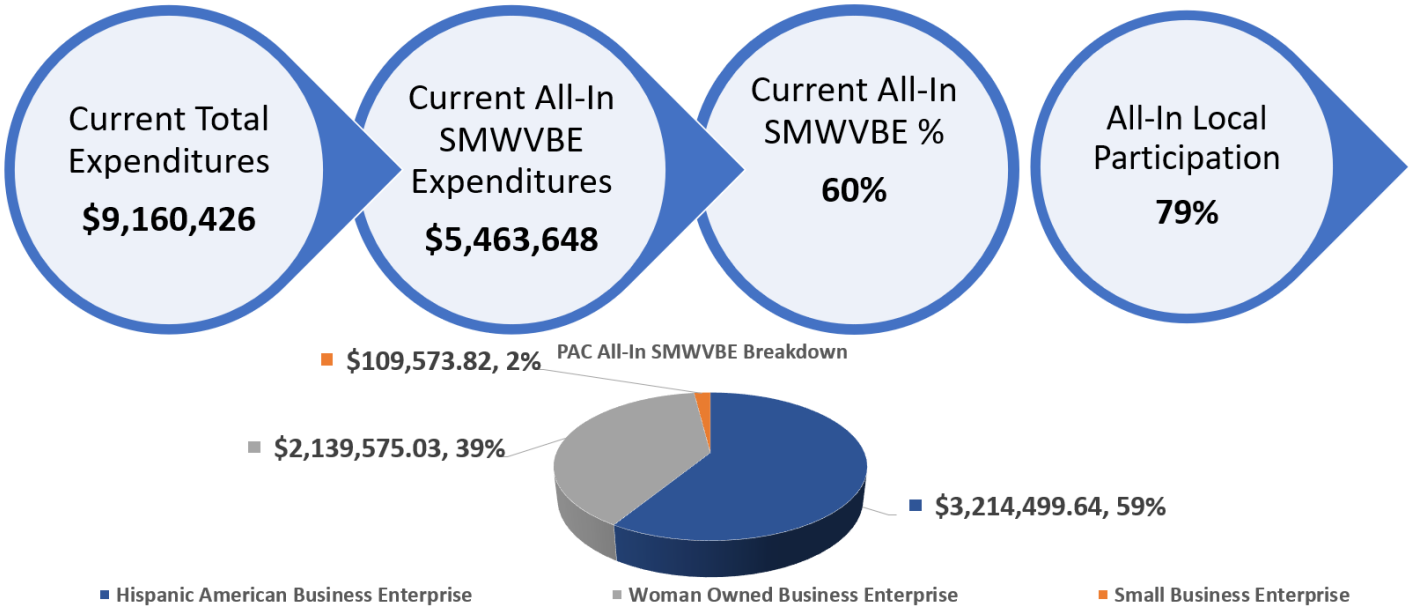
- Total Campus CIP Funding: $99,041,441
- **Remaining Funding Spending Opportunities : $41,111,540**



Palo Alto College

ALAMO COLLEGES DISTRICT
Palo Alto College

- Total Campus CIP Funding: $83,067,000
- **Remaining Funding Spending Opportunities : $73,906,574**

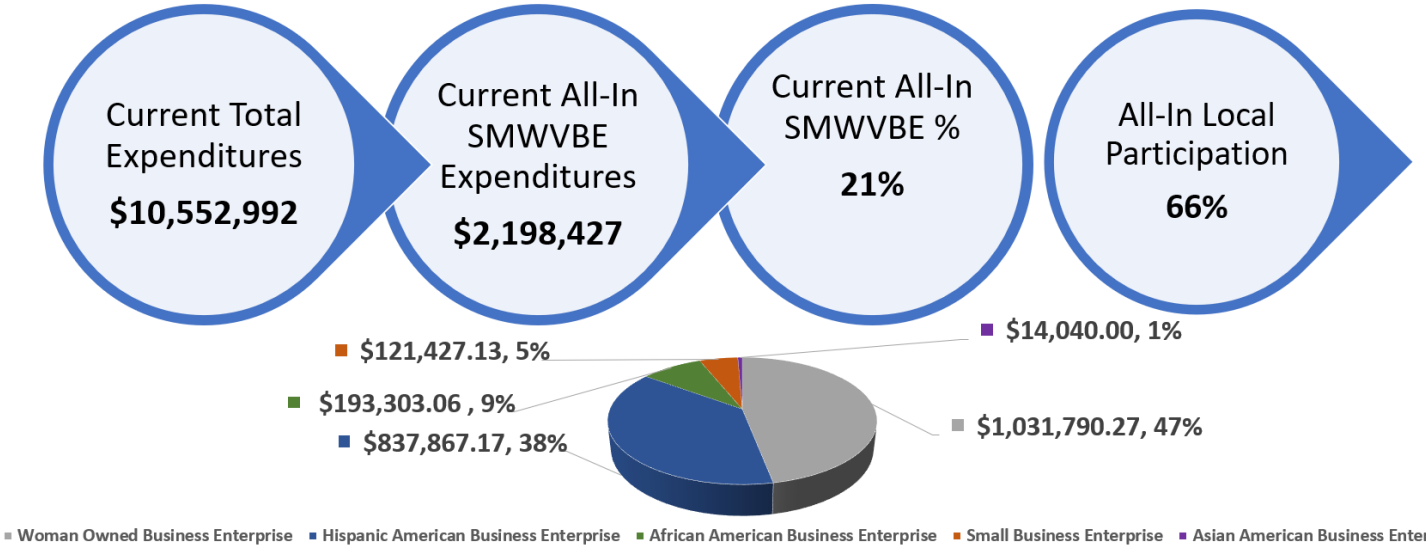


ALAMO COLLEGES DISTRICT

Northeast Lakeview College

ALAMO COLLEGES DISTRICT
Northeast Lakeview College

- STEM Bldg. Total Campus CIP Funding: $46,000,000*
- **Remaining Funding Spending Opportunities : $35,447,008**
- **Total Project Cost: $36,162,898**



Discussion and Possible Action on Approval of Financial Reports

Presented to the Board acting as Committee of the Whole on July 20, 2021 and now presented to the Board for approval on July 27, 2021

MINUTE ORDER

"The Alamo Colleges Board of Trustees hereby accepts the financial reports as presented."

PURPOSE

The following financial reports are presented to the Board of Trustees for informational and approval purposes for April 30, 2021 and May 31, 2021.

BACKGROUND

1. Financial Charts

2. Comparison of Year-to-Date Actual Revenues/Expenditures

IMPLICATIONS

Financial: N/A

Strategic Plan: Strategic Objective III Performance Excellence

Human Resources: N/A

ATTACHMENTS: Financial Reports

Dr. Diane Snyder Digitally signed by Dr. Diane Snyder Date: 2021.07.07 09:43:43 -05'00'

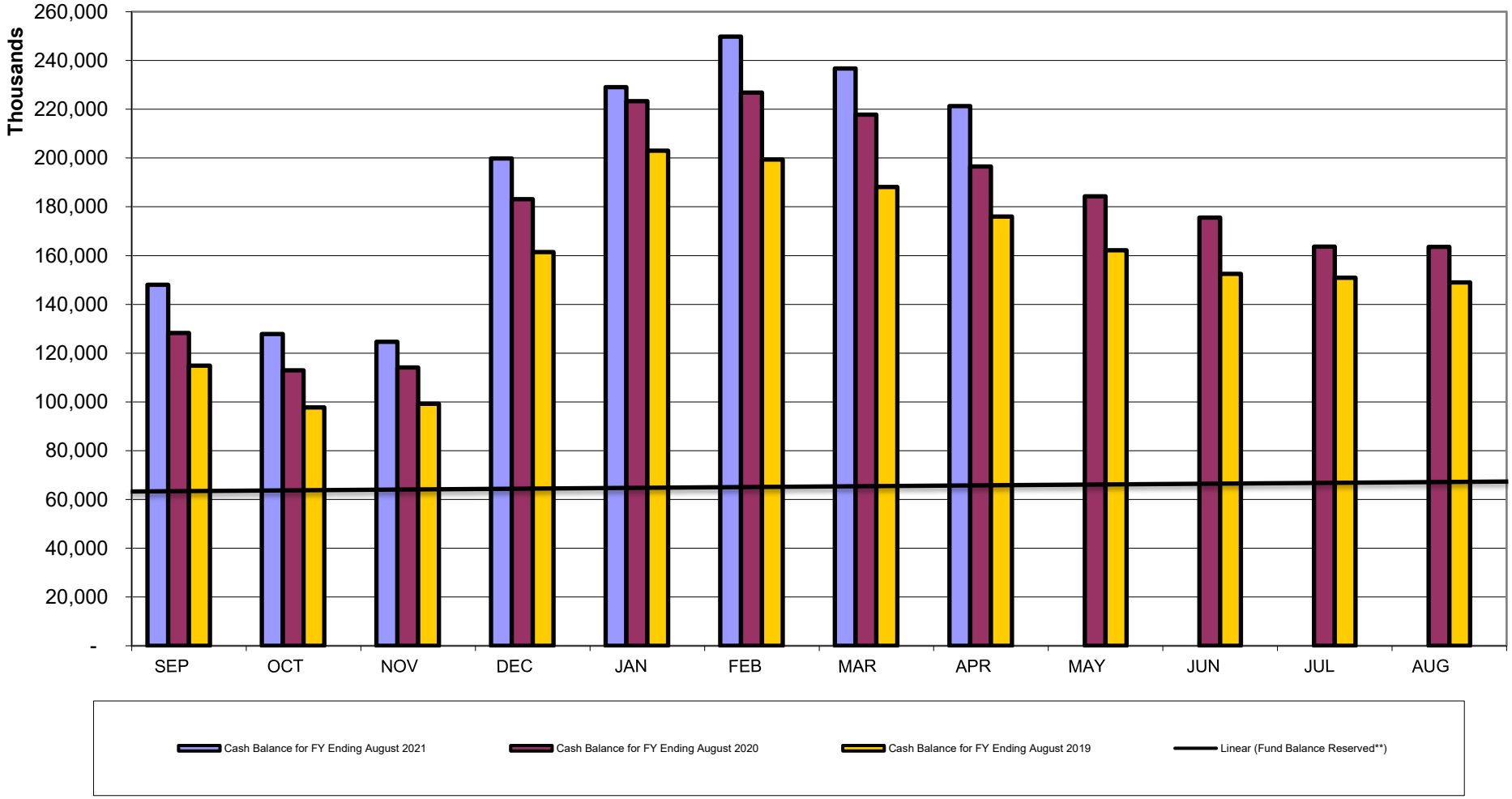
Shayne West
Interim Associate Vice Chancellor for
Finance and Fiscal Services

Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance and
Administration

Dr. Mike Flores, Chancellor

ALAMO COLLEGES DISTRICT

Alamo Colleges District
Current Operating Fund Cash Analysis*
(For Fiscal Years Ending August 2021, 2020 and 2019)
Through April 2021

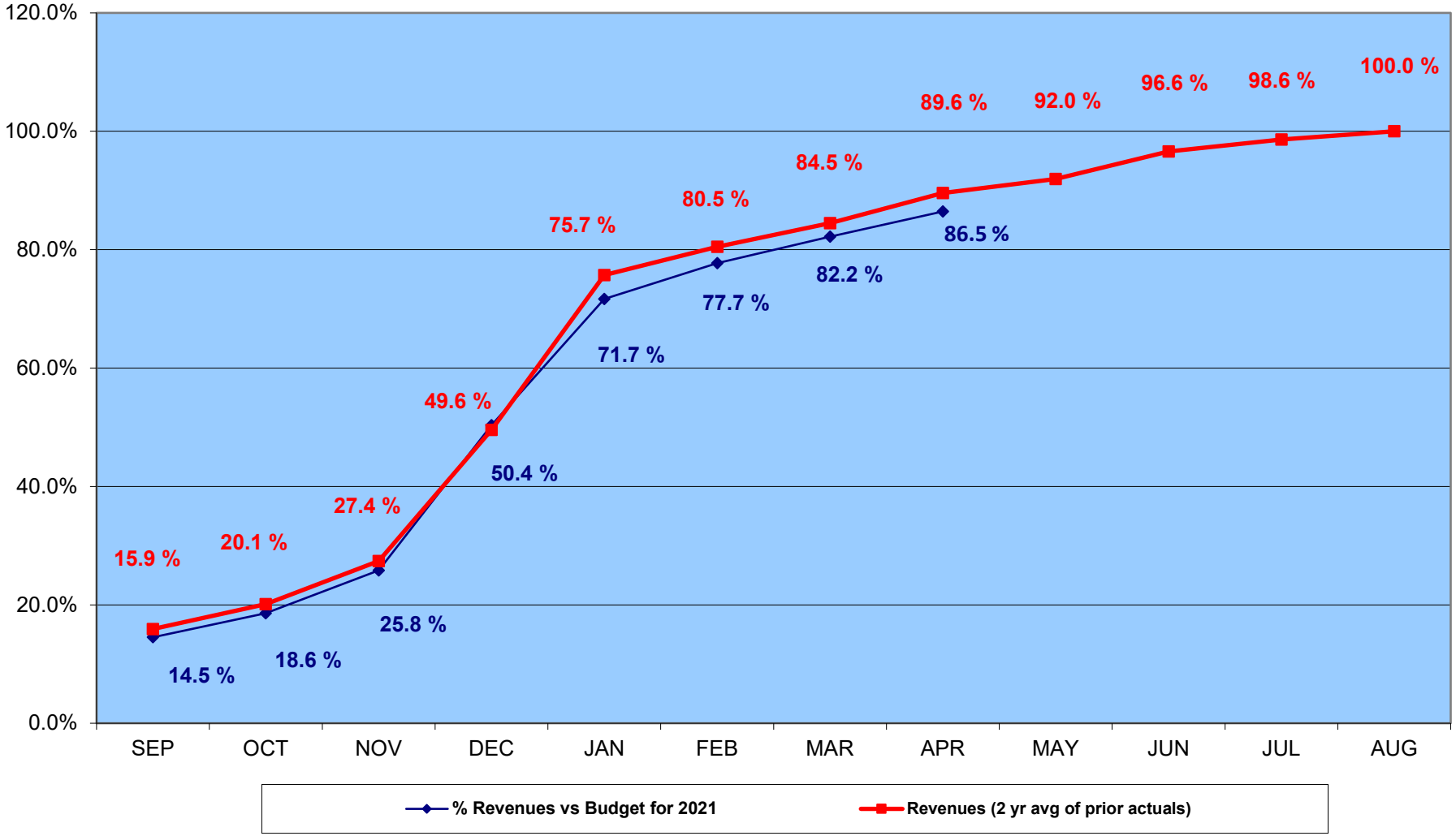


*Includes Cash and Investments.
Chart excludes cash balances for capital construction and debt service.
August includes Fall Tuition collections.

5/14/2021

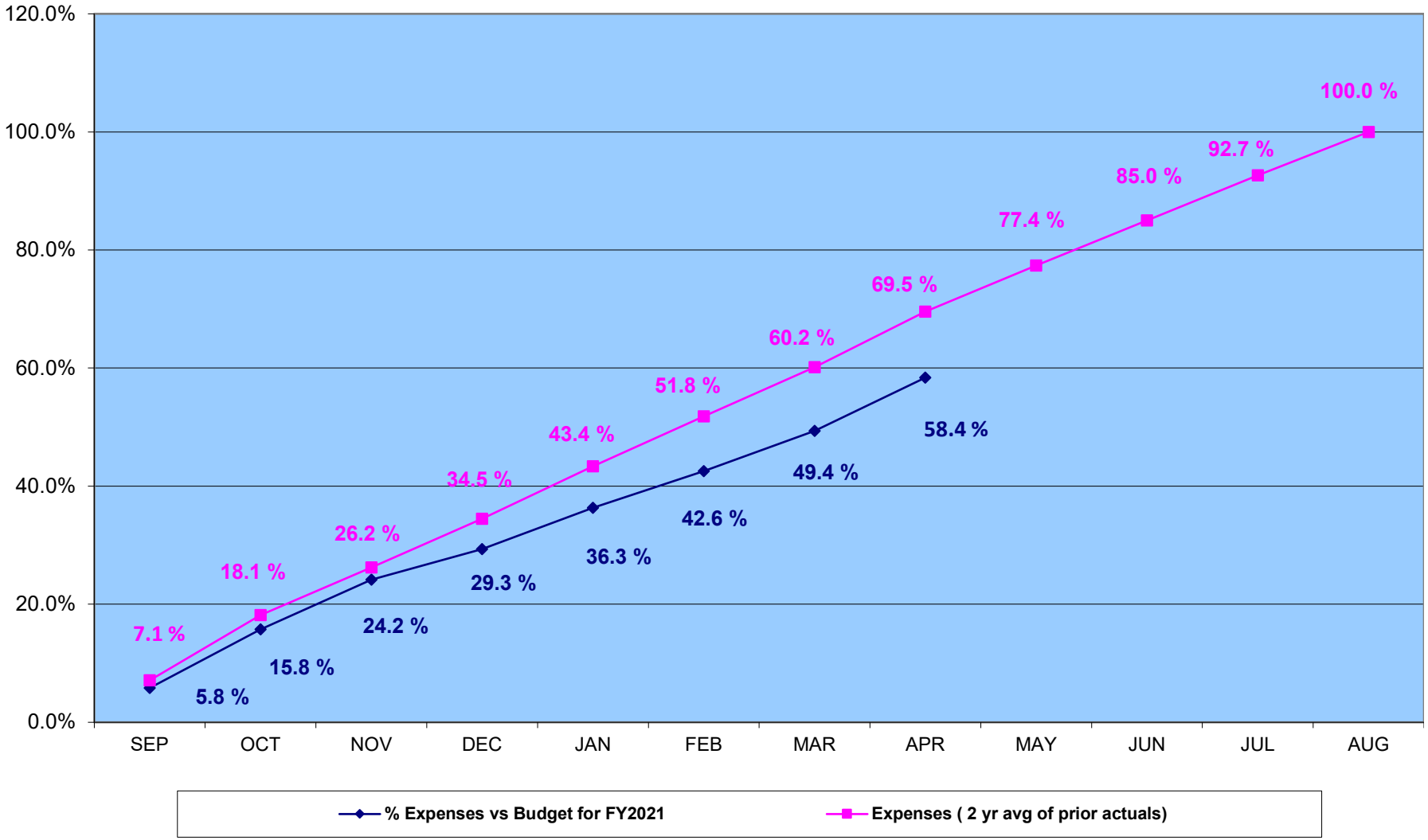
**Fund Balance Reserved excludes encumbrances and operating commitments.

Alamo Colleges District
Unrestricted Operating Actual Revenues as % of Adjusted Budgeted Revenues
Compared to Average of Two Prior Years Actual Revenues



Alamo Colleges District

Unrestricted Operating Actual Expenses and Transfers as % of Adjusted Budgeted Expenses and Transfers Compared to Average of Two Prior Years Actual Expenses and Transfers



ALAMO COLLEGES DISTRICT

FY 2020 - 2021 ALL FUNDS ACTUALS VS BUDGET REPORT

APRIL 2021 YEAR-TO-DATE

	Adjusted Budget 2020 - 2021 **(A)** (as of April 2021)		YTD Actual 04/30/2021		% of Budget (8th month / 66.7 % of Year) Unrestricted		Restricted	
	Unrestricted	Restricted	Unrestricted	Restricted	04/30/21	04/30/20	04/30/21	04/30/20
REVENUES								
Instruction and General	375,541,227	38,169,092	328,680,638	20,958,886	87.5%	88.1%	54.9%	67.0%
Public Service	1,113,198	-	161,418		14.5%	30.5%		
Scholarships and Fellowships	-	71,995,474		53,483,578			74.3%	88.3%
Auxiliary Enterprises	5,940,222	-	1,940,791		32.7%	33.1%		
Student Activity Fee	2,679,828	-	2,301,962		85.9%	98.8%		
Subtotal Current Funds	385,274,475	110,164,566	333,084,809	74,442,464	86.5%	86.8%	67.6%	83.7%
Capital Outlay	-	186,423,694		36,118			0.0%	8.2%
Renewals & Replacements	-	-						
Building	-	52,847,716		6,626,918			12.5%	88.2%
Furniture & Equipment	-	1,790,895						
Debt Services	-	68,601,179		66,712,509			97.2%	93.1%
Subtotal Plant Funds	-	309,663,484	-	73,375,545		0.0%	23.7%	82.1%
TOTAL REVENUES	**385,274,475**	**419,828,050**	**333,084,809**	**147,818,009**	**86.5%**	**86.8%**	**35.2%**	**82.6%**
BEGINNING FUND BALANCES (B)								
Instruction and General	96,660,569	1,113,178	96,660,569	1,113,178				
Public Service	-	-						
Scholarships and Fellowships	-	9,095,214		9,095,214				
Auxiliary Enterprises	3,200,000	-	3,200,000					
Student Activity Fee	1,964,831	-	1,964,831					
Subtotal Current Funds	101,825,400	10,208,392	101,825,400	10,208,392				
Capital Outlay	-	36,741,122		36,741,122				
Renewals & Replacements	-	-		-				
Building	-	59,355,705		59,355,705				
Furniture & Equipment	-	11,323,452		11,323,452				
Debt Services	-	12,723,271		12,723,271				
Subtotal Plant Funds	-	120,143,550	-	120,143,550				
TOTAL BEGINNING FUND BALANCES	**101,825,400**	**130,351,942**	**101,825,400**	**130,351,942**				
TOTAL AVAILABLE (Revenues + Beg. Fund Balance)								
Instruction and General	472,201,796	39,282,270	425,341,207	22,072,064				
Public Service	1,113,198	-	161,418	-				
Scholarships and Fellowships	-	81,090,688	-	62,578,792				
Auxiliary Enterprises	9,140,222	-	5,140,791	-				
Student Activity Fee	4,644,659	-	4,266,793	-				
Subtotal Current Funds	487,099,875	120,372,958	434,910,209	84,650,856				
Capital Outlay	-	223,164,816	-	36,777,240				
Renewals & Replacements	-	-	-	-				
Building	-	112,203,421	-	65,982,623				
Furniture & Equipment	-	13,114,347	-	11,323,452				
Debt Services	-	81,324,450	-	79,435,780				
Subtotal Plant Funds	-	429,807,034	-	193,519,095				
TOTAL AVAILABLE	**487,099,875**	**550,179,992**	**434,910,209**	**278,169,951**				

(A) Includes budget amendments #1 and #2

(B) Beginning fund balance are audited ending FY19-20 fund balances. The fund balances include Board mandated 15% operating reserve, grants, construction, scholarships, & gifts funds.

ALAMO COLLEGES DISTRICT

FY 2020 - 2021 ALL FUNDS ACTUALS VS BUDGET REPORT

APRIL 2021 YEAR-TO-DATE

	Adjusted Budget 2020 - 2021 (A) (as of April 2021)		YTD Actual 04/30/2021		% of Budget (8th month / 66.7 % of Year) Unrestricted		Restricted	
	Unrestricted	Restricted	Unrestricted	Restricted	04/30/21	04/30/20	04/30/21	04/30/20
EXPENDITURES								
Instruction and Genera	379,286,468	38,169,092	215,472,930	20,638,852	56.8%	60.6%	54.1%	67.3%
Public Service	1,475,579	-	787,627		53.4%	68.2%		
Scholarships and Fellowships	-	77,938,971		56,309,532			72.2%	84.5%
Auxiliary Enterprises	1,955,950	-	718,552		36.7%	41.2%		
Student Activity Fee	4,635,780	-	772,338		16.7%	31.6%		
Subtotal Current Funds	387,353,777	116,108,063	217,751,447	76,948,384	56.2%	60.3%	66.3%	81.0%
Capital Outlay	-	91,371,668		37,374,274			40.9%	34.3%
Renewals & Replacements	-	-						
Building	-	45,681,061		27,496,305			60.2%	15.6%
Furniture & Equipment	-	2,288,002		668,442				
Debt Services	-	80,078,920		60,682,585			75.8%	86.0%
Subtotal Plant Funds	-	219,419,651	-	126,221,606			57.5%	42.3%
TOTAL EXPENDITURES	**387,353,777**	**335,527,714**	**217,751,447**	**203,169,990**	**56.2%**	**60.3%**	**60.6%**	**50.7%**
TRANSFERS (IN) OUT								
Instruction and General			21,095,767					
Public Service								
Scholarships and Fellowships	5,943,497	(5,943,497)		(5,807,101)				
Auxiliary Enterprises	-	-						
Student Activity Fee	-	-						
Subtotal Current Funds	5,943,497	(5,943,497)	21,095,767	(5,807,101)				
Capital Outlay	4,058,400	(4,058,400)		-				
Renewals & Replacements	-	-						
Building	51,000	(51,000)		(3,981,203)				
Furniture & Equipment	-	-						
Debt Services	11,716,578	(11,716,578)		(11,307,463)				
Subtotal Plant Funds	15,825,978	(15,825,978)	-	(15,288,666)				
NET TRANSFERS	**21,769,475**	**(21,769,475)**	**21,095,767**	**(21,095,767)**				
TOTAL EXPENSE & TRANSFERS	**409,123,252**	**313,758,239**	**238,847,214**	**182,074,223**	**58.4%**	**63.0%**	**58.0%**	**47.0%**
ENDING FUND BALANCES								
Instruction and General	92,915,328	1,113,178	188,772,510	1,433,212				
Public Service	(362,381)	-	(626,209)	-				
Scholarships and Fellowships	(5,943,497)	9,095,214	-	12,076,361				
Auxiliary Enterprises	7,184,272	-	4,422,239	-				
Student Activity Fee	8,879	-	3,494,455	-				
Subtotal Current Funds	93,802,601	10,208,392	196,062,995	13,509,573				
Capital Outlay	(4,058,400)	135,851,548	-	(597,034)				
Renewals & Replacements	-	-	-	-				
Building	(51,000)	66,573,360	-	42,467,521				
Furniture & Equipment	-	10,826,345	-	10,655,010				
Debt Services	(11,716,578)	12,962,108	-	30,060,658				
Subtotal Plant Funds	(15,825,978)	226,213,361	-	82,586,155				
TOTAL ENDING FUND BALANCES	**77,976,623**	**236,421,753**	**196,062,995**	**96,095,728**				
TOTAL EXP, TRF & BALANCES	**487,099,875**	**550,179,992**	**434,910,209**	**278,169,951**				

(A) Includes budget amendments #1 and #2

(1) Revenue Variance:

For the eight month period ended April 30, 2021 operating revenue decreased 0.6%, or $1.9 million to $333.1 million (first eight months 2020: $335.0 million). The decrease is mainly driven by a drop in semester credit hours reflecting lower tuition and fee revenues in a difficult market environment with the spread of the COVID-19 pandemic, offset by favorable tax revenue and state appropriation revenue increases of $10.7 million total. All other minor categories of revenues experienced decreases totaling $4.1 million, investment income, unrestricted grant revenues, miscellaneous revenues, and auxiliary enterprise revenues.

a) Tax revenues for FY21 increased $9.9 million, or 6.0%, and stand at $174.0 million vs $164.1 million in the prior year. The District has benefitted from increasing taxable values in Bexar County. As of the initial roll certification in July of 2010, the net taxable value of the appraisal roll for the District was approximately $100 billion, and that has grown to over $186 billion in 2020. For the past 5 years, net taxable value has grown over 7% on an annualized rate. The rise in taxable assessed value has resulted in an increasing revenue stream for the Alamo Colleges District without raising the tax rate since 2012 and has provided funding for facilities operations and maintenance on infrastructure. Although the impact of Covid 19 is not fully known at this time, the expectation is for continued growth, especially in the single family housing category.

b) Tuition & fees for FY21 through early Summer enrollment decreased 8.0%, or $8.5 million, over FY20 amounts. FY2021 revenues stand at $97.9 million, or 91.1% of the budget, vs. FY2020 revenues of $106.4 million, or 97.8% of the budget. The gross revenue decrease is attributed to a drop of number of hours taken. Headcount enrollment for the Spring decreased 1.3% to 64,286 students, while semester credit hours taken dropped 9.5%, or 43,088 to 409,623 semester credit hours. Early Summer enrollment through May 12 reflects mixed results, headcount is down 12.1% (from 24,041 to 21,122) and semester credit hours showing a 7.1% increase (from 94,485 to 101,167).

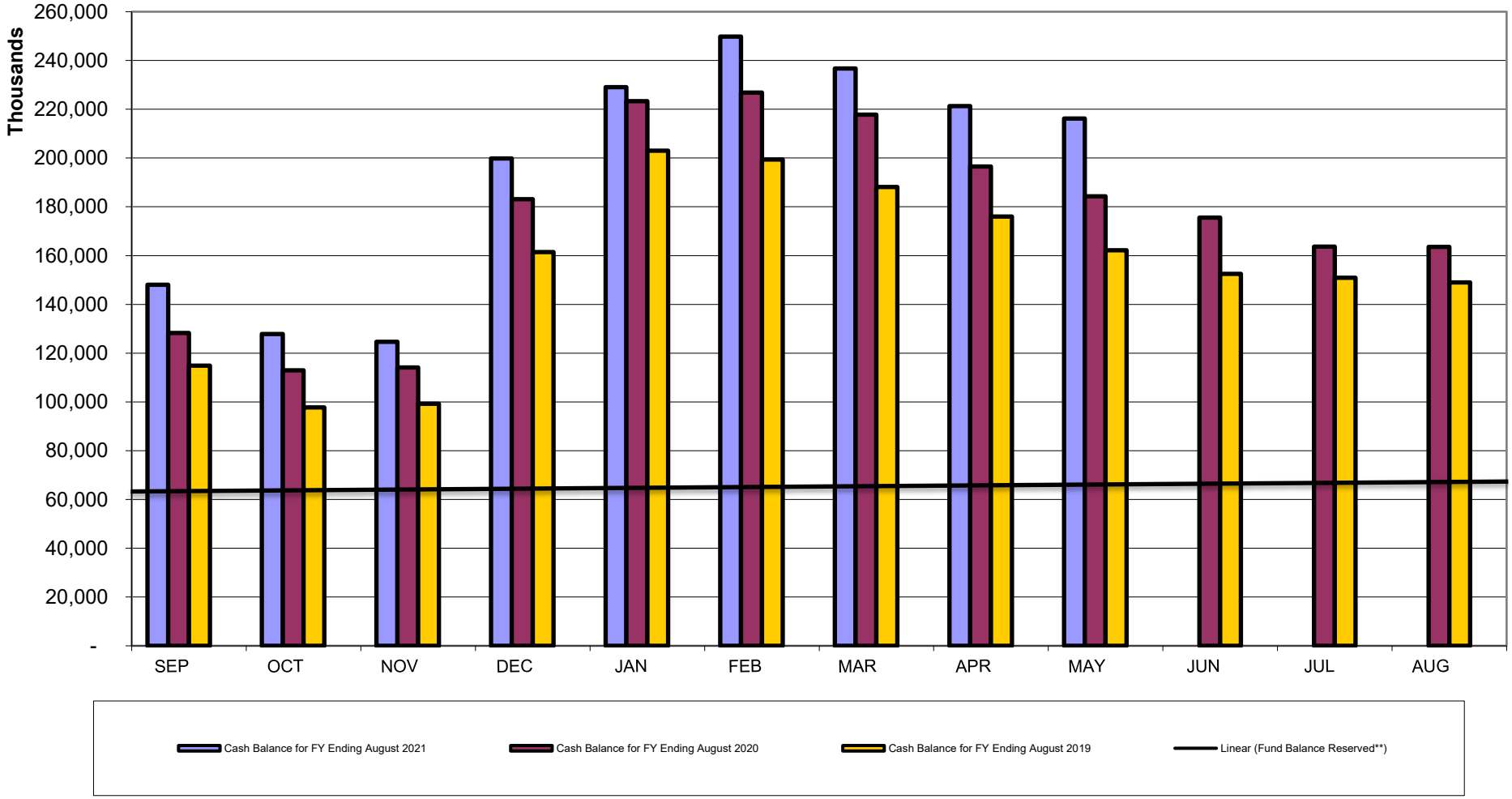
c) After several biennia of essentially flat state funding from the State of Texas, the General Appropriations Act for the 2020 and 2021 biennium increased $65.4 million for all community colleges. For the Alamo Colleges District, state funding increased $5.78 million ($2.8 million for FY21). State appropriations increased 1.5% in FY21, or $800 thousand, and stand at 63.1% and 62.2%, of FY21 and FY20 budgets, respectively. As of this month the revenues are $55.0 million. State appropriations including state-paid benefits (group health & retirement) shows a slight increase as compared to the prior year.

(2) Expense Variance:

a) The overall goal of the Fiscal Year 2021 Annual Budget (FY21) is to continue the momentum we created last year in positioning the Alamo Colleges District for "smart growth," which makes the most effective use of every dollar of revenue to support the economic and social mobility of the members of our community and the success of our students. This is an especially significant accomplishment in light of the current economy and the strain we have seen organizations in San Antonio and the higher education community face in light of the pandemic. The Alamo Colleges District is fortunate to be well-prepared in the face of economic uncertainties plaguing other entities; instead we are investing in the "smart growth" initiatives that were introduced in FY20, and expanding them to ensure the success of continued “smart growth” and “smart talent” in FY21.

b) Operating expenses for FY21 and FY20 for the same period stand at 58.4% and 63.0% of budget, respectively. Actual expenses for FY21 and FY20 are $238.8 million and $247.1 million.

Alamo Colleges District
Current Operating Fund Cash Analysis*
(For Fiscal Years Ending August 2021, 2020 and 2019)
Through May 2021

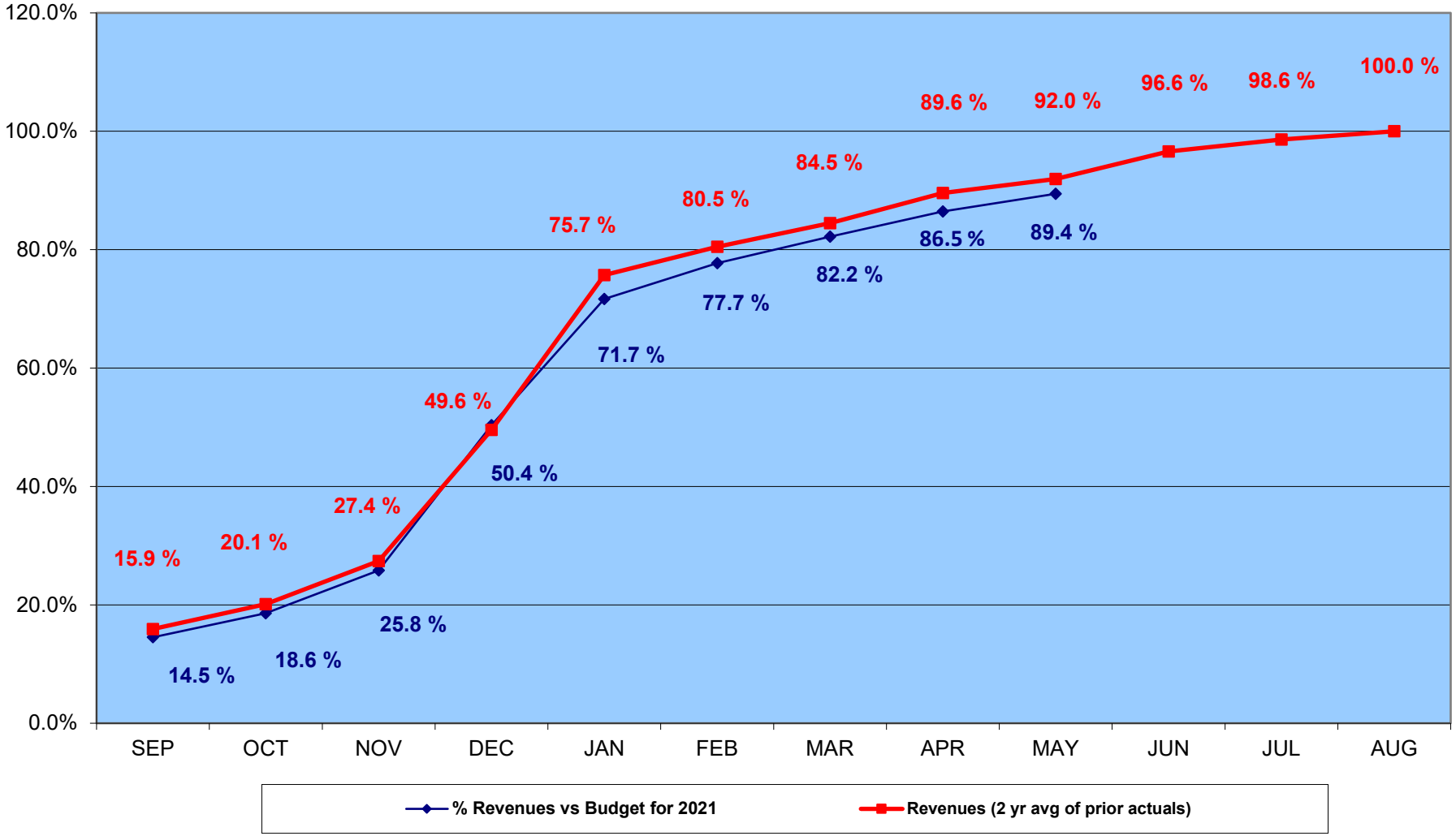


*Includes Cash and Investments.
Chart excludes cash balances for capital construction and debt service.
August includes Fall Tuition collections.

6/14/2021

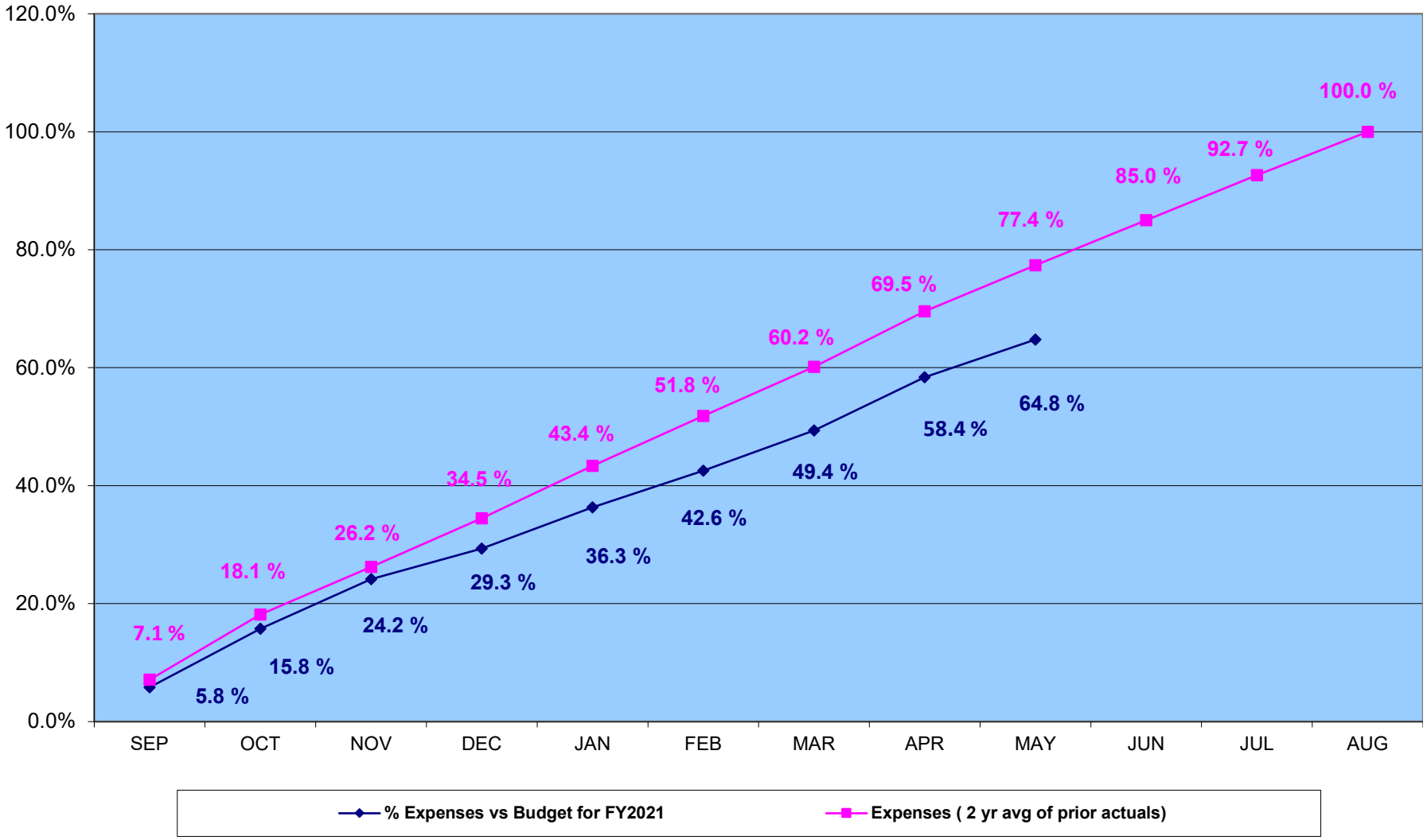
**Fund Balance Reserved excludes encumbrances and operating commitments.

Alamo Colleges District
Unrestricted Operating Actual Revenues as % of Adjusted Budgeted Revenues
Compared to Average of Two Prior Years Actual Revenues



Alamo Colleges District

Unrestricted Operating Actual Expenses and Transfers as % of Adjusted Budgeted Expenses and Transfers Compared to Average of Two Prior Years Actual Expenses and Transfers



ALAMO COLLEGES DISTRICT

FY 2020 - 2021 ALL FUNDS ACTUALS VS BUDGET REPORT

MAY 2021 YEAR-TO-DATE

	Adjusted Budget 2020 - 2021 **(A)** (as of May 2021)		YTD Actual 05/31/2021		% of Budget (9th month / 75.0 % of Year) Unrestricted		Restricted	
	Unrestricted	Restricted	Unrestricted	Restricted	05/31/21	05/31/20	05/31/21	05/31/20
REVENUES								
Instruction and General	375,541,227	38,169,092	340,037,275	25,863,069	90.5%	89.5%	67.8%	77.1%
Public Service	1,113,198	-	177,095		15.9%	33.0%		
Scholarships and Fellowships	-	71,995,474		61,926,515			86.0%	117.6%
Auxiliary Enterprises	5,940,222	-	2,019,112		34.0%	34.4%		
Student Activity Fee	2,679,828	-	2,370,691		88.5%	103.5%		
Subtotal Current Funds	385,274,475	110,164,566	344,604,173	87,789,584	89.4%	88.1%	79.7%	108.8%
Capital Outlay	-	186,423,694		36,217			0.0%	8.3%
Renewals & Replacements	-	-						
Building	-	52,847,716		6,680,430			12.6%	89.3%
Furniture & Equipment	-	1,790,895						
Debt Services	-	68,601,179		67,167,762			97.9%	93.1%
Subtotal Plant Funds	-	309,663,484	-	73,884,409		0.0%	23.9%	82.6%
TOTAL REVENUES	**385,274,475**	**419,828,050**	**344,604,173**	**161,673,993**	**89.4%**	**88.1%**	**38.5%**	**91.7%**
BEGINNING FUND BALANCES (B)								
Instruction and General	96,660,569	1,113,178	96,660,569	1,113,178				
Public Service	-	-						
Scholarships and Fellowships	-	9,095,214		9,095,214				
Auxiliary Enterprises	3,200,000	-	3,200,000					
Student Activity Fee	1,964,831	-	1,964,831					
Subtotal Current Funds	101,825,400	10,208,392	101,825,400	10,208,392				
Capital Outlay	-	36,741,122		36,741,122				
Renewals & Replacements	-	-		-				
Building	-	59,355,705		59,355,705				
Furniture & Equipment	-	11,323,452		11,323,452				
Debt Services	-	12,723,271		12,723,271				
Subtotal Plant Funds	-	120,143,550	-	120,143,550				
TOTAL BEGINNING FUND BALANCES	**101,825,400**	**130,351,942**	**101,825,400**	**130,351,942**				
TOTAL AVAILABLE (Revenues + Beg. Fund Balance)								
Instruction and General	472,201,796	39,282,270	436,697,844	26,976,247				
Public Service	1,113,198	-	177,095	-				
Scholarships and Fellowships	-	81,090,688	-	71,021,729				
Auxiliary Enterprises	9,140,222	-	5,219,112	-				
Student Activity Fee	4,644,659	-	4,335,522	-				
Subtotal Current Funds	487,099,875	120,372,958	446,429,573	97,997,976				
Capital Outlay	-	223,164,816	-	36,777,339				
Renewals & Replacements	-	-	-	-				
Building	-	112,203,421	-	66,036,135				
Furniture & Equipment	-	13,114,347	-	11,323,452				
Debt Services	-	81,324,450	-	79,891,033				
Subtotal Plant Funds	-	429,807,034	-	194,027,959				
TOTAL AVAILABLE	**487,099,875**	**550,179,992**	**446,429,573**	**292,025,935**				

(A) Includes budget amendments #1 and #2

(B) Beginning fund balance are audited ending FY19-20 fund balances. The fund balances include Board mandated 15% operating reserve, grants, construction, scholarships, & gifts funds.

ALAMO COLLEGES DISTRICT

FY 2020 - 2021 ALL FUNDS ACTUALS VS BUDGET REPORT

MAY 2021 YEAR-TO-DATE

	Adjusted Budget 2020 - 2021 (A) (as of May 2021)		YTD Actual 05/31/2021		% of Budget (9th month / 75.0 % of Year) Unrestricted		Restricted	
	Unrestricted	Restricted	Unrestricted	Restricted	05/31/21	05/31/20	05/31/21	05/31/20
EXPENDITURES								
Instruction and Genera	379,286,468	38,169,092	243,100,202	25,804,721	64.1%	69.2%	67.6%	77.0%
Public Service	1,475,579	-	888,903		60.2%	76.9%		
Scholarships and Fellowships	-	77,938,971		63,580,652			81.6%	111.8%
Auxiliary Enterprises	1,955,950	-	800,230		40.9%	46.1%		
Student Activity Fee	4,635,780	-	948,096		20.5%	34.8%		
Subtotal Current Funds	387,353,777	116,108,063	245,737,431	89,385,373	63.4%	68.7%	77.0%	104.8%
Capital Outlay	-	91,371,668		48,461,965			53.0%	36.8%
Renewals & Replacements	-	-						
Building	-	45,681,061		29,325,621			64.2%	19.2%
Furniture & Equipment	-	2,288,002		676,306				
Debt Services	-	80,078,920		60,837,420			76.0%	95.8%
Subtotal Plant Funds	-	219,419,651	-	139,301,312			63.5%	47.3%
TOTAL EXPENDITURES	**387,353,777**	**335,527,714**	**245,737,431**	**228,686,685**	**63.4%**	**68.7%**	**68.2%**	**59.8%**
TRANSFERS (IN) OUT								
Instruction and General			19,272,666					
Public Service								
Scholarships and Fellowships	5,943,497	(5,943,497)		(5,265,872)				
Auxiliary Enterprises	-	-						
Student Activity Fee	-	-						
Subtotal Current Funds	5,943,497	(5,943,497)	19,272,666	(5,265,872)				
Capital Outlay	4,058,400	(4,058,400)		-				
Renewals & Replacements	-	-						
Building	51,000	(51,000)		(4,599,331)				
Furniture & Equipment	-	-						
Debt Services	11,716,578	(11,716,578)		(9,407,463)				
Subtotal Plant Funds	15,825,978	(15,825,978)	-	(14,006,794)				
NET TRANSFERS	**21,769,475**	**(21,769,475)**	**19,272,666**	**(19,272,666)**				
TOTAL EXPENSE & TRANSFERS	**409,123,252**	**313,758,239**	**265,010,097**	**209,414,019**	**64.8%**	**69.2%**	**66.7%**	**58.7%**
ENDING FUND BALANCES								
Instruction and General	92,915,328	1,113,178	174,324,976	1,171,526				
Public Service	(362,381)	-	(711,808)	-				
Scholarships and Fellowships	(5,943,497)	9,095,214	-	12,706,949				
Auxiliary Enterprises	7,184,272	-	4,418,882	-				
Student Activity Fee	8,879	-	3,387,426	-				
Subtotal Current Funds	93,802,601	10,208,392	181,419,476	13,878,475				
Capital Outlay	(4,058,400)	135,851,548	-	(11,684,626)				
Renewals & Replacements	-	-	-	-				
Building	(51,000)	66,573,360	-	41,309,845				
Furniture & Equipment	-	10,826,345	-	10,647,146				
Debt Services	(11,716,578)	12,962,108	-	28,461,076				
Subtotal Plant Funds	(15,825,978)	226,213,361	-	68,733,441				
TOTAL ENDING FUND BALANCES	**77,976,623**	**236,421,753**	**181,419,476**	**82,611,916**				
TOTAL EXP, TRF & BALANCES	**487,099,875**	**550,179,992**	**446,429,573**	**292,025,935**				

(A) Includes budget amendments #1 and #2

(1) Revenue Variance:

For the nine month period ended May 31, 2021 operating revenue increased 1.3%, or $4.3 million to $344.6 million (first nine months 2020: $340.3 million). The increase is mainly driven by favorable tax revenues exceeding FY20 amounts by 6.8%, or $11.1 million, and stable state appropriations increasing $0.9 million, offset by a drop in semester credit hours reflecting lower tuition revenues and fee revenues of $4.7 million in a difficult market environment. All other minor categories of revenues experienced decreases totaling $3.0 million, investment income, unrestricted grant revenues, miscellaneous revenues, and auxiliary enterprise revenues.

a) Tax revenues for FY21 increased $11.1 million, or 6.8%, and stand at $174.9 million vs $163.8 million in the prior year. The District has benefitted from increasing taxable values in Bexar County. As of the initial roll certification in July of 2010, the net taxable value of the appraisal roll for the District was approximately $100 billion, and that has grown to over $186 billion in 2020. For the past 5 years, net taxable value has grown over 7% on an annualized rate. The rise in taxable assessed value has resulted in an increasing revenue stream for the Alamo Colleges District without raising the tax rate since 2012 and has provided funding for facilities operations and maintenance on infrastructure. Although the impact of Covid 19 is not fully known at this time, the expectation is for continued growth, especially in the single family housing category.

b) Tuition & fees for FY21 through early Summer enrollment decreased 4.6%, or $4.7 million, over FY20 amounts. FY2021 revenues stand at $97.6 million, or 90.8% of the budget, vs. FY2020 revenues of $102.3 million, or 94.0% of the budget. The gross revenue decrease is attributed to a drop of number of hours taken. Headcount enrollment for the Spring decreased 1.3% to 64,286 students, while semester credit hours taken dropped 9.5%, or 43,088 to 409,623 semester credit hours. Summer enrollment through May 26 continues to reflects mixed results, with headcount down 21.1% (from 28,458 to 23,508) and semester credit hours showing a much smaller 3.3% decrease (from 115,378 to 111,745).

c) After several biennia of essentially flat state funding from the State of Texas, the General Appropriations Act for the 2020 and 2021 biennium increased $65.4 million for all community colleges. For the Alamo Colleges District, state funding increased $5.78 million ($2.8 million for FY21). State appropriations increased 1.4% in FY21, or $0.9 million, and stand at 63.1% and 62.2%, of FY21 and FY20 budgets, respectively. As of this month the revenues are $55.0 million. State appropriations including state-paid benefits (group health & retirement) shows a slight increase as compared to the prior year.

(2) Expense Variance:

a) The overall goal of the Fiscal Year 2021 Annual Budget (FY21) is to continue the momentum we created last year in positioning the Alamo Colleges District for "smart growth," which makes the most effective use of every dollar of revenue to support the economic and social mobility of the members of our community and the success of our students. This is an especially significant accomplishment in light of the current economy and the strain we have seen organizations in San Antonio and the higher education community face in light of the pandemic. The Alamo Colleges District is fortunate to be well-prepared in the face of economic uncertainties plaguing other entities; instead we are investing in the "smart growth" initiatives that were introduced in FY20, and expanding them to ensure the success of continued “smart growth” and “smart talent” in FY21.

b) Operating expenses for FY21 and FY20 for the same period stand at 64.8% and 69.2% of budget, respectively, reflecting a conservative approach to spending. Actual expenses for FY21 and FY20 are $265.0 million and $271.1 million.

Discussion and Possible Action on Approval of Monthly Report on Cooperative Purchases in Excess of $100,000

Presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to Board for approval on July 27, 2021.

MINUTE ORDER
"The Alamo Colleges District Board of Trustees hereby approves the monthly Cooperative Purchase Report as presented."

PURPOSE
The purpose of this Minute Order is to provide a monthly report of purchases exceeding $100,000 and any fees charged by the various local, state, and national providers of Cooperative Purchasing (COOP) programs during the specified reporting period. Not all COOP programs charge fees, and some COOP's offer cash rebates paid directly to Alamo Colleges. The Purchasing and Contract Administration Department utilizes the COOP programs to gain greater access to goods and services, cost savings through leveraged buying, and reduced administration costs by issuing fewer competitive bids and proposals. The combined buying power of public institutions throughout the State of Texas and nationally translates into savings and provides an efficient, cost effective and legal means for providing goods and services to departments throughout the Alamo Colleges in an expedited fashion.

BACKGROUND
Vendor contracts awarded through approved federal, state or cooperative purchasing agreements are a statutorily approved alternative to competitively procured vendor contracts. Only the following such contract purchases require prior Board approval:

a. Purchases valued at $100,000 or more in any 12-month period that will result in additional gross square footage (permanent or otherwise) that will require cleaning and maintaining, and have at least two utilities present;

b. Purchases valued at $100,000 or more in any 12-month period that in the judgment of the Chancellor or Purchasing & Contract Administration would commit the College District or one of the colleges to an entirely new technology that would be pervasive for subsequent years.

For any cooperative purchasing contract valued at $25,000 or more, Purchasing & Contract Administration shall document any contract-related fee, including any management fee. At least annually, Purchasing & Contract Administration shall present a written report regarding any contract-related fees, including any management fees, to the Board of Trustees at a properly posted open meeting.

IMPLICATIONS
Financial: None
Strategic Plans: Goal I-Student Success; and Goal III-Performance Excellence
Employee Services: None
Attachments: Cooperative Contract Purchases over $100,000

Gary O'Bar,C.P.M.
Gary O'Bar,C.P.M.
cn=Gary O'Bar,C.P.M., o=Alamo Colleges District, ou=Purchasing & Contract Administration, email=gobar@alamo.edu, c=US
2021.07.06 11:51:19 -05'00'

Gary O'Bar, C.P.M.
Director, Purchasing & Contract Administration

Shayne West
Interim Associate Vice Chancellor for Finance and Fiscal Services

Dr. Diane Snyder
Digitally signed by Dr. Diane Snyder
Date: 2021.07.06 11:49:38 -05'00'

Dr. Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

Dr. Mike Flores
Chancellor

COOPERATIVE CONTRACT PURCHASES OVER $100,000						
Location	**Type of Funding**	**Description**	**Purpose/Why**	**COOP Admin Fee**	**Total Cost**	**Vendor/ Co-Op**
St. Philip's College - Health & Wellness Center	SPC Cross Cares HBCU 2021	Purchase of 1 Videowall and 2 Scoreboards for the Health and Wellness Building	The Videowall and Scoreboards will be used for games and special events for students, faculty, and staff	$0.00	$403,331.44	Troxell Communications Inc BuyBoard 563-18
Northeast Lakeview College - Wellness Center	NLC RECASNER CRRSA Institutional 21	Purchase of 112 Acoustical Ceiling Baffles and installation in the Wellness Building	To reduce the transmission of noise from source and receiver. They are placed between the source and receiver; the baffles diffract the sound transmitted to the receiver.	$0.00	$113,393.88	Workplace Resources UTSSCA 9217 SMWVBE: WBE & SBE
San Antonio, College - Nursing Allied Health	SAC Operating	Purchase of ceiling tiles and flooring for the Nursing/Allied Health Building	Repair and replace flooring, walls and ceiling tiles due to water leak due to the winter storm.	$0.00	$235,580.75	Twin Flooring & Finishes LLC BuyBoard 561-18
Northeast Lakeview College - College Services	NLC RECASNER Institutional 21	Purchase of 8 Benches, 33 Stools, 74 Chairs, 54 Tables, 18 Lounge Chairs, 1 Ottoman, 12 Ceiling Modules and Accessories for the Student Commons Building and Dining Hall	Replacement of furniture for renovated Student Commons Learning Building and Dining Hall	$0.00	$156,720.77	Workplace Resources Omnia 202000622, Omnia R191811, Omnia R191813, NCPA 07-30, Omnia R191803 SMWVBE: WBE & SBE

Northeast Lakeview College - College Services	NLC RECASNER CRRSA INSTITUTIONAL 21	Purchase of Outdoor Patio furniture that consists of: 32 Tables, 66 Bar Stools, 34 Lounge Chairs, 16 Chairs and 10 Umbrellas	New furniture to be placed in NLC Plaza between Library, Student Commons, NPAC & Fine Arts for student use.	$0.00	$136,720.00	WorkPlace Resources Omnia Partners #2020000622 SMWVBE: WBE & SBE
Northeast Lakeview College - College Services	NLC RECASNER CRRSA INSTITUTIONAL 21	Purchase Outdoor Patio Furniture that consists of: 43 Tables, 21 Benches, 28 Lounge Chairs, 8 Ottomans, 2 Sofas, 12 Stools,14 Sun Chaise and 5 Canopies	New furniture to be placed in NLC Plaza between Library, Student Commons, NPAC, & Fine Arts for student use.	$0.00	$215,695.33	WorkPlace Resources UTSSCA#9217 SMWVBE: WBE & SBE
San Antonio College - Nursing Dept	SAC ADAMS CRRSAA Institution 2021	Purchase of 12-SimCapture Pro Cloud w/disc, 1-Set-up, 1-SIM Capt Features, 1-SimCapture Pro Onsite training for Cloud, 12-STD 1-AV Pkg, Software Paging SC and 3 HDMI to IP Encoder Packages.	New training software for Nursing Students	$0.00	$295,971.63	Laerdal Medical Corporation BuyBoard 610-20
San Antonio College	SAC Fletcher St Success Ren-Go17	Purchase of Desks, Tables, Chairs, Work Tables, Conference Tables, Office Chairs, Lockers, Benches, Ottoman, Lounge Chairs, Credenzas, Lateral File, Cabinets, Workstations and Accessories	New furniture for general classrooms, computer classrooms, offices, conference rooms, computer repair workrooms, tutoring labs and testing center for the Fletcher Building.	$0.00	$830,845.39	OfficeSource LTD Several Contracts: Teknion-Omnia Partners, National-Omnia Partners, Exemplis-Omnia Partners, OFS-Omnia Partners, Davis-NCPA, Encore-NCPA SMWVBE: WBE & SBE

District Support Operations	DIS Director IT Services Office	Purchase of Network Servers and Associated Components for the District and San Antonio College Data Centers	To host and run standard desktop applications for student computer labs at all of the colleges	$0.00	$804,990.40	Great South Texas Corporation, DBA Computer Solutions DIR-TSO-4167 SMWVBE: WBE & SBE
District Support Operations	DIS Director IT Services Office	Purchase of 2,674 Desktop Computers	For use by students at four colleges and for staff at the District Support Offices	$0.00	$1,623,118.00	Dell Marketing LPDIR-TSO-3763DIR-TSO-3763
Northwest Vista College / District Construction Management	NVC STEM GO17	Purchase of Presentation Equipment Components, Wall & Ceiling Mounts, Cables, Miscellaneous Accessories & Installation Services	Provide improved presentation capabilities for faculty, instructors, students to support capacity & hybrid learning environments.	$0.00	$245,112.00	Howard Technology Solutions BuyBoard 579-19
Northwest Vista College / District Construction Management	NVC STEM GO17	Purchase of 18 Projectors, 38 LED Signage Displays and Miscellaneous Accessories	Provide improved presentation capabilities for faculty, instructors, students to support capacity & hybrid learning environments.	$0.00	$257,062.00	Howard Technology Solutions BuyBoard 579-19
District Support Operations / DIS Director IT Services Office	Service Departments	Purchase of Falcon Endpoint Protection Software License, Training & Support	Protect the District's network and computer workstations through antivirus and other cyber security programs	$0.00	$304,750.00	Solid Border DIR-TSO-4095
District Support Operations / DIS Computer Replacement Prog	DIS Operating	Purchase of 103 Laptops, Docking Stations and Monitors	Scheduled Computer Replacement Plan for District Staff	$0.00	$172,996.00	Intech Southwest Services LLC DIR-TSO 4159 SMWVBE - WBE
Northeast Lakeview College	NLC RECASNER CRRSA Institutional 22	Purchase of 288 Laptops and 10 Laptop Carts	Replacement of Laptops and Carts used to deploy technology to various locations on campus.	$0.00	$229,246.00	Dell Marketing LP DIR-TSO-3763

Palo Alto College	PAC Doss CRRSAA Institution 2022	Purchase of 1,800 Laptops	To facilitate on-line learning for students due to COVID-19	$0.00	$990,000.00	Intech Southwest Services LLC DIR-TSO 4159 SMWVBE - WBE
St Philip's College	SPC Cross T III Future Act Tech 25	Purchase of 500 Desktop Computers	Replacement of computers for students.	$0.00	$303,500.00	Dell Marketing LP DIR-TSO-3763
St Philip's College	SPC GAVIN CRRSAA Institutional 2022	Purchase of 800 Laptops	To facilitate on-line learning for students due to COVID-19	$0.00	$653,600.00	Dell Marketing LP DIR-TSO-3763

Discussion and Possible Action on Approval of Investment Report Through May 31, 2021

Recommended for approval to the ALAMO COLLEGES DISTRICT BOARD OF TRUSTEES on July 27, 2021.

MINUTE ORDER
"The Alamo Colleges District Board of Trustees hereby accepts the Investment Report as presented."

PURPOSE
The following investment report is presented to the Board of Trustees for informational and approval purposes for quarter ending May 31, 2021.

BACKGROUND

1. Quarterly Investment Report as required by the *Texas Government Code Public Funds Investment Act 2256.023* ("PFIA") – Quarter Ending May 31, 2021.

2. A detailed listing of investments.

3. An informational dashboard view and summary of the investments held by the District as of May 31, 2021 for operations/construction/restricted assets includes both required information per the PFIA and other information, such as allocation, issuers, statistics etc.

4. A summary as of May 31, 2021 of all funds held by the District in the Texas State Auditor's Office format.

IMPLICATIONS

Financial: N/A
Strategic Objective: Goal III Performance Excellence
Human Resources: N/A

ATTACHMENT
Quarterly Investment Report

Dr. Diane Snyder Digitally signed by Dr. Diane Snyder Date: 2021.07.07 07:56:27 -05'00'

Shayne A. West Date
Interim Associate Vice Chancellor of Finance and Fiscal Services

Diane E. Snyder, CPA, Ph.D. Date
Vice Chancellor for Finance and Administration

Dr. Mike Flores Date
Chancellor

ALAMO COLLEGES DISTRICT

ALAMO COLLEGES DISTRICT
QUARTERLY INVESTMENT REPORT AS REQUIRED BY THE PUBLIC FUNDS INVESTMENT ACT
FOR PERIOD BEGINNING MARCH 1, 2021 AND ENDING MAY 31, 2021

Summary of Changes in Market Value for the Quarter:

	Total
Market Value 5-31-21	$ 306,544,418
Market Value 2-28-21	$ 373,334,855
Total Change in Market Value	$ (66,790,437)
Accrued Income not included above	$ 747,574

Market value above includes all investments plus all interest and non-interest bearing bank accounts per State Auditor's Office definition.

Total Change in Market Value consists of change in amount of funds held in cash and investments plus any change in fair market value.

Noteworthy Items:

The Government Treasurer's Organization of Texas awarded the "Certificate of Distinction" to Alamo Colleges District's Investment Policy.

FY 2020 Biennial PFIA Audit as required by State law performed by Weaver and Tidwell, L.L.P. with no instances of noncompliance.

All Investment Officers are in compliance with required biennial PFIA training.

All Trustees are currently in compliance with required PFIA training.

CERTIFICATION:

This report is prepared in accordance with Chapter 2256 of the Texas Public Funds Investment Act ("PFIA"). Section 2256.023(a) of the PFIA states that: "Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of the investment transactions for all funds covered by this chapter for the preceding reporting period." This report is signed by Alamo Colleges District's investment officers and includes the disclosures required in the PFIA. To the extent possible, market prices have been obtained from independent pricing sources.

The investment portfolio has been complied with the PFIA and the Board approved Investment Policy and strategy throughout the period. All investment transactions made in the portfolio during this period were made on behalf of the Alamo Colleges District and were made in full compliance with the PFIA and the approved Investment Policy.

Dr. Diane Snyder
Digitally signed by Dr. Diane Snyder
Date: 2021.06.16 08:44:40 -05'00'

Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance and Fiscal Administration

Shayne West
Digitally signed by Shayne West
Date: 2021.06.15 14:53:03 -05'00'

Shayne A. West
Associate Vice Chancellor, Finance & Fiscal Services (Interim Effective 6-1-21)

Patrick F. Vrba, Jr., CPA
Digitally signed by Patrick F. Vrba, Jr., CPA
Date: 2021.06.11 07:56:53 -05'00'

Patrick F. Vrba, Jr., CPA
Controller

Tracey Sulak Bedwell, CTP, MBA
Digitally signed by Tracey Sulak Bedwell, CTP, MBA
Date: 2021.06.10 14:38:25 -05'00'

Tracey Sulak Bedwell, CTP, MBA
Treasurer

Report prepared by Finance and Fiscal Services (Treasury)
Source: Hilltop Securities Asset Management; Investment Custody Statements

Alamo Colleges District

Executive Summary

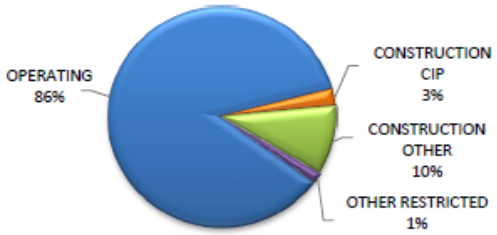
May 31, 2021

Portfolio Summary by Fund

	Market Value 5/31/2021	Market Value 2/28/2021	Change From Prior	Net Income for 5/31/2021	Net Income YTD 5/31/2021	Wtd Avg Yield 5/31/2021	Wtd Avg Maturity 5/31/2021
Operating	$253,451,819	$284,871,204	($31,419,385)	$243,675	$801,684	0.383%	378 days
Construction- CIP	$7,580,621	$35,803,910	($28,223,289)			0.010%	1 days
Construction- Other	$29,630,135	$35,081,364	($5,451,229)	$1,152	$22,801	0.010%	1 days
Other Restricted	$4,385,723	$6,166,158	($1,780,435)	$202	$3,364	0.010%	1 days
Grand Total	**$295,048,298**	**$361,922,636**	**($66,874,338)**	**$245,029**	**$827,849**		

Total Investments

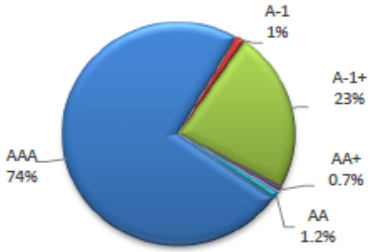
By Fund



Top Ten Holdings

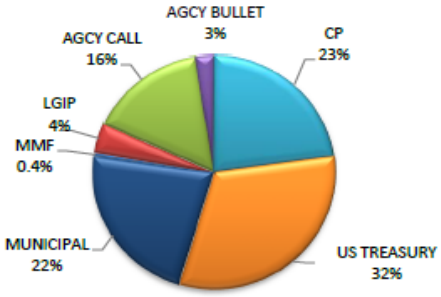
US TREASURY NOTE	27%
TEXPOOL	18%
FFCB	7%
UNIV OF TEXAS	6%
FHLB	5%
CORNELL UNIV	4%
SAN ANTONIO, TX	4%
FNMA	3%
TOYOTA MOTOR CREDIT	3%
BAYLOR SCOTT & WHITE	3%

Credit Quality

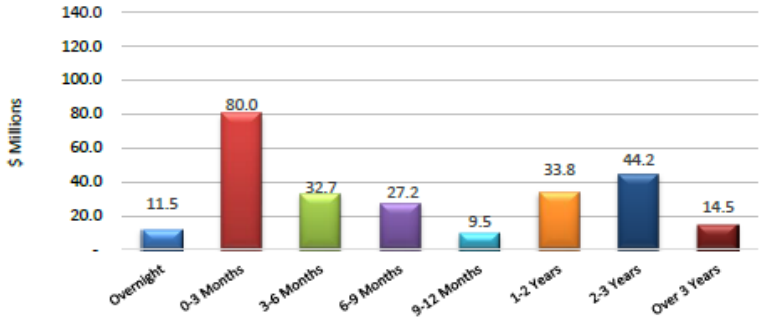


Operating Portfolio

By Security Type



By Maturity Date



Note: The College District currently holds funds on deposit with Bank of America that are not included in the investment portfolio data presented here. Net income for the Construction-CIP fund for quarter ending 5/31/21 and year-to-date were $829 and $28,114 respectively. The interest is committed for project management, owner's representative, and audit services.

Information provided by
Hilltop Securities Asset Management

ALAMO COLLEGES DISTRICT
DETAIL OF INVESTMENTS
May 31, 2021

Sec. Type	Maturity Date	Security Description	CPN %	Settlement Date	Next Call	Par Value	Book Value	Market Value	YTM %	S&P Global	Moody's	Fitch	Days to Mty	Days to Call
Operating Investments														
Agency	11/30/2021	FHLB	0.090	1/29/2021		5,000,000	4,999,970	5,000,955	0.091	AA+	AAA	AAA	183	
Agency	10/26/2022	FHLMC	2.100	1/13/2021		1,500,000	1,540,910	1,541,531	0.159	AA+	AAA	AAA	513	
Agency	11/30/2022	FFCB	0.170	12/7/2020	11/30/2021	5,000,000	4,997,158	5,000,551	0.208	AA+	AAA	AAA	548	183
Agency	12/15/2022	FFCB	0.160	12/16/2020	12/15/2021	5,000,000	4,998,069	4,998,081	0.185	AA+	AAA	AAA	563	198
Agency	8/25/2023	FNMA	0.350	8/25/2020	8/25/2021	10,000,000	10,000,000	10,002,705	0.350	AA+	AAA	AAA	816	86
Agency	9/14/2023	FFCB	0.280	9/18/2020	9/14/2021	5,000,000	4,997,126	4,998,544	0.305	AA+	AAA	AAA	836	106
Agency	11/30/2023	FFCB	0.310	12/2/2020	11/30/2021	5,000,000	4,995,823	5,000,642	0.344	AA+	AAA	AAA	913	183
Agency	5/27/2026	FHLB	0.500	5/27/2021	8/27/2021	10,000,000	10,000,000	9,996,418	1.097	AA+	AAA	AAA	1,822	88
					Subtotal	46,500,000	46,529,057	46,539,426						
Money Market	6/3/2021	AUSTIN, TX	0.200	12/10/2020		1,500,000	1,500,000	1,500,015	0.200	A-1	P-1	F1	3	
Money Market	6/3/2021	AUSTIN, TX	0.160	1/27/2021		2,200,000	2,200,000	2,200,022	0.160	A-1	P-1	F1	3	
Money Market	6/16/2021	COLUMBIA UNIV	-	4/8/2021		5,000,000	4,999,733	4,999,844	0.122	A-1+	P-1	NR	16	
Money Market	6/30/2021	TOYOTA MOTOR CREDIT	-	12/16/2020		5,000,000	4,999,167	4,999,670	0.200	A-1+	P-1	F1	30	
Money Market	7/13/2021	UNIV OF TEXAS	-	3/16/2021		5,000,000	4,999,283	4,999,582	0.122	A-1+	P-1	F1+	43	
Money Market	7/14/2021	BAYLOR SCOTT & WHITE	-	5/4/2021		7,500,000	7,498,900	7,498,962	0.122	A-1+	P-1	NR	44	
Money Market	7/29/2021	TOYOTA MOTOR CREDIT	-	1/12/2021		5,000,000	4,998,443	4,999,131	0.191	A-1+	P-1	F1	59	
Money Market	8/5/2021	KAISER FOUNDATION HOSP	-	3/2/2021		5,000,000	4,998,717	4,998,630	0.143	A-1+	NR	F1+	66	
Money Market	8/12/2021	CORNELL UNIV	-	4/8/2021		7,300,000	7,298,224	7,298,816	0.122	A-1+	P-1	NR	73	
Money Market	8/19/2021	CORNELL UNIV	-	5/13/2021		5,390,000	5,388,802	5,388,802	0.102	A-1+	P-1	NR	80	
Money Market	9/1/2021	UNIV OF TEXAS	-	3/2/2021		7,500,000	7,497,094	7,498,063	0.153	A-1+	P-1	F1+	93	
Money Market	10/4/2021	JP MORGAN SECURITIES	-	4/1/2021		5,000,000	4,996,850	4,997,743	0.183	A-1	P-1	F1+	126	
Money Market	1/11/2022	UNIV OF TEXAS	-	4/16/2021		6,000,000	5,993,625	5,994,375	0.173	A-1+	P-1	F1+	225	
					Subtotal	67,390,000	67,368,838	67,373,653						
Taxable Muni	8/15/2021	CITY OF ARLINGTON, TX	0.206	9/22/2020		1,000,000	1,000,000	1,000,248	0.206	AAA	AA1	AAA	76	
Taxable Muni	2/1/2022	SAN ANTONIO, TX	0.364	7/16/2020		5,000,000	5,001,263	5,008,640	0.326	AAA	AAA	AA+	246	
Taxable Muni	2/15/2022	PASADENA ISD, TX	5.000	8/20/2020		1,000,000	1,033,140	1,034,383	0.319	AAA	AAA	NR	260	
Taxable Muni	5/15/2022	TEXAS A&M UNIV	1.973	8/14/2019		1,885,000	1,885,000	1,917,879	1.973	AAA	AAA	AAA	349	
Taxable Muni	5/15/2022	UNIV OF CALIFORNIA	0.163	3/10/2021		1,425,000	1,425,000	1,425,442	0.163	AA	AA2	AA	349	
Taxable Muni	7/1/2022	TEXAS A&M UNIV	1.700	12/17/2019		1,000,000	1,000,000	1,016,763	1.700	AAA	AAA	AAA	396	
Taxable Muni	2/1/2023	SAN ANTONIO, TX	0.478	7/16/2020		5,000,000	5,005,552	5,023,192	0.411	AAA	AAA	AA+	611	
Taxable Muni	4/1/2023	TEXAS TRANSPRTN COMM	5.000	7/8/2020		2,000,000	2,160,921	2,174,530	0.575	NR	AAA	AAA	670	
Taxable Muni	5/15/2023	TEXAS A&M UNIV	2.396	9/21/2020		1,160,000	1,207,397	1,208,060	0.300	AAA	AAA	AAA	714	
Taxable Muni	7/1/2023	MET GOVT NASHVILLE & DAVIDSON CNTY TN	0.271	2/18/2021		2,000,000	2,000,000	1,999,018	0.271	AA	AA2	NR	761	
Taxable Muni	9/1/2023	TARRANT REGL WTR DT	0.250	3/9/2021		7,330,000	7,332,464	7,328,631	0.235	AAA	NR	AA+	823	
Taxable Muni	2/1/2024	TEXAS PUB FIN AUTH	0.503	1/15/2021		2,000,000	2,008,443	2,004,858	0.344	AA+	AA1	NR	976	
Taxable Muni	5/15/2024	TEXAS A&M UNIV	2.566	9/29/2020		2,750,000	2,924,813	2,921,284	0.400	AAA	AAA	AAA	1,080	
Taxable Muni	2/1/2025	SAN ANTONIO, TX	2.173	4/28/2021		1,200,000	1,266,981	1,267,956	0.631	AAA	AAA	AA+	1,342	
					Subtotal	34,750,000	35,250,973	35,330,883						
TE Muni	8/26/2021	STATE OF TX	4.000	9/2/2020		5,000,000	5,045,067	5,046,380	0.211	A-1+	P-1	F1+	87	
TE Muni	3/1/2022	TRAVIS COUNTY, TX	5.000	7/16/2020		1,000,000	1,035,093	1,036,256	0.310	AAA	AAA	NR	274	
TE Muni	8/15/2022	SPRING ISD, TX	5.000	6/16/2020		1,000,000	1,053,484	1,059,107	0.541	AAA	AAA	NR	441	
TE Muni	3/1/2023	TRAVIS COUNTY, TX	5.000	7/16/2020		1,500,000	1,621,734	1,626,215	0.340	AAA	AAA	NR	639	
TE Muni	8/1/2024	STATE OF TX - COLLEGE STDNT LOAN	4.000	7/2/2020		2,950,000	3,263,521	3,281,272	0.600	AAA	AAA	NR	1,158	
					Subtotal	11,450,000	12,018,899	12,049,229						
Treasury	6/1/2021	US TREASURY NOTE	1.375	2/7/2020		10,000,000	10,000,000	10,000,000	1.531	AA+	AAA	AAA	1	
Treasury	6/15/2021	US TREASURY NOTE	2.625	11/22/2019		5,000,000	5,002,006	5,005,004	1.631	AA+	AAA	AAA	15	
Treasury	7/31/2021	US TREASURY NOTE	1.125	12/10/2019		10,000,000	9,991,169	10,018,263	1.662	AA+	AAA	AAA	61	
Treasury	9/15/2021	US TREASURY NOTE	2.750	2/4/2021		5,000,000	5,038,985	5,039,124	0.075	AA+	AAA	AAA	107	
Treasury	10/15/2021	US TREASURY NOTE	2.875	1/29/2021		5,000,000	5,052,276	5,052,735	0.085	AA+	AAA	AAA	137	
Treasury	10/15/2021	US TREASURY NOTE	2.875	2/4/2021		5,000,000	5,052,458	5,052,735	0.075	AA+	AAA	AAA	137	
Treasury	11/15/2021	US TREASURY NOTE	2.875	2/4/2021		5,000,000	5,064,123	5,064,063	0.081	AA+	AAA	AAA	168	
Treasury	2/15/2022	US TREASURY NOTE	2.000	3/4/2021		10,000,000	10,135,709	10,138,281	0.093	AA+	AAA	AAA	260	
Treasury	4/15/2022	US TREASURY NOTE	2.250	1/29/2021		5,000,000	5,093,952	5,095,703	0.099	AA+	AAA	AAA	319	
Treasury	6/15/2022	US TREASURY NOTE	1.750	1/29/2021		10,000,000	10,171,206	10,172,266	0.105	AA+	AAA	AAA	380	
Treasury	7/15/2023	US TREASURY NOTE	0.125	2/23/2021		10,000,000	9,994,098	9,991,797	0.153	AA+	AAA	AAA	775	
					Subtotal	80,000,000	80,595,981	80,629,969						
		Subtotal				240,090,000	241,763,747	241,923,160						
													1	
LGIP		TEXPOOL				10,463,172	10,463,172	10,463,172	0.010	AAAm			1	
MMF Sweep		BLACKROCK T-FUND				1,065,487	1,065,487	1,065,487	0.003	AAA	AAA	NR	1	
Total Operating						**251,618,659**	**253,292,406**	**253,451,819**	**0.038**					
Construction/Other														
LGIP		TEXPOOL- CIP CONSTRUCTION				7,580,621.15	7,580,621	7,580,621	0.010	AAAm			1	
LGIP		TEXPOOL- OTHER CONSTRUCTION				29,630,134.68	29,630,135	29,630,135	0.010	AAAm			1	
LGIP		TEXPOOL- OTHER				4,385,722.92	4,385,723	4,385,723	0.010	AAAm			1	
		Subtotal				41,596,479	41,596,479	41,596,479						
Total Investments						**293,215,138**	**294,888,885**	**295,048,298**						
Retainage Accounts for Construction														
		INTEREST-BEARING BANK DEPOSITS				7,296,120	7,296,120	7,296,120	0.002			FDIC/Collateral		
Other Bank Deposits														
		BANK DEPOSITS				4,200,000	4,200,000	4,200,000		-		FDIC/Collateral		
Total Investments/Bank Deposits						**304,711,258**	**306,385,005**	**306,544,418**						

Report prepared by Finance and Fiscal Services (Treasury)
Source: Hilltop Securities Asset Management; Investment Custody Statements

ALAMO COMMUNITY COLLEGE DISTRICT
Quarterly Investment Report (Including Deposits)
FOR PERIOD BEGINNING MARCH 1, 2021 AND ENDING MAY 31, 2021

Investment or Deposit Type	May 31, 2021 Market Value
Publicly Traded Equity and Similar Investments	
Common Stock (U.S. and foreign stocks held in separately managed accounts or internally managed by institution investment staff; exclude mutual or commingled funds)	
Equity/Stock Mutual Funds	
Balanced Mutual Funds (where target allocation is > 50% equities)	
"Commonfund" Equity Commingled Funds	
Other Equity Commingled Funds (if primarily invested in publicly traded equities)	
Preferred Stock	
Other - list by type	
Total Publicly Traded Equity and Similar Investments	**0**
"Other" Investments- Other than Publicly Traded Equity and Debt Investments	
Real Estate (include direct ownership & investments in real estate limited partnerships, private REITs, or similar vehicles; include a portfolio of publicly traded REITs if managed as a separate asset allocation category rather than comprising part of a broadly diversified stock portfolio)	
Other Real Asset Investment (e.g. investments in infrastructure funds)	
Private Equity	
Hedge Funds	
"Commonfund" Alternative Asset Commingled Funds (Real Estate, Private Equity, Hedge Funds, Commodities, etc.)	
Annuities	
Commodities	
Collectibles	
Other - list by type	
Total "Other" Investments - Other than Publicly Traded Equity & Debt Investments	**0**
Publicly Traded Debt & Similar Investments>1 year maturity	
U.S. Government Securities ("Treasuries")	20,164,063
U.S. Government Agency Securities ("Agencies")	41,538,471
Mortgage Pass-Throughs - "Agency"	
Mortgage Pass-Throughs - "Private Label"	
Asset-Backed Securities (ABS) (other than mortgage-backed securities)	
Sovereign Debt (non-U.S.)	
Municipal Obligations	
Collateralized Mortgage Obligations (CMOs) - list below by category	
Interest Only Strips (IOS)	
Principal Only Strips (POs)	
Inverse Floaters	
Stated Final Maturity longer than 10 years	
Other CMOs- "Agency"	
Other CMOs- "Private Label"	
Corporate Obligations (U.E. or foreign companies- list below by rating	
Highly Rated (AAA/AA or equivalent)	
Other Investment Grade (A/BBB or equivalent)	
High Yield Bonds (<BBB or equivalent)	
Not Rated (NR)	
Fixed Income/Bond Mutual Funds (longer term; registered with the SEC)	
Balanced Mutual Funds (where target allocation is > 50% bonds or other debt securities)	
"Commonfund" Fixed Income/Bond Commingled Funds	
Other Fixed Income/Bond Commingled Funds (primarily invested in publicly traded debt securities; not registered with the SEC)	
GICs (Guaranteed Investment Contracts)	
Municipal Obligations	30,910,886
Total Publicly Traded Debt & Similar Investments >1 year	**92,613,420**
Short-Term Investments & Deposits	
U.S. Government Securities ("Treasuries")	60,465,906
U.S. Government Agency Securities ("Agencies")	5,000,955
Banker's Acceptances	
Commercial Paper - A1/P1 (or equivalent)	67,373,653
Other Commercial Paper - lower rated	
Repurchase Agreements (Repos)	
Money Market Mutual Funds (registered with the SEC)	
Short-Term Mutual Funds Other than Money Market Mutual Funds (registered with the SEC)	
Public Funds Investment Pool Created to Function as a Money Market Mutual Fund (not registered w/ SEC but "2a7-like")	
TexPool (and TexPool Prime)	52,059,651
Other Public Funds Investment Pools Functioning as Money Market Mutual Funds	
Other Investment Pools - Short-Term (not created to function as a money market mutual fund)	
Certificates of Deposit (CD) - Nonnegotiable	
Certificates of Deposit (CD) - Negotiable	
Bank Deposits	11,496,120
Cash Held at State Treasury	
Securities Lending Collateral Reinvestments (direct investments or share of pooled collateral)	
Other- Municipal Securities	16,469,226
Other - Bank Sweep (Treasury Fund)	1,065,487
Total Short-Term Investments & Deposits	**213,930,998**
TOTAL INVESTMENTS and DEPOSITS	**306,544,418**
TOTAL EXCLUDING BANK DEPOSITS	**295,048,298**

Report prepared by Finance and Fiscal Services (Treasury)
Source: Hilltop Securities Asset Management; Investment Custody Statements

Alamo Colleges District
PFIA Officer Training as of May 31 , 2021

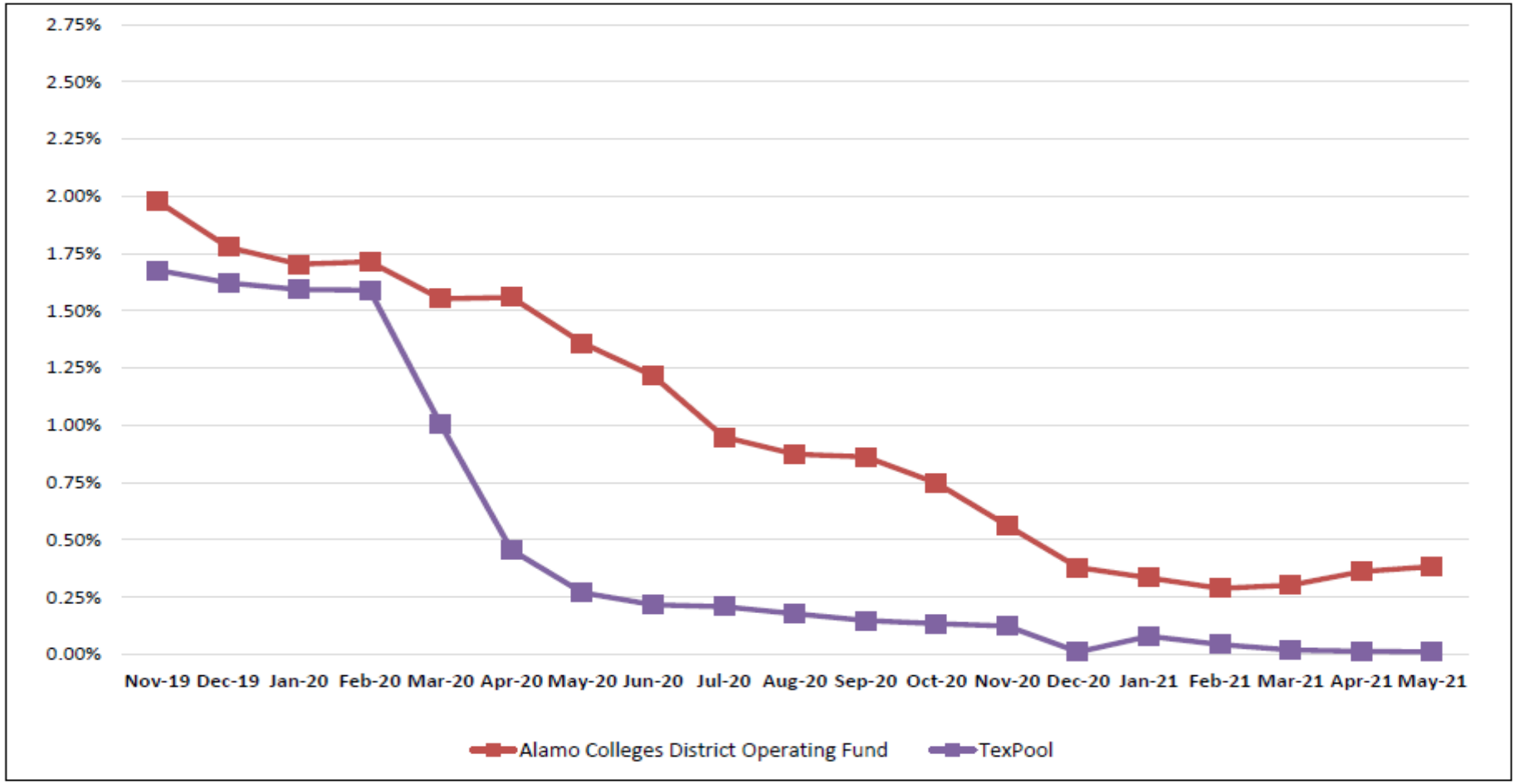
Name	Title	Most Recent PFIA Training	Officer Designation
Pamela K. Ansboury, CPA, M. Ed	Associate Vice Chancellor, Finance and Fiscal Services	October, 2020	Designated investment officer by Board of Trustees
Dr. Diane E. Snyder, CPA	Vice Chancellor for Finance and Administration	February, 2021	Investment officer in absence of Associate Vice Chancellor
Patrick F. Vrba, Jr., CPA	Controller	October, 2020	Investment officer
Tracey Sulak Bedwell, CTP MBA	Treasurer	October, 2020	Investment officer- delegated management of investment activity

Per Policy C.1.7 Investments: The Associate Vice Chancellor of Finance and Fiscal Services is designated as the investment officer of the College District by Board authority delegated through the Chancellor. In the absence of the Associate Vice Chancellor of Finance and Fiscal Services, the Vice Chancellor for Finance and Administration is deemed to be the investment officer. The investment officer shall be responsible for the investment of funds consistent with the investment policy adopted by the Board. The Associate Vice Chancellor of Finance and Fiscal Services may delegate management responsibility for daily investment transactions to the Controller or Treasurer.

Requirement: 5 hours of training each biennium. Current biennium 9-1-19 to 8-31-21.

Report prepared by Finance and Fiscal Services (Treasury)
Source: Hilltop Securities Asset Management; Investment Custody Statements

ALAMO COLLEGES DISTRICT
Performance (Yield) Operating Fund
May 31, 2021



Information provided by
Hilltop Securities Asset Management

Overview of Construction Minute Order Actions

July 20, 2021

Lacy Hampton
Interim Associate Vice Chancellor
G.O. Bonds Capital Program (CIP)

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE

Construction Overview Agenda

2017 CIP Team and Construction Projects by the Numbers

- Mr. Lacy Hampton, AVC CIP

St. Philip's College, Amending the CMAR GMP, Realization of GMP Savings

MO Approve: Clarence Windzell Norris Building

- Mr. Lacy Hampton, AVC CIP / Mr. Randall Dawson, Acting President

Northeast Lakeview College, Amending the CMAR GMP, GMP Increase for Owner Requested Scope

MO Approve: Science and Technology (STEM) Building

- Mr. Lacy Hampton, AVC CIP / Dr. Veronica Garcia, President

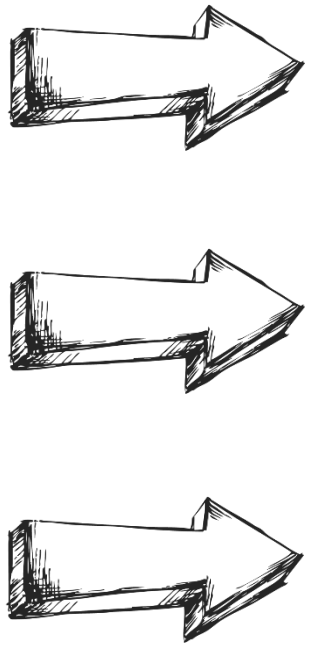
2017 CIP Bond Construction Projects by the Numbers

PROJECT STATUS	SPC	SAC	NVC	PAC	NLC	ETCs	Total
Projects Completed	3	2	3				8
Projects In Construction	2	3	1	2	1	2	11
Projects with Board GMP Approval							-
Projects with Upcoming GMP Approval			1	1			2
Projects in Various Design Phases		2				1	3
TOTAL							**24**

- *Note Projects In Construction: Of the 11 projects 8 new projects within a year and during COVID-19*

Construction Oversight Process

- **Design Phases**
  - Schematic Design (SD)
    - Design Development (DD)
      - *30, 60 & 90% SD & DD Review*
        - Construction Documents (CD)
          - *30, 60% CD Review*
          - *90-100% CMAR Bid Documents*
            - Procurement / GMP Bids
              - *Internal & External Reviews*
                - GMP Board Approval
                  - *NTP (Notice to Proceed) / Construction*
                  - *Audits During Construction*
                    - Sub/Final Completion
                      - *Punchlist*
                      - *Warranty*
                      - *Final Audits (Townsend)*



- **Oversight and Controls**
  - Fiduciary checks and balance
  - Due Diligence (Internal & External Reviews)
  - Value Engineering (w/out sacrificing what you care about the most)
  - Stakeholder and citizens buy-in
  - Oversight beginning to end

Overview of Construction Minute Order Actions

St. Philip's College
Amending the CMAR GMP; Realization of GMP Savings
Clarence Windzell Norris Building

July 20, 2021

Lacy Hampton
Interim Associate Vice Chancellor
G.O. Bonds Capital Program (CIP)

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE

SPC Construction GMP Savings

ALAMO COLLEGES DISTRICT
St. Philip's College

✓ Total project savings

The project savings are a result of Clarence Windzell Norris Building project. A portion of the savings will transfer to Welding & Autobody Collision Center total project funding and the remaining project saving will be used for Norris Owner request project enhancements, that were not in the GMP original work.

Norris Completion: December 2020	Current	7/20/2021 Revised	7/20/2021 Savings
GMP Savings Norris	$ 19,286,018	$ 18,958,406	$ 327,612
Non GMP Project Savings (MTN)			$ 192,452
G.O Bonds			$ 19,174
TOTAL SAVINGS (Norris)			$ 539,238
Norris Owner Requested Enhancement			$ (180,248)
MTN Transfer to Welding & Autobody CC			$ 358,990

**Refer to appendix rebalance sheet*

Overview of Construction Minute Order Actions

Northeast Lakeview College
GMP Amendment for Amending the CMAR GMP, GMP Increase for Owner Requested Scope Science and Technology Bldg. (STEM)

July 20, 2021

Lacy Hampton
Interim Associate Vice Chancellor
G.O. Bonds Capital Program (CIP)

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE

NLC – GMP Increase for Owner Requested Scope

NLC Science and Technology (STEM)
GMP Increase for Owner Requested Scope

		Original	7/20/2021 Revision	7/20/2021 Revised Budgets
Original GMP (NLC STEM)	$	36,162,898	$ 1,473,311	$ 37,636,209
FFE Budget (G.O. Bonds)	$	2,197,602	$ (1,473,311)	$ 724,291
Estimated Soft Cost	$	3,639,500	$ -	$ 3,639,500
G.O Bonds	$	42,000,000	$ -	$ 42,000,000
MTN	$	4,000,000	$ 1,680,000	$ 5,680,000
Total Project Cost	$	46,000,000	$ 1,680,000	$ 47,680,000

Increasing the MTN use for FFE funding.

$8.1M is assigned to Northeast Lakeview College

**Refer to the project summary sheet*

July 20, 2021, Minute Order Actions

- Discussion and Possible Action on Amending the Guaranteed Maximum Price for Alamo Colleges District – **St. Philip's College (SPC) Clarence Windzell Norris Building** Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with Skanska USA Building, Inc. (CSP 18C-005)

- Discussion and Possible Action on Amending the Guaranteed Maximum Price for Alamo Colleges District – **Northeast Lakeview College (NLC) Science and Technology Building (STEM)** Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with Turner Construction Company. (CSP 18C-005)

Questions

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE

Appendix

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE

SPC –Rebalance Summary Sheet

Tuesday, July 20, 2021

St. Philip's College Bond Budget Overview

Project	2017 Orig. G.O. Bond	Current View of Costs	Funding Sources: Alloc. MTN	Funding Sources: Other Funding	Funding Sources: Revised G.O. Bond	Funding Sources: Total Funding	Status	Timeline: Target Completion Date
Tourism Hospitality Culinary Arts	30,000,000	34,130,601	2,181,723	1,948,878	30,000,000	34,130,601	Complete	9/30/2020
Clarence Windzell Norris Building (Renovation)	22,000,000	24,884,225	8,449,287	1,552,562	14,882,376	24,884,225	Complete	12/9/2020
Welding & Autobody Collision Center	20,000,000	25,350,988	358,990	1,874,374	23,117,624	25,350,988	Construction	6/3/2022
Saint Artemisia Bowden Building	10,000,000	14,772,480		722,880	14,000,000	14,722,880	Construction	10/26/2021
Sub-total G.O. Bonds	82,000,000							
MTN	10,990,000							
Other: SPC Institutional Funding	4,170,957							
Other: Facilities Prev. Mtn	1,492,737							
Other: Private Donor Funding	400,000							
Other: Grant	35,000							
TOTAL	99,088,694	99,138,294	10,990,000	6,098,694	82,000,000	99,088,694		

NLC –Rebalance Summary Sheet

Northeast Lakeview College Budget Overview

			Funding Sources				Gross Sq. Footage			Timeline				
Project	2017 Orig. G.O. Bond	Current Estimate of Total Costs	Alloc. MTN	Other Funding	Revised G.O. Bond	Total Funding	Original 2017	Current	Status	GMP Approval Date	NTP Date	Duration Mths	Completion	Academic Term Open
Physical Plant	**2,000,000**	**Not Required**			**-**	**Not Required**								
STEM - Science and Technology Building	**40,000,000**	**47,680,000**	**5,680,000**		**42,000,000**	**47,680,000**	**73,965**	**86,390**	**Construction**	**9/15/2020**	**9/28/2020**	**23**	**8/7/2022**	**Fall 2022**
Sub-total G.O. Bonds	**42,000,000**													
MTN	**8,100,000**													
TOTAL	**50,100,000**	**47,680,000**	**5,680,000**	**-**	**42,000,000**	**47,680,000**								

MTN Est. Avail. For critical NLC Renov **2,420,000**

a) **MTN use on new buildings restricted to: a) movable/unattached furniture, demountable walls, and equipment and/or b) manual blinds, etc.**

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE

Discussion and Possible Action on Amending the Guaranteed Maximum Price for the Alamo Colleges District – San Antonio College (SAC) Physical Plant, Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with J.T. Vaughn Construction, LLC. (CSP 18C-005)

Presented to the Board Acting as Committee of the Whole on July 20, 2021, and now presented to the Board for approval on July 27, 2021.

MINUTE ORDER

"The Board of Trustees hereby approves an amendment to decrease the Guaranteed Maximum Price by $60,000 to $2,360,596 under the contract with Construction Manager-at-Risk J.T. Vaughn Construction, LLC for the construction of the Alamo Colleges District – San Antonio College (SAC) Physical Plant, Capital Improvement Project (CIP), subject to subsequent execution of GMP amendment acceptable to District counsel by Chancellor or delegate.

PURPOSE

To approve the amendment to decrease the Guaranteed Maximum Price by $60,000 to $2,360,596 under the contract with Construction Manager-at-Risk J.T. Vaughn Construction, LLC for the construction of the Alamo Colleges District – San Antonio College (SAC) Physical Plant, Capital Improvement Project (CIP) subject to staff confirmation of scope and subsequent execution of GMP amendment.

BACKGROUND

In February 27, 2018, the Board approved the purchase of Construction Manager-at-Risk Services for the District for the General Obligation Bond Projects. On December 11, 2018, the Board approved a GMP of $2,820,596 (including contingency) for this work. The Construction Manager -at-Risk J.T. Vaughn, LLC was able to provide $400,000 of buyout savings from the project and was approved by the Board on December 8, 2020. The buyout savings was used for additional funding of the SAC Early Childcare and Micronauts project. The Construction Manager -at Risk J.T. Vaughn, LLC can additionally reduce $60,000 of cost from the project, which is 100% complete. The savings will be added to the SAC Fletcher Administration Building Total Project Cost.

SAC project	December 2018 GMP Award	December 2020 GMP Decrease Amount	July 2021 GMP Decrease Amount	Final GMP
Physical Plant	$2,820,596	$400,000	$60,000	$2,360,596
TOTALS	**$2,820,596**	**$400,000**	**$60,000**	**$2,360,596**

IMPLICATIONS

Financial: GMP $2,360,596 of Total Project Cost of $2,521,979
Strategic Objective: Goal I – Student Success; Goal III – Performance Excellence
SWMBE/HUB Participation: 24%
Employee Services:
ATTACHMENTS: Project Summary Sheet, Draft Deductive Change Order #02

_____
Dr. Robert Vela
President, San Antonio College

_____
Lacy Hampton
Interim Associate Vice Chancellor
G.O. Bond Construction Improvement Program (CIP)

_____
Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

_____
Dr. Mike Flores
Chancellor

Capital Improvement Program - Project Summary

ALAMO COLLEGES DISTRICT

General Information

Location/Campus:	San Antonio College	**Bond Tranche #:**	3	
			Orig.	**Rev.**
Project Title:	Physical Plant Improvements	**Target Completion:**	7/21/2023	4/9/2021
Project Type:	Improvements	**Target Square Footage:**	1,873	N/A
Project Manager:	Tony Alfaro	**Construction Manager:**	J.T. Vaughn Construction, LLC	
Architect/Engineer:	O'Connell Robertson	**Furniture:**	None	
Project Description:	The scope of work in this project consists of infrastructure installation of Potable water, Fire Protection water lines and waste water lines. Also included in thscope is intallation of electrical power and data lines to support the Garage 3 project and potential future building projects.			

Revenue Source			**Projected Costs**	**% Overage**	**0%**
Gen. Oblig. Bonds	# $	4,500,000.00	**Current Estimated GMP:**	**$**	**2,360,596**
G.O. Bond Rebalncng. Trnsfr to Other Projects	$	(1,978,021.00)	**Est. FF&E Budget:**	**$**	**-**
Maintenance Tax Notes			**Current Estimated Soft Costs:**	**$**	**161,383**
Institutional Funds	$	-			
Other Funding Sources	$	-		**$**	**-**
Total Revenue:	**$**	**2,521,979**	**Total Projected Costs:**	**$**	**2,521,979**

Bond Funded Expenditure Budget

	Original Budget	Revisions	Revised Budget	Encumbrances	Expenditures	Remaining Budget
Construction Budget:	$ 3,000,000	$ (639,404)	$ 2,360,596	$ 69,177	$ 2,351,419	$ (60,000)
Arch. & Eng.:	$ 300,000	$ (146,996)	$ 153,004		$ 153,004	$ -
Const. Mtrls.Testing:	$ 60,000	$ (60,000)	$ -			$ -
Spclzd. Eng. Services:	$ 30,000	$ (30,000)	$ -		$ -	$ -
Bldg Permit, Dev. & Utility Impact Fees:	$ 30,000	$ (21,621)	$ 8,379		$ 8,379	$ -
Public Art:	$ 30,000	$ (30,000)	$ -	$ -	$ -	$ -
F,F&E:	$ 1,050,000	$ (1,050,000)	$ -	$ -	$ -	$ -
		$ -	$ -	$ -	$ -	$ -
Total Bond Funded Budget:	**$ 4,500,000**	**$ (1,978,021)**	**$ 2,521,979**	**$ 69,177**	**$ 2,512,802**	**$ (60,000)**
Variance from Bond Revenue:	**$ -**					

Budget Comments: Deductive Change Order #2 is being submitted totaling $60,000.00 to Board on July 20, 2021. The $60,000.00 savings will be transferred to the Fletcher Administration Building project. The original approved G.O. Bonds for this project was $4.5M in 2017. In December 2020, Deductive Change Order #1 was approved totaling $400,000.00. An estimated GMP savings that would result in a deductive change order by Vaughn Constrcution is expected. Savings will be redistributed to other CIP Bond Projects.

One-Time Costs in (Year Completed) to open Facility:

	Original Budget	Revisions	Revised Budget	Encumbrance	Expenditures	Remaining Budget
Total One-Time Budget:	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Variance from Other Revenues:						

Budget Comments:

Discussion and Possible Action on Amending the Guaranteed Maximum Price for the Alamo Colleges District – San Antonio College (SAC) Parking Garage/Added Scope San Pedro Improvements, Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with J.T. Vaughn Construction, LLC. (CSP 18C-005)

Presented to the Board Acting as Committee of the Whole on July 20,2021 and now presented to the Board for approval on July 27, 2021.

MINUTE ORDER

"The Board of Trustees hereby approves an amendment to decrease the Guaranteed Maximum Price by $420,000 to $17,178,165 under the contract with Construction Manager-at-Risk J.T. Vaughn Construction, LLC for the construction of the Alamo Colleges District – San Antonio College (SAC) Parking Garage/Added Scope San Pedro Improvements, Capital Improvement Project (CIP), subject to subsequent execution of GMP amendment acceptable to District counsel by Chancellor or delegate.

PURPOSE

To approve the amendment to decrease the Guaranteed Maximum Price by $420,000 to $17,178,165 under the contract with Construction Manager-at-Risk J.T. Vaughn Construction, LLC for the construction of the Alamo Colleges District – San Antonio College (SAC) Parking Garage/Added Scope San Pedro Improvements, Capital Improvement Project (CIP) subject to staff confirmation of scope and subsequent execution of GMP amendment.

BACKGROUND

On February 27, 2018, the Board approved the purchase of Construction Manager-at-Risk Services for the District for the General Obligation Bond Projects. On December 11, 2018, and amended via Change Order No.1 on May 2020, the Board approved a GMP of $18,023,165. In December 2020, the Board approved decreased the GMP of $450,000 via project savings Change Order No. 2. (Including contingency) for the construction of Garage 3 and the San Pedro Street added scope. The buyout savings were used for additional funding of the SAC Early Childcare and Micronauts project. The Construction Manager -at-Risk J.T. Vaughn, LLC can additionally reduce $420,000 of costs from this project, which is 100% complete. The savings will be added to the SAC Fletcher Administration Building Total Project Cost.

SAC project	Original December 2018 GMP Award May 2020 Amendments	December 2020 GMP Decrease Amount (Savings)	July 2021 GMP Decrease Amount (Savings)	Final GMP Project Savings
Parking Garage/Added Scope San Pedro Improvements	$18,023,165	$425,000	$420,000	$17,178,165
TOTALS	**$18,023,165**	**$450,000**	**$420,000**	**$17,178,165**

IMPLICATIONS

Financial: GMP $17,178,165 of Total Project Cost of $ 19,683,467
Strategic Objective: Goal I – Student Success; Goal III – Performance Excellence
SWMBE/HUB Participation: 24%
Employee Services:
ATTACHMENTS: Project Summary Sheet, Draft Deductive Change Order #03

_____
Dr. Robert Vela
President, San Antonio College

_____
Lacy Hampton
Interim Associate Vice Chancellor
G.O. Bond Construction Improvement Program (CIP)

_____
Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

_____
Dr. Mike Flores
Chancellor

Capital Improvement Program - Project Summary

ALAMO COLLEGES DISTRICT

General Information

Location/Campus:	San Antonio College	**Bond Tranche #:**		2
			Orig.	**Rev.**
Project Title:	Parking Garage	**Target Completion:**	3/27/2020	4/9/2021
		# of Levels	6	5
Project Type:	New Building and Demolition	**Total NET Parking Spaces**	540	355
Project Manager:	Tony Alfaro	**Construction Manager:**	J.T. Vaughn Construction, LLC	
Architect/Engineer:	O'Connell Robertson	**Furniture:**	TBD	

Project Description: This project proposes the construction of a new building to house a parking garage and a child care facility on the San Antonio College campus. The project includes the demolition of the existing LETC Building located north of the campus. When completed, the parking garage and child care facility will meet the current and anticipated demand for additional child care facilities and parking.

Revenue Source		Projected Costs		% Overage #
Gen. Oblig. Bonds (Split)	$ 16,000,000.00	**Current Estimated GMP:**	**$**	**17,178,165**
G.O. Bond Rebalance: Trnsf from O	$ 1,359,494.00	**Original FF&E Budget:**	**$**	**-**
San Pedro St. Scope	$ 2,323,973.00	**Current Estimated Soft Costs:**	**$**	**2,505,302**
Maintenance Tax Notes		**Within GMP**	**$**	**-**
Total Revenue:	**$ 19,683,467.00**	**Total Projected Costs:**	**$**	**19,683,467**

Bond Funded Expenditure Budget

	Original Budget	Revisions	Revised Budget	Encumbrances	Expenditures	Remaining Budget
Construction Budget:	$ 13,400,000	$ 3,778,165	$ 17,178,165	$ -	$ 15,999,262	$ 1,178,903
Arch. & Eng.:	$ 1,300,000	$ 20,566	$ 1,320,566	$ -	$ 1,278,160	$ 42,406
Const. Mtrls.Testing:	$ 300,000	$ 19,533	$ 319,533	$ -	$ 267,515	$ 52,018
Spclzd. Eng. Services:	$ 100,000	$ 197,993	$ 297,993		$ 33,663	$ 297,993
Bldg Permit & Dev. Fees:	$ 100,000	$ 467,210	$ 567,210			$ 567,210
Public Art:	$ 100,000	$ (100,000)	$ -	$ -	$ -	$ -
F,F&E:	$ 4,700,000	$ (4,700,000)	$ -	$ -	$ -	$ -
Total Bond Funded Budget:	**$ 20,000,000**	**$ (316,533)**	**$ 19,683,467**	**$ -**	**$ 17,578,600**	**$ 2,138,530**

Budget Comments: In December 2020, Deductive Change Order #2 was approved totaling $425,000.00. The project is substantially complete and Deductive Change Order 3 totaling $420,000 is being submitted to the Board on July 20, 2021. The $420,000.00 savings will be transferred to the Fletcher Administration project.
On October 7, 2019 Construction Change Directive (CCD) 001 was approved and authorized the removal of one level at this garage. The actual costs savings are being defined but the estimated costs savings will be approximately $651,000. Additional savings are expected by the deletion of an emergency engine and automatic transfer switch. Additional costs must be incurred to install data cabling in the Garage. On 5/19/2020 the San Pedro Street Scope was approved via Change Order 1.
The Project Summary attached to the Board Minute Order from 12/11/18 shows the removal of the $4M associated with the Child Care Center. The original budget column shown above has been adjusted to reflect the original budget shown on that project summary document from 12/11/18.
Because the other project budget items have been reduced to $0, those required items will need to be funded from other sources. Note: The PO for the GMP may have been issued for an amount less than the approved GMP. That discrepancy was corrected.

DRAFT 7/16/2021

Capital Improvement Program - Project Summary

ALAMO COLLEGES DISTRICT

One-Time Costs in (Year Completed) to open Facility:	Original Budget	Revisions	Revised Budget	Encumbrance	Expenditures	Remaining Budget
San Pedro Traffic Improvements:	$ -	$ -	$ -	$ -	$ -	$ -
Total One-Time Budget:	$ -	$ -	$ -	$ -	$ -	$ -
Variance from Other Revenues:						

Budget Comments: The one time budget above is for improvements to San Pedro Street due to TIA. The total scope has not yet been determined (Moved up per, the re-allocations) **San Pedro Street Scope was added via Change Order 1**

Capital Improvement Program - Project Summary

ALAMO COLLEGES DISTRICT

General Information

Location/Campus:	San Antonio College	**Bond Tranche #:**	2
Project Title:	Fletcher Student Success Building Renovation with M	**Target Completion:**	11/6/2021
Project Type:	Renovation	**Square Footage:**	60,039
Project Manager:	Tony Alfaro	**Construction Manager:**	J.T. Vaughn Construction, LLC
Architect/Engineer:	O'Connell Robertson	**Furniture:**	Office Source

Project Description: This project proposes a renovation of the existing Fletcher Administration Center and the construction of a main entry. The building is centrally located on the San Antonio College campus, directly adjacent to the Moody Learning Center.

Revenue Source		**Projected Costs**		**% Overage**	**0%**
Gen. Oblig. Bonds	$ 20,000,000.00	**Current Estimated GMP:**	**$ 17,202,118**		
G.O. Bond Rebalance-Trnfrs To & From Other CIP	$ (10,358,679.00)	**Original FF&E Budget:**	**$ 990,500**		
MAINTENANCE TAX NOTES	$ 11,100,000.00	**Current Estimated Soft Costs:**	**$ 2,548,704**		
	$ -				
Total Revenue:	**$ 20,741,321**	**Total Projected Costs:**	**$ 20,741,321**		

Bond Funded Expenditure Budget

	Original Budget	Revisions	Revised Budget	Encumbrances	Expenditures	Remaining Budget
Construction Budget (GMP)	$ 13,333,333	$ 3,868,785	$ 17,202,118	$ 17,202,118	$ 11,694,000	$ 5,508,118
Arch. & Eng.:	$ 1,333,333	$ 467,358	$ 1,800,691	$ 1,223,220	$ 1,800,000	$ 691
Const. Mtrls.Testing:	$ 266,667	$ (210,380)	$ 56,287	$ 56,287	$ 11,000	$ 45,287
Spclzd. Eng. Services:	$ 133,333	$ (102,012)	$ 31,321	$ 29,689	$ 29,689	$ 1,632
Bldg Permit & Dev. Fees:	$ 133,333	$ 355,049	$ 488,382	$ 450,631		$ 37,751
Public Art 1% of Cost of work:	$ 133,333	$ 38,688	$ 172,021	$ -	$ -	$ 172,021
F,F&E:	$ 4,666,667	$ (3,676,167)	$ 990,500	$ 830,445	$ -	$ 160,055
			$ -	$ -	$ -	$ -
Total Bond Funded Budget:	**$ 20,000,000**	**$ 741,321**	**$ 20,741,321**	**$ 19,792,390**	**$ 13,534,689**	**$ 5,925,556**
Variance from Bond Revenue:	**$ 11,100,000.00**					

Budget Comments: Deductive Change Order #1 in totaling $1,350,000.00 was approved in December 2020. The existing GMP is not affected however the soft cost have increased due to unanticipated expeditures. Therefore, we are transferring savings from SAC PPI and Parking Garage/San Pedro projects to this project.
To maximize utilization of MTN, SAC's portion ($11M) will be utilized fully for the Fletcher Bldg. Renovation GMP. Approximately $9.6M of the $20M G.O.Bonds budgeted for Fletcher will be reallocated to other CIP projects.

One-Time Costs in (Year Completed) to open Facility:

	Original Budget	Revisions	Revised Budget	Encumbrance	Expenditures	Remaining Budget
Construction Budget (GMP w MTN Portion)	$ -	$ 11,000,000	$ 11,000,000	$ -	$ -	$ -
F,F&E:	$ -	$ -	$ -	$ -	$ -	$ -
Total One-Time Budget:	**$ -**	**$ 11,000,000**	**$ 11,000,000**	**$ -**	**$ -**	**$ -**
Variance from Other Revenues:						

Budget Comments: To maximize utilization of MTN, SAC's portion ($11M) will be utilized fully for the Fletcher Bldg.

Discussion and Possible Action on Amending the Guaranteed Maximum Price for the Alamo Colleges District – St. Philip's College (SPC) Norris Building Renovation, Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with Skanska USA Building, Inc. (CSP 18C-005)

Presented to the Board Acting as Committee of the Whole on July 20,2021 and now presented to the Board for approval on July 27, 2021.

MINUTE ORDER

"The Board of Trustees hereby approves an amendment to decrease the Guaranteed Maximum Price by $327,611.51 to $18,958,406.49 under the contract with Construction Manager-at-Risk Skanska USA Building, Inc. for the construction of the Alamo Colleges District – St. Philip's College (SPC) Norris Building Renovation, Capital Improvement Project (CIP), subject to subsequent execution of GMP amendment acceptable to District counsel by Chancellor or delegate.

PURPOSE

To approve the amendment to decrease the Guaranteed Maximum Price by $327,611.51 to $18,958,406.49 under the contract with Construction Manager-at-Risk Skanska USA Building, Inc. for the construction of the Alamo Colleges District – St. Philip's College (SPC) Norris Building Renovation, Capital Improvement Project (CIP) subject to staff confirmation of scope and subsequent execution of GMP amendment.

BACKGROUND

On February 27, 2018, the Board approved the purchase of Construction Manager-at-Risk (CMR) Services for the District for the General Obligation Bond Projects. On January 22, 2019, the Board approved a GMP of $16,780,000 for this work. On October 22, 2019, the Board approved an increase to the GMP in the amount of $2,506,019 for a final GMP of $19,286,018 for this work. Final completion of the work occurred on December 2, 2020. A reconciliation of all costs associated with the GMP resulted in a savings in the amount of $327,611.51. $180,248 of the GMP savings is planned for additional work requested by SPC. The remaining $147,363.51 in GMP savings plus additional non-GMP project savings in the amount of $211,626.49 ($358,990 total) will be added to the SWC Welding & Autobody Collision Center total project costs.

SPC Project	Original January 2019 GMP Award	October 2019 GMP Increase Amount	July 2021 GMP Decrease Amount (Savings)	Final GMP Project Cost
Norris Building Renovation	$16,780,000	$2,506,018	($327,611.51)	$18,958,406.49
TOTALS	**$16,780,000**	**$2,506,018**	**($327,611.51)**	**$18,958,406.49**

IMPLICATIONS

Financial: GMP $18,958,406 of Total Project Cost of $24,884,225
Strategic Objective: Goal I – Student Success; Goal III – Performance Excellence
SWMBE/HUB Participation: 33%
Employee Services:
ATTACHMENTS: Project Summary Sheet, Draft Deductive Change Order #03

_____
Randall Dawson, M.S.
Acting President, St. Philip's College

_____
Lacy Hampton
Interim Associate Vice Chancellor
G.O. Bond Construction Improvement Program (CIP)

_____
Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

_____
Dr. Mike Flores
Chancellor

Capital Improvement Program - Project Summary

ALAMO COLLEGES DISTRICT

General Information

Location/Campus:	St. Philip's College		**Bond Tranche #:**	2
			Orig.	**Rev.**
Project Title:	Norris Technical Building Renovation (REV 1)	**Target Completion:**	7/23/2021	11/9/2020
Project Type:	Renovation	**Target Square Footage:**	58,608	70,991
Project Manager:	Laura Anthony	**Construction Manager:**	Skanska USA Building, Inc.	
Architect/Engineer:	Pfluger	**Furniture:**	Office Source	
Project Description:	The Norris Technical Building was built in 1972 and was renovated in 2006. It houses several Student Services spaces, classrooms, and office suites. This project will aim to accomplish the repairs, maintenance, and upgrades of the building to provide an updated facility for students and faculty.			

Revenue Source		**Projected Costs**		**% Overage**	**0%**
Gen. Oblig. Bonds	$ 22,000,000	**Current Estimated GMP:**	$ 18,958,406		
G.O. Bond Tnfrs to SWC WELD.	$ (3,117,624)	**Est. FF&E Budget:**	$ 1,901,286		
G.O. Bond Tnfrs to Bowden	$ (4,000,000)	**Current Estimated Soft Costs:**	$ 2,331,503		
Maintenance Tax Notes:	$ 8,449,287	**Roof**	$ 378,416		
Preventative Maintenance:	$ 1,193,416	**Generator, Transformer, ATS**	$ 156,828		
Institutional Funds:	$ 359,146	**Roof & Demo/Abatement**	$ 977,538		
		Owner Requested Addt'l Work	$ 180,248		
Total Revenue:	**$ 24,884,225**	**Total Projected Costs:**	**$ 24,884,225**		

Bond Funded Expenditure Budget

	Original Budget	Revisions	Revised Budget	Encumbrances	Expenditures	Remaining Budget
Transfer of Bond Cost to Prev. Mtn.	$ 14,666,667	$ (15,481,667)	**$ (815,000)**		$ (815,000)	$ 0
Skanska Constrctn. GMP (Fund Split):	$ -	$ 11,906,779	**$ 11,906,779**		$ 11,906,779	$ 0
Skanska (Transformer/Gen)	$ -	$ 156,828	**$ 156,828**		$ 156,828	$ -
Schneider: Bldg. Automation/HVAC	$ -	$ 353,000	**$ 353,000**		$ 353,000	$ -
Bexar Environmental (Demo & Abatmt.)	$ -	$ 977,538	**$ 977,538**		$ 977,538	$ -
Jamco Ventures:	$ -	$ 2,405	**$ 2,405**		$ 2,405	$ -
Johnson Controls:	$ -	$ 5,419	**$ 5,419**		$ 5,419	$ -
Protctn. Develpmt:	$ -	$ 1,075	**$ 1,075**		$ 1,075	$ -
F,F&E:	$ 5,133,333	$ (4,455,516)	**$ 677,817**		$ 677,817	$ -
Spclzd. Eng. Srvcs (BMB, Cx, Raba)	$ 146,667	$ 22,702	**$ 169,369**		$ 169,369	$ -
Arch. & Eng.: (Pfluger & Page)	$ 1,466,667	$ (188,268)	**$ 1,278,399**		$ 1,278,399	$ -
Terracon Const. Mtrls.Testing:	$ 293,333	$ (184,408)	**$ 108,925**		$ 108,925	$ -
Bldg Permit & Dev./TDLR/LCP Tkr. Fees:	$ 146,667	$ (106,020)	**$ 40,647**		$ 40,647	$ -
Public Art: Moved to INSTL	$ 146,667	$ (146,666)	$ 1	$ 1	$ -	$ (0)
Owner Requested Addt'l Work (Skanska)	$ -	$ 19,174	$ 19,174		$ -	$ 19,174
	$ -	$ -	$ -	$ -	$ -	$ -
Total Bond Funded Budget:	**$ 22,000,000**	**$ (7,117,624)**	**$ 14,882,376**	**$ 1**	**$ 14,863,201**	**$ 19,174**
Variance from Bond Revenue:	**$ 0.00**					

Budget Comments: The construction budget was increased by $2.1M when adopted in Dec. for a GMP of $16,780,000. The GMP did not include significant building components which are proposed to go to the Board in Oct. for GMP amendment adding $2.5M for roof and other previously excluded items. The other soft costs have been determined as of 9/2019 and budgets will be reduced to match current estimates.

MTN Funded Expenditure Budget

	Original Budget	Revisions	Revised Budget	Encumbrance	Expenditures	Remaining Budget
MTN-Remaining $358,989 TRFR to WAAC	$ 8,808,277	$ (8,808,277)	$ -			$ -
Construction GMP C.O. 1 & 2: TRFR. -MTN	$ -	$ 7,051,627	$ 7,051,627	$ 631,081	$ 6,748,158	$ (327,612)
		$ -	$ -			$ -
F,F&E: MTN		$ 1,223,469	$ 1,223,469		$ 1,186,464	$ 37,005
Specialized Eng. (Raba Kistner)		$ 13,118	$ 13,118			$ 13,118
Owner Requested Addt'l Work (Skanska)		$ 161,074	$ 161,074			$ 161,074
PREV. MTN	$ 1,193,781	$ (1,193,781)	$ -	$ -		$ -
Transfer of Bond Cost to-PREV. MTN		$ 815,000	$ 815,000	$ -	$ 815,000	$ -
ROOF Tremco (Split) Funding-PREV. MTN		$ 378,416	$ 378,416	$ -	$ 378,416	$ -
Public Art: Moved to INSTL		$ 189,583	$ 189,583	$ -		$ 189,583
Pfluger Arch.: INST'L	$ 165,397	$ -	$ 165,397	$ -	$ 165,397	$ -
Thos. Printwork.: INST'L	$ 4,165	$ -	$ 4,165	$ -	$ 4,165	$ -
Total One-Time Budget:	**$ 10,171,620**	**$ (169,771)**	**$ 10,001,849**	**$ 631,081**	**$ 9,297,600**	**$ 73,168**
Variance from Other Revenues:	**$ -**					

Budget Comments:

EXHIBIT A - ATTACHMENT D1

CHANGE ORDER PROPOSAL

This change order ("Change Order") to the Contract described herein is made and entered into between the **Alamo Community College District**, a political subdivision of the State of Texas ("Alamo Colleges District" or "Owner"), **Skanska USA Building, Inc.** ("Contractor" or "Construction Manager") and, **Pfluger Architects** ("Architect") regarding the **Alamo Colleges District - St. Philip's College (SPC) Norris Building Renovation** Capital Improvement Project (Project), which was agreed to as evidenced by the Guaranteed Maximum Price Amendment executed on **12/17/2019** with a Guaranteed Maximum Price of $**17,263,115.00** a Substantial Completion date of **11/09/2020** and a Final Completion date of **12/09/2020**.

This is Change Order No. **003**
Date of this Changer Order is **02/22/2021**

The original date for Substantial Completion was **11/09/2020** and Final Completion was **12/09/2020**.

The original not-to exceed Guaranteed Maximum Price consisting of:

1.	Stipulated amount for the Preconstruction Services Fee	**$71,894.00**
2.	Amount for the Construction Services including:	**$15,158,197.00**
	a. A not-to exceed amount for the Cost of Work	**$1,387,608.00**
	b. A not-to exceed amount for the General Conditions	**$829,541.00**
	c. A lump sum amount Construction Phase Fee	**$606,330.00**
	d. A lump sum amount of Construction Contingency	**$317,291.00**
	e. A lump sum amount of Owner Contingency	**$915,157.00**
	f. A lump sum amount for Bonds, BRI, CCIP, & SDI	
3.	TOTAL OF GMP LINE ITEMS: This amount shall be the Guaranteed Maximum Price (GMP), which we hereby guarantee to the Owner shall not be exceeded.	**$19,286,018.00**

The Construction Manager hereby submits to the Alamo Colleges District a request for a change in the Work, Contract Sum, Contract Time and/or Contract Documents accompanied by sufficient supporting data and information to permit the Architect to make a recommendation to Owner and to permit the Owner to make a decision. Owner reserves the right to request additional information to evaluate any request and recommends that all requests be prepared in a manner consistent with the District's Guidelines for the Preparation of the Guaranteed Maximum Price Proposal.

All changes orders must include an updated Project Schedule, General Conditions, and Schedule of Values, as applicable.

Based on the request and the supporting documents, the contract is changed as follows:
(Deductive change order for project savings associated with GC's, Contingency, & Cost of Work.)

The changes to the Contract are based upon the following assumptions, specifications, drawings, or other conditions of the Contract:

1. **__N/A___**; and
2. **__N/A___**.

The Contract is changed to modify the scope of work, which is set forth in detail in the documents attached hereto, incorporated herein or referenced herein. The Contractor must comply with these aforementioned plans, specifications, conditions and requirements as it relates to the Project and the modified scope of work. The provisions of this Change Order shall (i) modify the terms of the Contract Documents, as herein specified; and (ii) shall prevail over any conflicting provisions of the Contract Documents, to the extent of such conflict, as of the date of this Change Order.

The Contract Time will Decrease by (**_7_**) of days and the new date for Substantial Completion is **____11/02/2020___** and the new date for Final Completion is **___12/02/2021**____ as further reflected on the attached Project Schedule.

The new not-to exceed Guaranteed Maximum Price consisting of:

1.	The new not-to exceed amount for Preconstruction Services Fee	**$71,894.00**
2.	The new not-to exceed amount for Construction Services include:	
	a. The new not-to exceed amount for the Cost of Work	**$15,018,005.00**
	b. The new not-to exceed amount for the General Conditions	**$1,351,435.74**
	c. The new not-to exceed amount Construction Phase Fee	**$829,541.00**
	d. The new not-to exceed amount of Construction Contingency	**$459,580.75**
	e. The new not-to exceed amount of Owner Contingency	**$317,291.00**
	f. The new not-to exceed amount for Bonds, BRI, CCIP, & SDI	**$910,659.00**
	Any of the unused contingencies shall accrue to the Owner	
3.	TOTAL of the NEW AMENDED GMP LINE ITEMS:	**$18,958,406.49**
	This amount shall be the Guaranteed Maximum Price (GMP), which we hereby guarantee to the Owner shall not be exceeded.	

By signing below, each party represents and acknowledges that they (i) have reviewed this instrument and its supporting data and (ii) are in agreement with the terms, conditions and requirements of this Change Order.

[Signature page to follow]

Accepted and Agreed to by:

Alamo Colleges District:
By:_____
Printed Name: Dr. Diane Snyder_
Its: Vice Chancellor, Finance & Administration_

Contractor:
By:_____
Printed Name: _____
Its:_____

District's Counsel, as to form only:
By:_____
Printed Name: _____
Its: _____

Architect:
By:_____
Printed Name: _____
Its:_____

Capital Improvement Program - Project Summary

ALAMO COLLEGES DISTRICT

General Information

Location/Campus:	St. Philip's College	**Bond Tranche #:**		2
			Orig.	**Rev.**
Project Title:	Welding and Auto Body Facility	**Target Completion:**	7/23/2021	12/1/2021
Project Type:	New Building	**Target Square Footage:**	60,000	62,093
Project Manager:	Laura Anthony	**Construction Manager:**	Guido Construction Company, Inc	
Architect/Engineer:	WestEast Design Group	**Furniture:**	Workplace Resources	

Project Description: The new building will provide students and faculty with spaces that will enable them to develop high level skills and craftsmanship in the use of welding for a variety of trades and other techniques related to auto body repair. Both programs are currently offered at the St. Philip's College Southwest Campus and are currently housed in Quadrants B and D of Building 3020 (ITC).

Revenue Source		Projected Costs		% Overage	0%
Gen. Oblig. Bonds	$ 20,000,000	**Current Estimated GMP:**	$ 19,861,680		
G.O. Bonds Transfer from Norris	$ 3,117,624	**Current Estimated FF&E :**	$ 2,877,555		
MTN Transfer from Norris	$ 358,990	**Current Estimated Soft Costs:**	$ 1,859,575		
SPC Inst. Budget	$ 1,874,374	**Current Estimated Hard Cost (Soil Disp.**	$ 752,178		
Total Revenue:	**$ 25,350,988**	**Total Projected Costs:**	**$ 25,350,988**		

Bond Funded Expenditure Budget

912144	Original Budget	Revisions	Revised Budget	Encumbrances	Expenditures	Remaining Budget
Construction Budget: 74102	$ 13,333,333	$ 6,528,347	$ 19,861,680	$ 10,053,750	$ 9,807,931	$ (0)
Transfer for Hard Costs		$ 700,000	$ 700,000	$ 700,000		$ -
Arch. & Eng.: 74105	$ 1,333,333	$ (112,216)	$ 1,221,117	$ 101,965	$ 891,966	$ 227,186
Const. Mtrls.Testing: 71151	$ 266,667	$ (188,906)	$ 77,761		$ 77,761	$ (0)
Spclzd. Eng. Services: 74108	$ 133,333	$ 227,277	$ 360,610	$ 149,925	$ 127,415	$ 83,270
Bldg Permit & Dev. Fees: 74108	$ 133,333	$ (131,883)	$ 1,450		$ 1,450	$ -
Public Art 1% of Const.:	$ 133,333	$ 65,303	$ 198,636	$ -	$ -	$ 198,636
F,F&E:	$ 4,666,667	$ (3,970,298)	$ 696,369	$ 505,955	$ 44,769	$ 145,645
Total Bond Funded Budget:	**$ 20,000,000**	**$ 3,117,624**	**$ 23,117,624**	**$ 11,511,595**	**$ 10,951,292**	**$ 654,737**
Variance from Bond Revenue:	**$ 0.00**					

Budget Comments:

One-Time Costs in (Year Completed) to open Facility:

	Original Budget	Revisions	Revised Budget	Encumbrance	Expenditures	Remaining Budget
FF&E: INSTL.	$ -	$ 1,874,374	$ 1,874,374	$ -	$ -	$ 1,874,374
Hard Costs - MTN	$ -	$ 52,178	$ 52,178	$ -	$ -	$ 52,178
FF&E MTNs	$ -	$ 306,812	$ 306,812	$ -	$ -	$ 306,812
Total One-Time Budget:	**$ -**	**$ 2,233,364**	**$ 2,233,364**	**$ -**	**$ -**	**$ 2,233,364**
Variance from Other Revenues:	**$ 0.00**					

Budget Comments:

Discussion and Possible Action on Amending the Guaranteed Maximum Price for Alamo Colleges District – Northeast Lakeview College (NLC) Science and Technology Building (STEM) Capital Improvement Project (CIP), Construction Manager-at-Risk Contract with Turner Construction Company. (CSP18C-005)

Presented to the Board Acting as Committee of the Whole on July 20, 2021 and now presented to the Board for approval on July 27, 2021.

MINUTE ORDER

"The Board of Trustees hereby approves an amendment to increase the Guaranteed Maximum Price by $1,473,311 to $37,636,209 under the contract with Construction Manager-at- Risk Turner Construction Company for the construction of the Alamo Colleges District – Northeast Lakeview College (NLC) Science and Technology Building (STEM) Capital Improvement Project (CIP), subject to subsequent execution of GMP amendment acceptable to District counsel by Chancellor or delegate.

PURPOSE

To approve the amendment to increase the Guaranteed Maximum Price by $1,473,311 to $37,636,209 under contract with Construction Manager-at-Risk Turner Construction Company for the construction of the Alamo Colleges District – Northeast Lakeview College (NLC) Science and Technology Building (STEM) Capital Improvement Project (CIP) subject to staff confirmation of scope and subsequent execution of GMP amendment.

BACKGROUND

In February 27, 2018, the Board approved the purchase of Construction Manager-at-Risk Services for the District for the General Obligation Bond Projects. On September 15, 2020, the Board approved a Guaranteed Maximum Price (GMP) of $36,162,898 (including contingency) for the construction of the NLC Science and Technology (STEM) Building. The increase amendment incorporates technological enhancements driven by recent advancements and an exterior learning space by the café.

NLC project	September 2020 GMP Award	July 2021 GMP Increase Amount	Final GMP
Science and Technology Building (STEM)	$36,162,898	$1,473,311	$37,636,209
TOTALS	**$36,162,898**	**$1,473,311**	**$37,636,209**

IMPLICATIONS

Financial: GMP: $37,636,209 of Total Project Costs of $47.68M.
$42M of G.O. Bonds will fund $37,636,209 of construction costs and $4,363,791 of project soft costs and FFE. Approximately $5.68M of Maintenance Tax Notes (MTN) will fund other soft costs such as furniture and equipment.

Strategic Objective: Goal I – Student Success; Goal III – Performance Excellence
SWMBE/HUB Participation: 30%
Employee Services:
ATTACHMENTS: Project Summary Sheet, Draft Change Order #01

Dr. Veronica Garcia Lacy Hampton
President, Northeast Lakeview College

Interim Associate Vice Chancellor
G.O. Bond Construction Improvement Program (CIP)

Diane E. Snyder, CPA, Ph.D.
Vice Chancellor for Finance & Administration

Dr. Mike Flores
Chancellor

Capital Improvement Program - Project Summary

ALAMO COLLEGES DISTRICT

General Information

Location/Campus:	Northeast Lakeview College	**Bond Tranche #:**	2+3	
			Orig.	**Rev.**
Project Title:	Science & Technology Building	**Target Completion:**	7/23/2021	8/7/2022
Project Type:	New Building	**Target Square Footage:**	73,965	86,390
Project Manager:	Ana Fasone	**Construction Manager:**	Turner Construction Co.	
Architect/Engineer:	Ford Powell and Carson	**Furniture:**	Workplace Resources	

Project Description: The Physical Plant Improvement, the Science Building and the Technology Center of Excellence projects have been combined into one project for greater efficiencies (Science & Technology Building). The new Science & Technology Building will provide the Northeast Lakeview College campus with a dedicated building to enhance and promote science education and support current and future programs. It will provide a second academic building on campus to alleviate the high demand on Academic I Building. The new facility is expected to provide computer labs, faculty offices, and academic classrooms.

Revenue Source		**Projected Costs**	**% Overage**	**0%**
Revenue Source				
Gen. Oblig. Bonds	$ 40,000,000	**Current Estimated GMP:**	$	37,636,209
Transfer Phy. PI GO Bonds:	$ 2,000,000	**Current Estimated FF&E Budget:**	$	6,404,291
Maintenance Tax Notes	$ 5,680,000	**Current Estimated Soft Costs:**	$	3,639,500
Institutional Funds	$ -	**Owner Provided Scope**	$	-
Total Revenue:	**$ 47,680,000**	**Total Projected Costs:**	**$**	**47,680,000**

G.O. Bond Funded Expenditure Budget

	Original Budget	**Revisions**	**Revised Budget**	**Encumbrances**	**Expenditures**	**Remaining Budget**
Construction Budget:	$ 26,666,667	$ 10,969,542	$ 37,636,209	$ 26,294,669	$ 9,868,229	$ 1,473,311
Arch. & Eng.:	$ 2,666,667	$ (447,264)	$ 2,219,403	$ 402,966	$ 1,778,725	$ 37,712
Const. Mtrls.Testing:	$ 533,333	$ (115,893)	$ 417,440	$ 134,156	$ 120,103	$ 163,181
Spclzd. Eng. Services:	$ 266,667	$ 53,333	$ 320,000		$ 14,981	$ 305,018
Bldg Permit & Dev. Fees:	$ 266,667	$ 54,361	$ 321,028	$ -	$ 321,028	$ 0
Public Art:	$ 266,667	$ 94,963	$ 361,630	$ -	$ -	$ 361,630
F,F&E:	$ 9,333,333	$ (8,609,042)	$ 724,291	$ -	$ -	$ 724,291
Other		$ -	$ -	$ -	$ -	
Total Bond Funded Budget:	**$ 40,000,000**	**$ 2,000,000**	**$ 42,000,000**	**$ 26,831,791**	**$ 12,103,066**	**$ 3,065,143**
Variance from Bond Revenue:	$ -					

Budget Comments: The Physical Plant Improvement and the Science Building and the Technology Center of Excellence projects were combined into one project (Science & Technology Building). The NLC site suffers from adverse shifting soil conditions, which the approved GMP addresses by using a reinforced concrete foundation slab suspended from multiple deeply placed, load-bearing piers and the suspension of under-foundation plumbing and electrical features within a 12-inch under-foundation air space allowing soil movement to that extent. However, the creation of a true crawl space to facilitate repair of any eventual deterioration (such as plumbing leaks not caused by shifting soils) is not included in the GMP. The cost of the crawl space was estimated at $700,000 to $1,000,000, which would have caused the GMP to exceed CIP-budgeted funds.

One-Time Costs in (Year Completed) to open Facility:

	Original Budget	**Revisions**	**Revised Budget**	**Encumbrance**	**Expenditures**	**Remaining Budget**

Capital Improvement Program - Project Summary

ALAMO COLLEGES DISTRICT

***MTN: F,F&E**	$ -	$ 5,680,000	$ 5,680,000	$ -	$ -	$ 5,680,000
	$ -	$ -	$ -	$ -	$ -	$ -
Total One-Time Budget:	**$ -**	**$ 5,680,000**	**$ 5,680,000**	**$ -**	**$ -**	**$ 5,680,000**
Variance from Other Revenues:						
Budget Comments:	*$8.1 MTN Budget for College, originally allocated $4M to Sci. Tech. Bldg. Increased MTN allocation to $5,680,000 in July 2021.					

Small Minority Women Veteran Business Enterprise Participation (SMWVBE)
2017 Capital Improvement Program (CIP)

Status Update

July 20, 2021

Lacy Hampton
Interim Associate Vice Chancellor
G.O. Bonds Capital Program (CIP)

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award 2018 Award Recipient

Achieving the Dream LEADER COLLEGE

SMWVBE Agenda

Equity Minded Purchasing SMWVBE Program

- Mr. Lacy Hampton, IAVC CIP

SMWVBE Participation Breakdown

- San Antonio College CIP Projects
- Northwest Vista College CIP Projects
- St. Philip's College CIP Projects
- Palo Alto College CIP Projects
- Northeast Lakeview College CIP Projects

On-Going Efforts

Equity Minded Purchasing: SMWVBE Program

Program Objective:

Ensure the Small, Minority, Women and Veteran Owned Business Enterprises (SMWVBE) are:

- *Provided the maximum practicable opportunity to participate* in Alamo Colleges Districts' purchasing and contracting opportunities.
- Strategies to include more SMWVBEs in the competitive procurement process *increases the likelihood that SMWVBE quotes will qualify as "best value".*
- *ACD continues to look for ways to strengthen SMWVBE program.*

Key Program Timelines:

- Acquisitions Policy (with SMWVBE Program) approved August 2009, last amended July 2020
- SMWVBE Program Procedure approved October 2012, last amended September 2020

San Antonio College

ALAMO COLLEGES DISTRICT
San Antonio College

Construction Projects

- ✓ Project: Parking Garage
  - ✓ San Pedro Traffic Improvements
- ✓ Project: Physical Plant
- ✓ Project: Fletcher Administration Center Reno.
- ✓ Project: Early Childcare Center and Micronauts
- ✓ Project: New Science Building

CMAR - Construction Manager at Risk

- ✓ J.T. Vaughn Construction

Architect

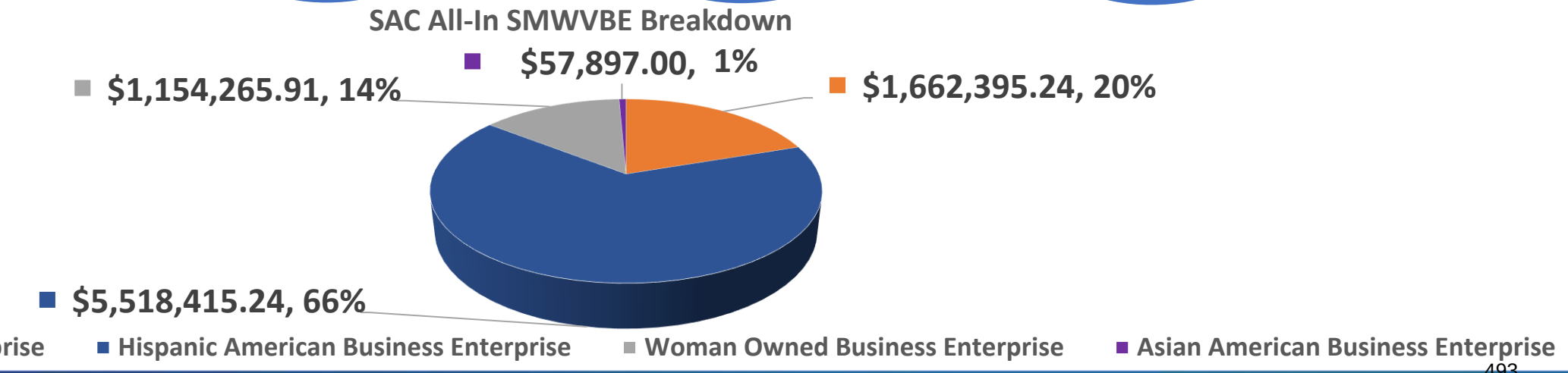
- ✓ O'Connell Robertson

San Antonio College

ALAMO COLLEGES DISTRICT
San Antonio College

- Total Campus CIP Funding: $96,362,258
- **Remaining Funding Spending Opportunities : $71,122,943**

Current Total Project Expenditures	Current All-In SMWVBE Expenditures	Current All-In SMWVBE %	All-In Local Participation
$25,239,314	**$8,392,973**	**33%**	**65%**



Northwest Vista College

Construction Projects

- ✓ Project: Desert Willow Welcome Center
- ✓ Project: Texas Ash Parking Garage
- ✓ Project: Physical Plant
- ✓ Project: STEM Center of Excellence

CMAR - Construction Manager at Risk

- ✓ SpawGlass Contractors, Inc.

Architect

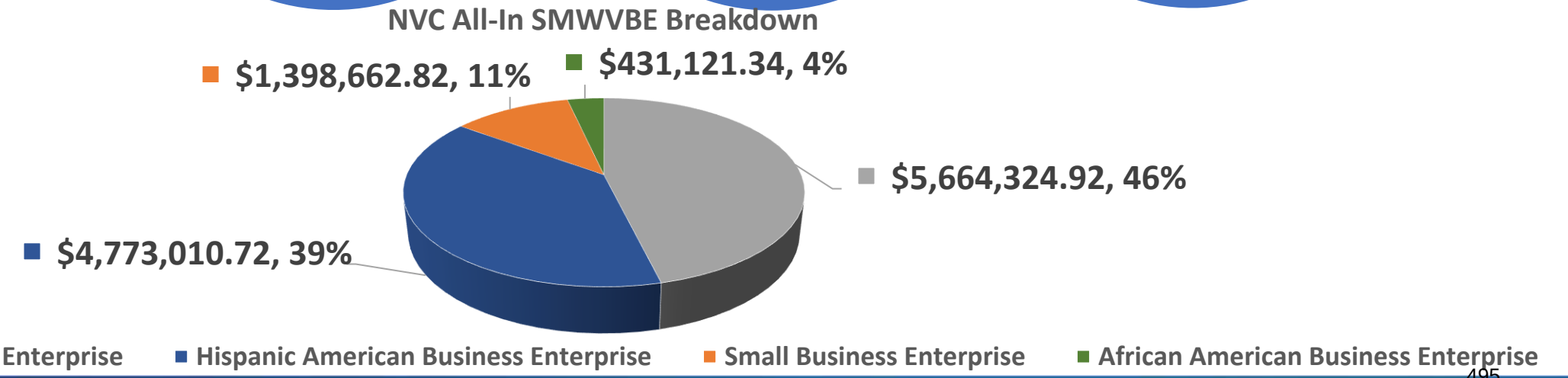
- ✓ Alamo Architects
- ✓ Overland Partners

Northwest Vista College

ALAMO COLLEGES DISTRICT
Northwest Vista College

- Total Campus CIP Funding: $79,000,000
- **Remaining Funding Spending Opportunities : $36,391,479**

Current Total Project Expenditures	Current All-In SMWVBE Expenditures	Current All-In SMWVBE %	All-In Local Participation
$42,608,520	**$12,267,119**	**29%**	**70%**



ALAMO COLLEGES DISTRICT

St. Philip's College

Construction Projects

- ✓ Project: Tourism, Hospitality, and Culinary Arts (THCA)
- ✓ Project: Clarence Windzell Norris Building
- ✓ Project: Welding & Autobody Collision Center
- ✓ Project: Saint Artemisia Bowden Building

CMAR - Construction Manager at Risk

- ✓ Skanska U.S.A Building, Inc.
- ✓ Guido Construction

Architect

- ✓ Page Southerland Page
- ✓ Pfluger Architects
- ✓ WestEast Design Group

St. Philip's College

ALAMO COLLEGES DISTRICT
St. Philip's College

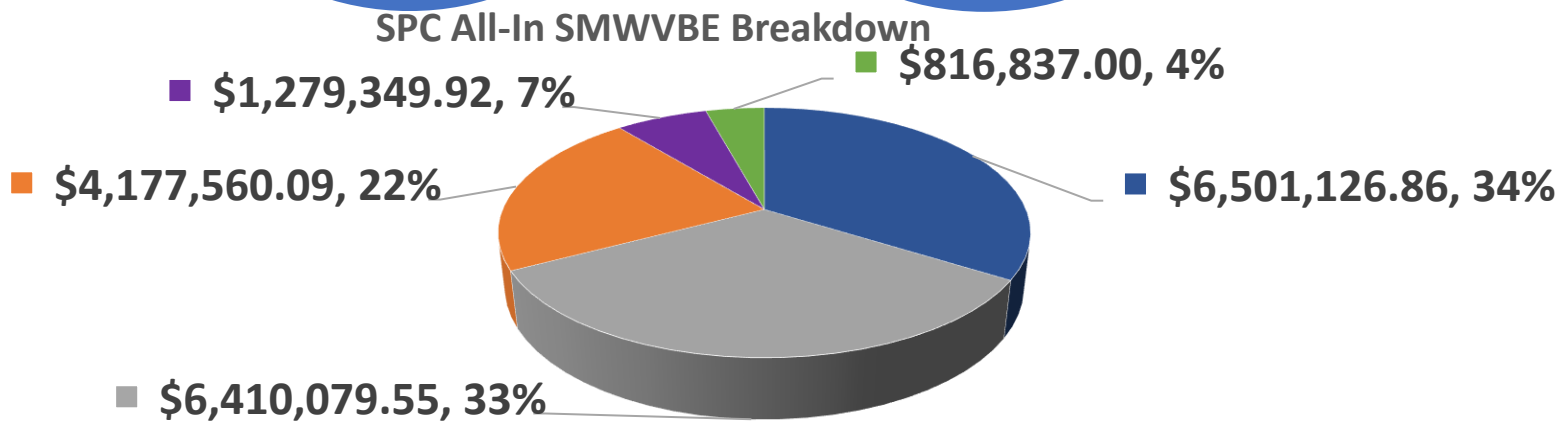
- Total Campus CIP Funding: $99,041,441
- **Remaining Funding Spending Opportunities : $41,111,540**

Current Total Expenditures
$57,929,900

Current All-In SMWVBE Expenditures
$19,184,953

Current All-In SMWVBE %
33%
↑14 %pts
since October 2020

All-In Local Participation
66%



Palo Alto College

ALAMO COLLEGES DISTRICT
Palo Alto College

Construction Projects

- ✓ Project: Rio Grande Multipurpose Building
- ✓ Project: Physical Plant

CMAR - Construction Manager at Risk

- ✓ Bartlett Cocke General Contractors

Architect

- ✓ RVK Architects

Palo Alto College

ALAMO COLLEGES DISTRICT
Palo Alto College

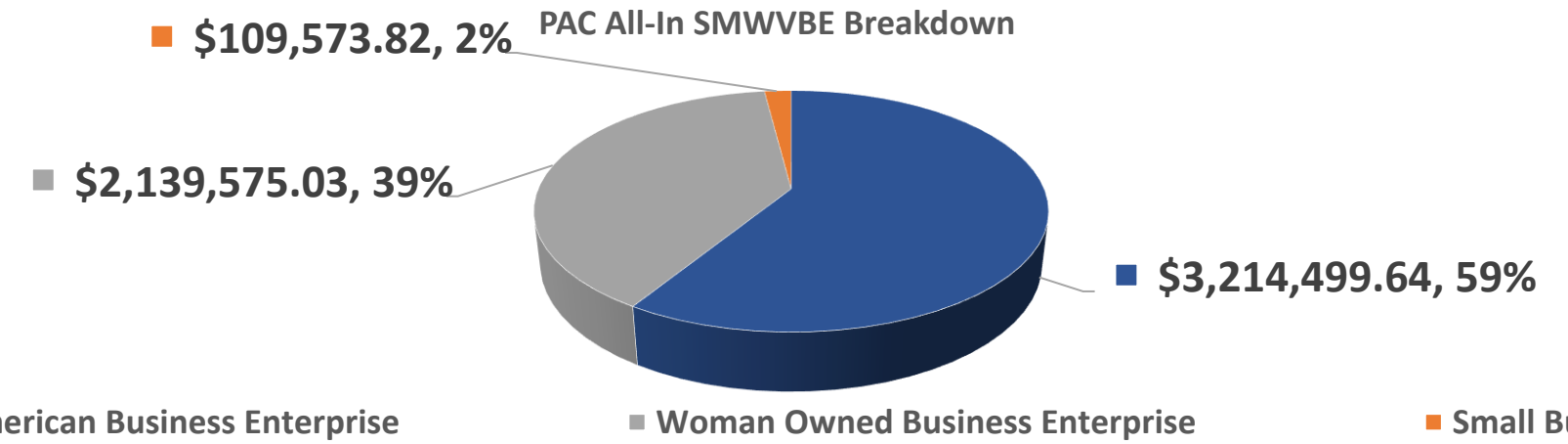
- Total Campus CIP Funding: $83,067,000
- **Remaining Funding Spending Opportunities : $73,906,574**

Current Total Expenditures
$9,160,426

Current All-In SMWVBE Expenditures
$5,463,648

Current All-In SMWVBE %
60%

All-In Local Participation
79%



Northeast Lakeview College

Construction Projects

- ✓ Project: STEM Building

CMAR - Construction Manager at Risk

- ✓ Turner Construction Co.

Architect

- ✓ Ford Powell and Carson

Northeast Lakeview College

ALAMO COLLEGES DISTRICT
Northeast Lakeview College

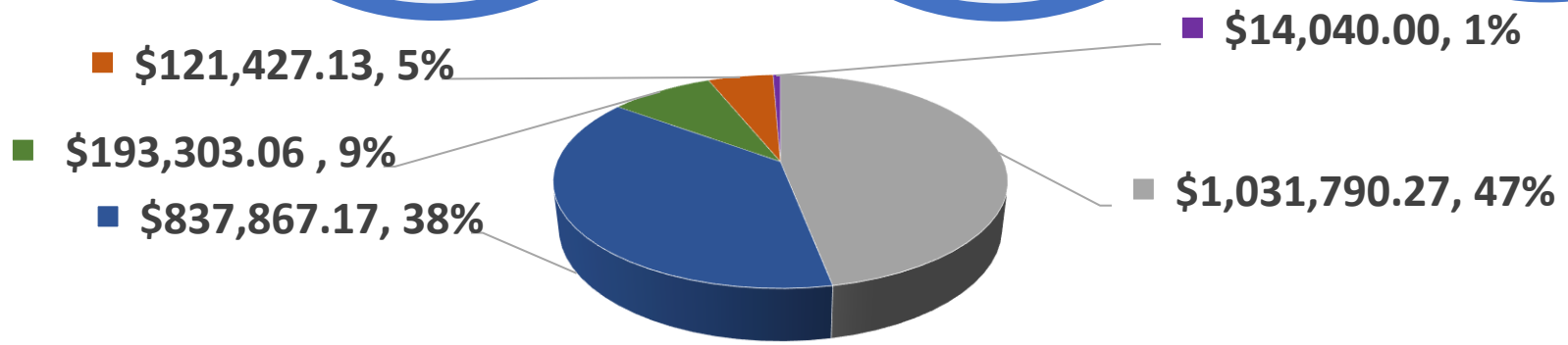
- STEM Bldg. Total Campus CIP Funding: $46,000,000*
- **Remaining Funding Spending Opportunities : $35,447,008**
- **Total Project Cost: $36,162,898**

Current Total Expenditures
$10,552,992

Current All-In SMWVBE Expenditures
$2,198,427

Current All-In SMWVBE %
21%

All-In Local Participation
66%



Continuous On-Going Efforts

- ✓ **Owner Representative and Project Management continues to assist ACD**
- ✓ **Continue to strengthen Outreach with local Chamber of Commerce, Fair Contracting Coalition, Hispanic Contractors Association and other local supporting Small Business Organizations**
  - ✓ **Purchasing hosts webinars with CIP CMARS for bidding opportunities**
- ✓ **Continuous Collaboration with CMAR and Consultants; provide oversight of SMWVBE participation efforts and monitor SMWVBE tracking and reporting**

Questions

ALAMO COLLEGES DISTRICT

Malcolm Baldrige National Quality Award
2018 Award Recipient

Achieving the Dream LEADER COLLEGE

Appendix

Local and Non-Local Participation

ALAMO COLLEGES DISTRICT

Local CMAR/ Architect

Construction Manager at Risk

- ✓ Guido Construction (***WBE***)
- ✓ Bartlett Cocke General Contractors

Architect

- ✓ Alamo Architects
- ✓ Overland Partners
- ✓ WestEast Design Group (***ABE***)
- ✓ RVK Architects (***WBE***)
- ✓ Ford Powell & Carson (***WBE***)

Non-Local CMAR / Architect

Construction Manager at Risk

- ✓ J.T. Vaughn Construction
- ✓ SpawGlass Contractors, Inc.
- ✓ Skanska U.S.A Building, Inc.
- ✓ Turner Construction Co.

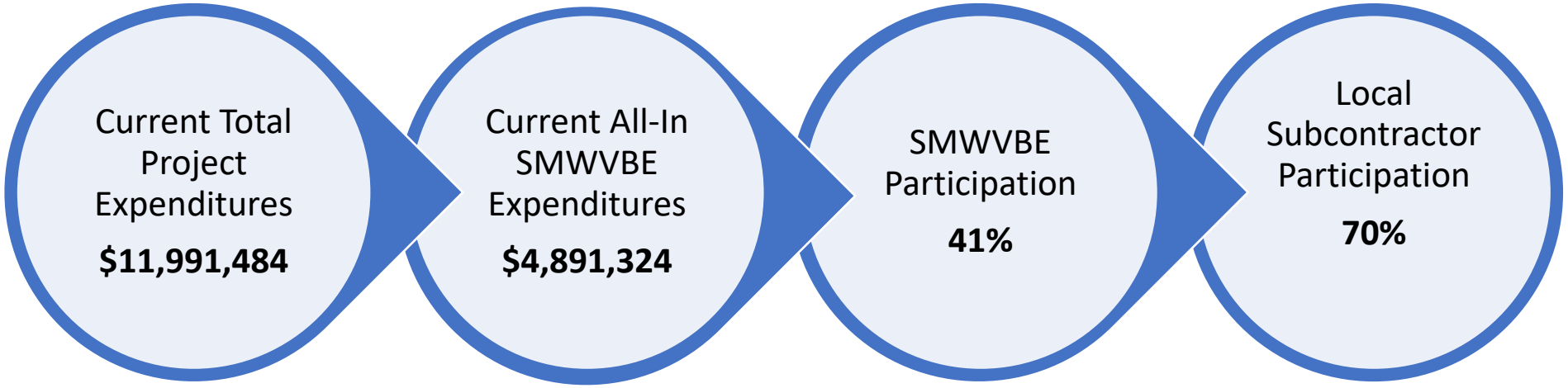
Architect

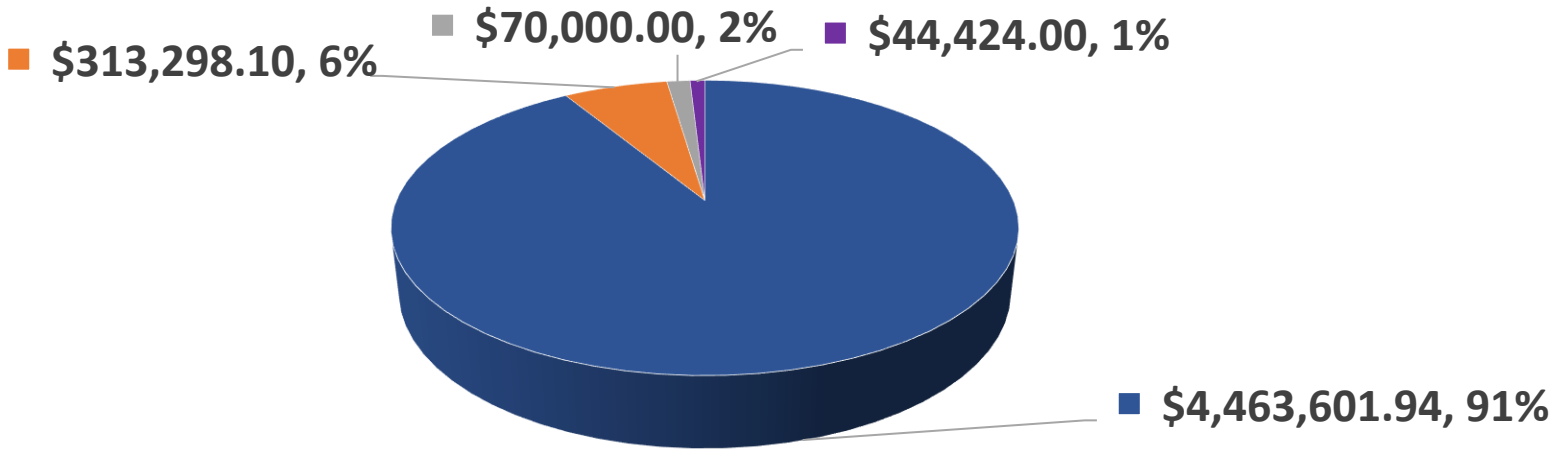
- ✓ O'Connell Robertson
- ✓ Page Southerland Page
- ✓ Pfluger Architects

San Antonio College

- Parking Garage and San Pedro Street Improvements
- **Total Project Cost: $20,192,706**

ALAMO COLLEGES DISTRICT
San Antonio College

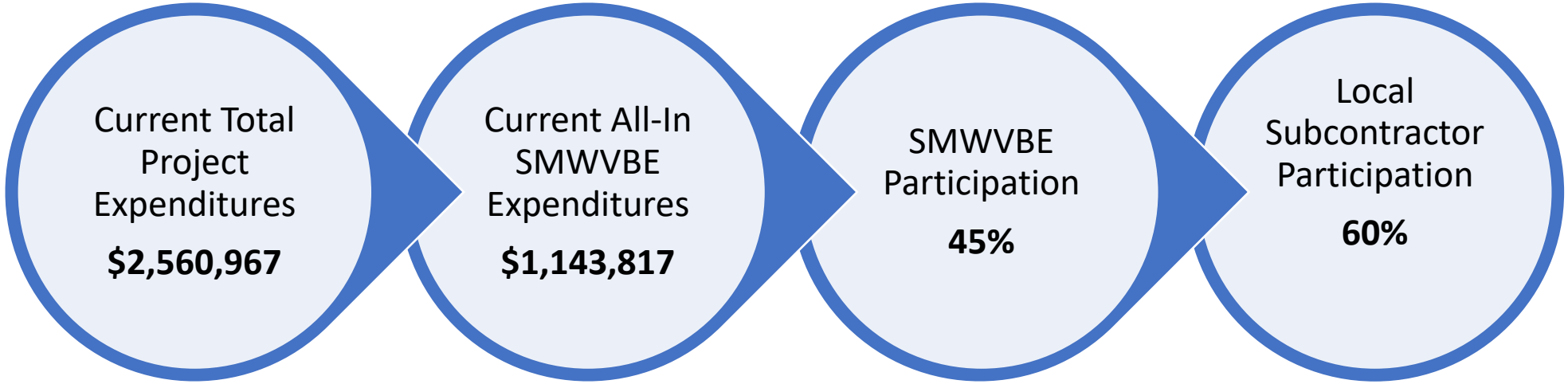


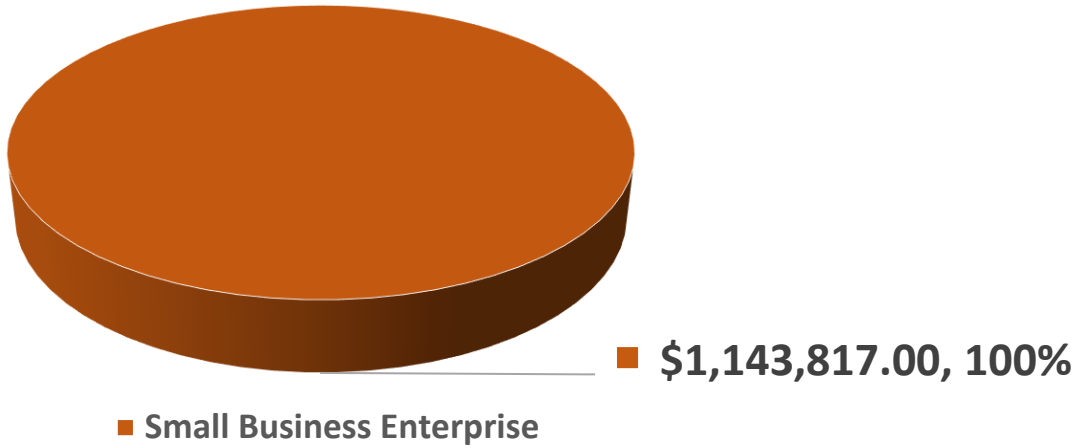


San Antonio College

ALAMO COLLEGES DISTRICT
San Antonio College

- Physical Plant
- **Total Project Cost: $2,643,429**

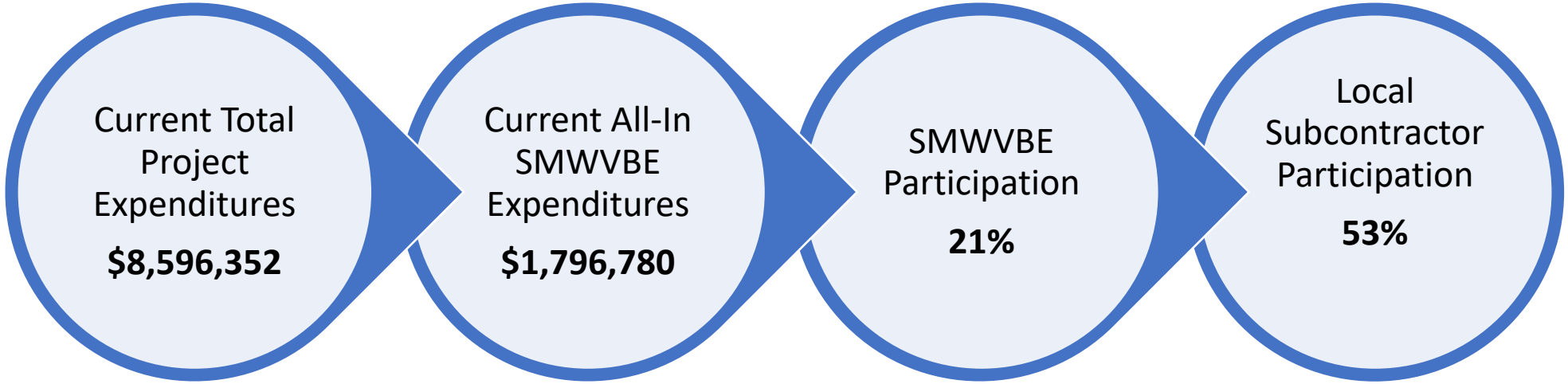


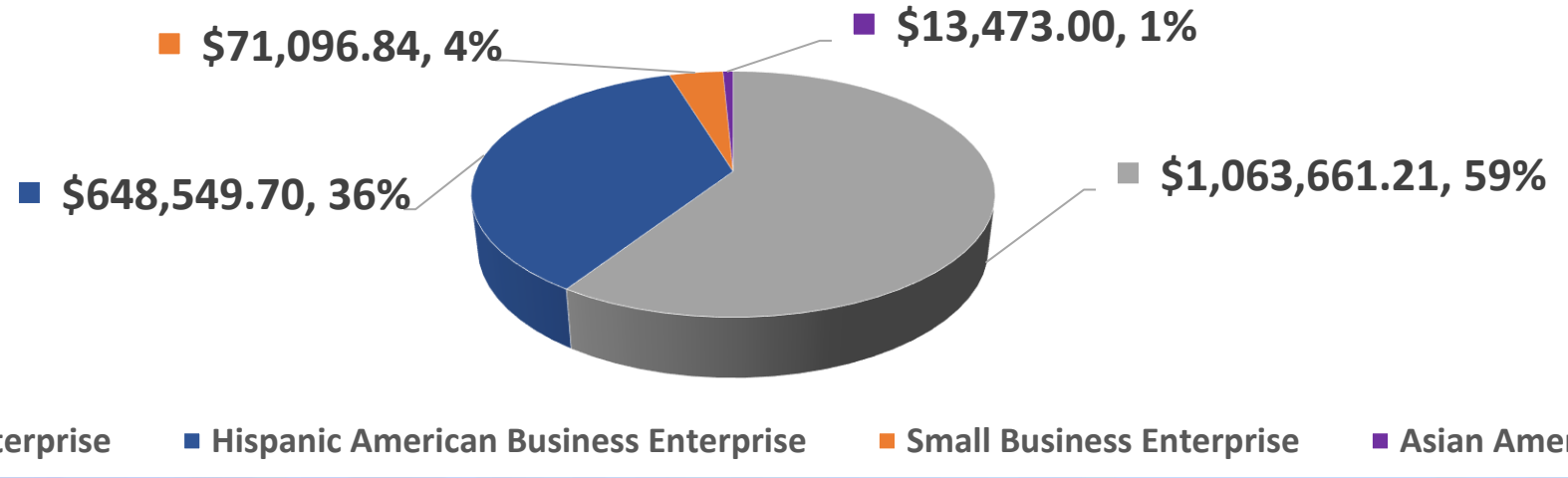


San Antonio College

- Fletcher Administration Center Renovation
- **Total Project Cost: $21,412,118**

ALAMO COLLEGES DISTRICT
San Antonio College

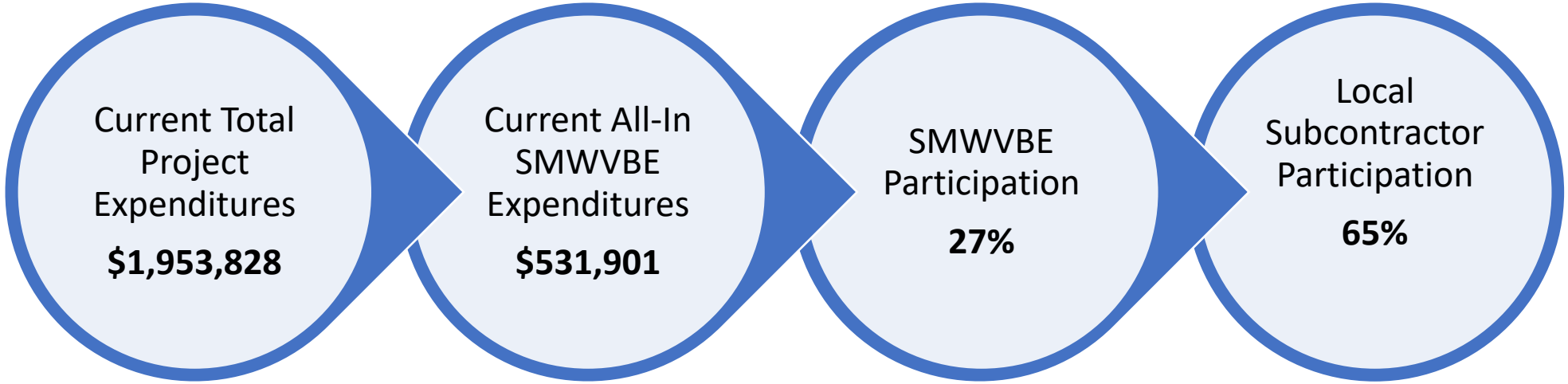


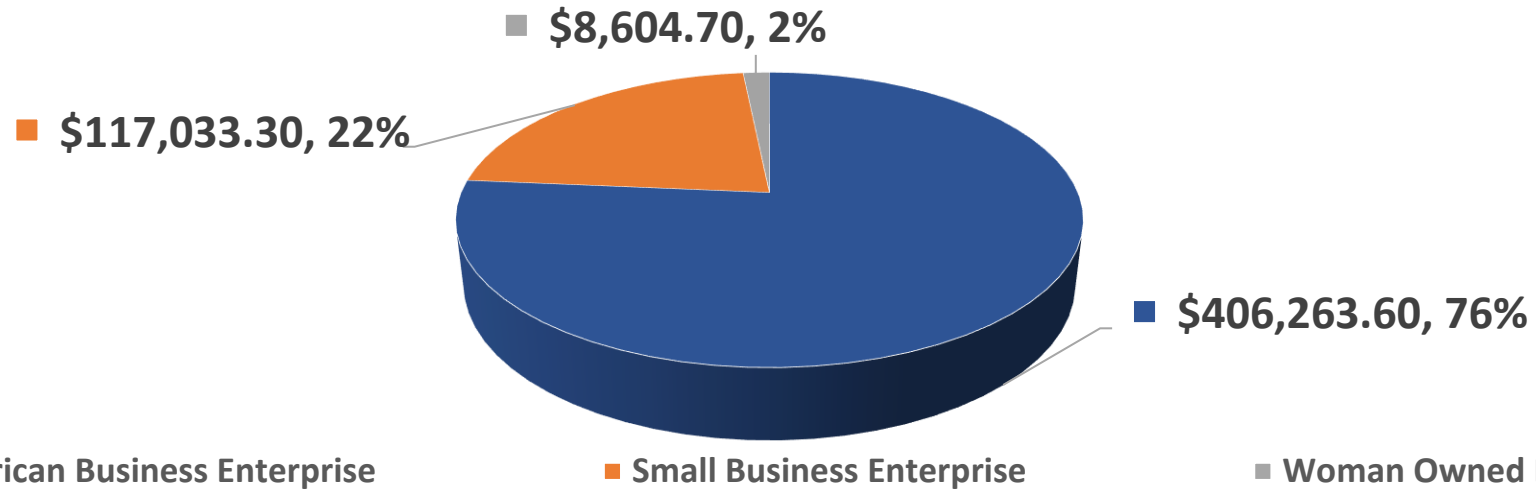


San Antonio College

- Early Childcare Center and Santikos Micronauts
- **Total Project Cost: $15,323,411**

ALAMO COLLEGES DISTRICT
San Antonio College





San Antonio College

- New Science Building
- **Total Project Cost: $14,175,953**

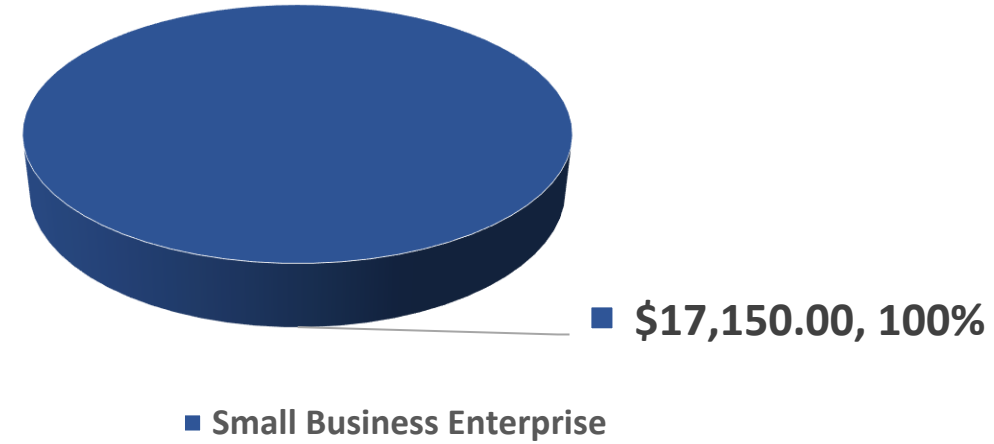
ALAMO COLLEGES DISTRICT
San Antonio College

Current Total Project Expenditures
$1,058,050

Current All-In SMWVBE Expenditures
$17,150

SMWVBE Participation
16%

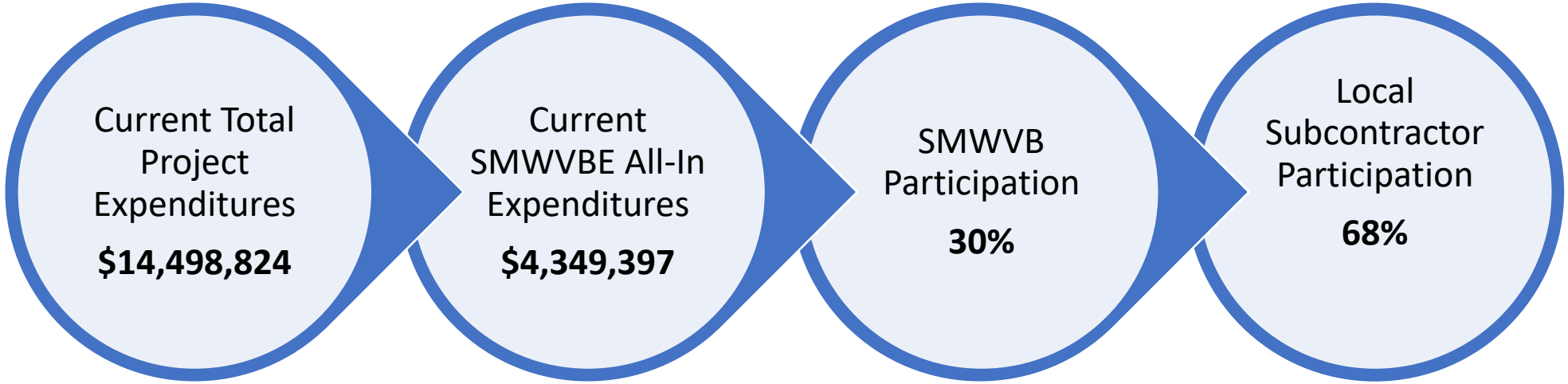
Local Subcontractor Participation
75%

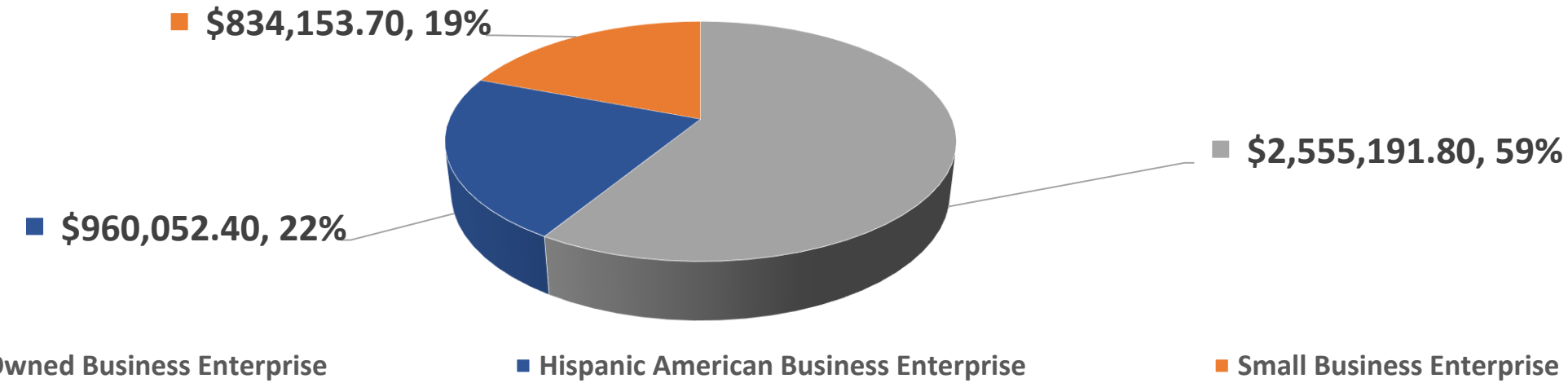


Northwest Vista College

ALAMO COLLEGES DISTRICT
Northwest Vista College

- Desert Willow Welcome Center
- **Total Project Cost: $19,692,057**

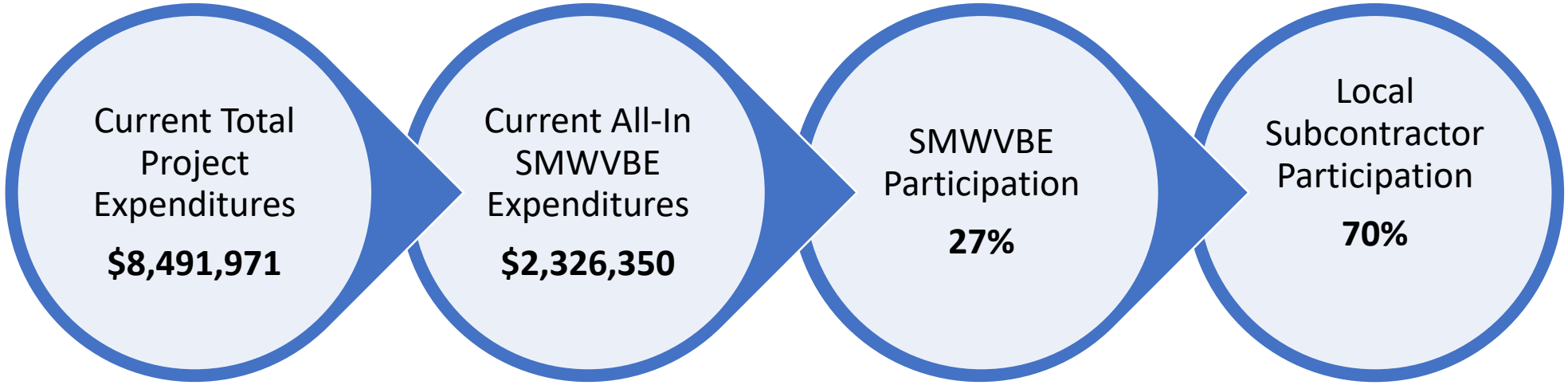


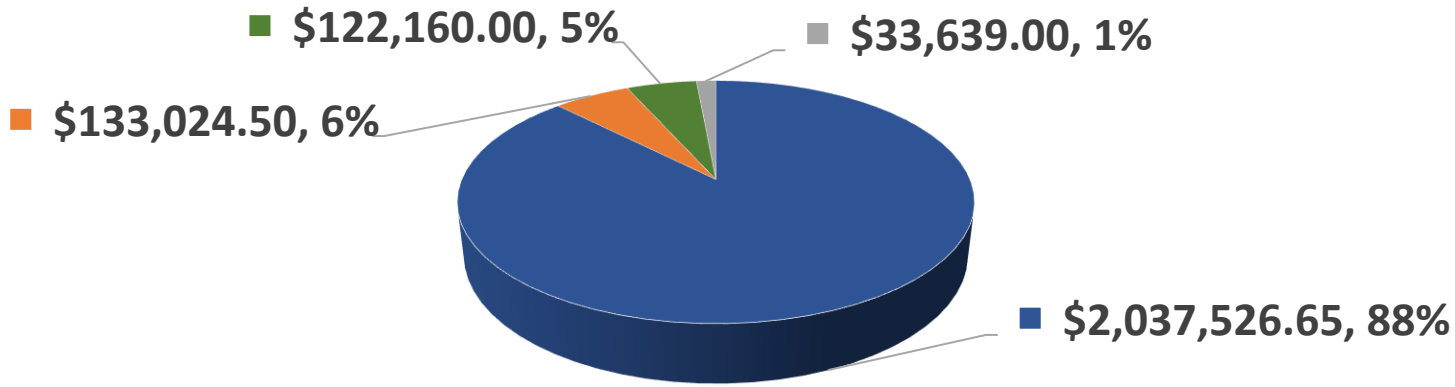


Northwest Vista College

ALAMO COLLEGES DISTRICT
Northwest Vista College

- Texas Ash Parking Garage
- **Total Project Budget: $9,756,145**





Northwest Vista College

ALAMO COLLEGES DISTRICT
Northwest Vista College

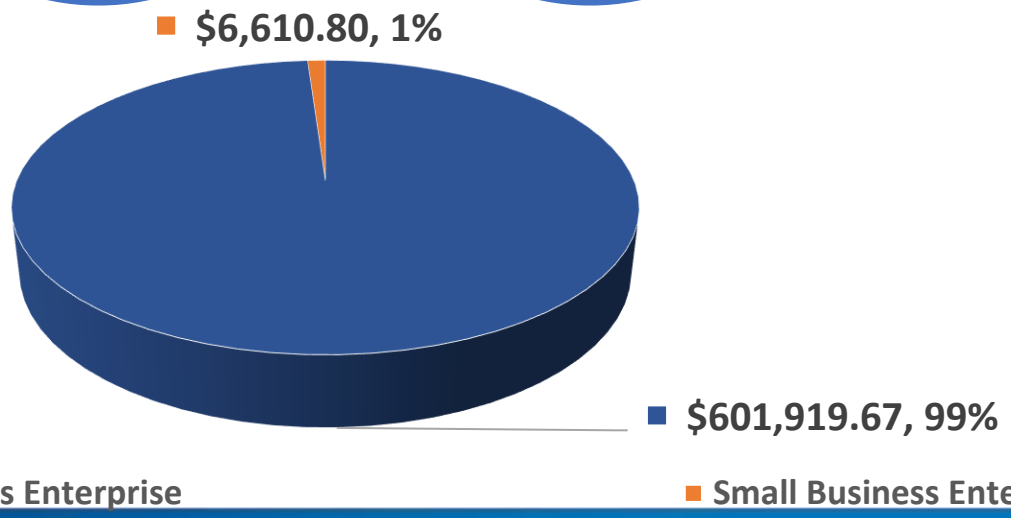
- Physical Plant
- **Total Project Budget: $2,798,788**

Current Total Project Expenditures
$2,494,790

Current All-In SMWVBE Expenditures
$608,530

SMWVBE Participation
24%

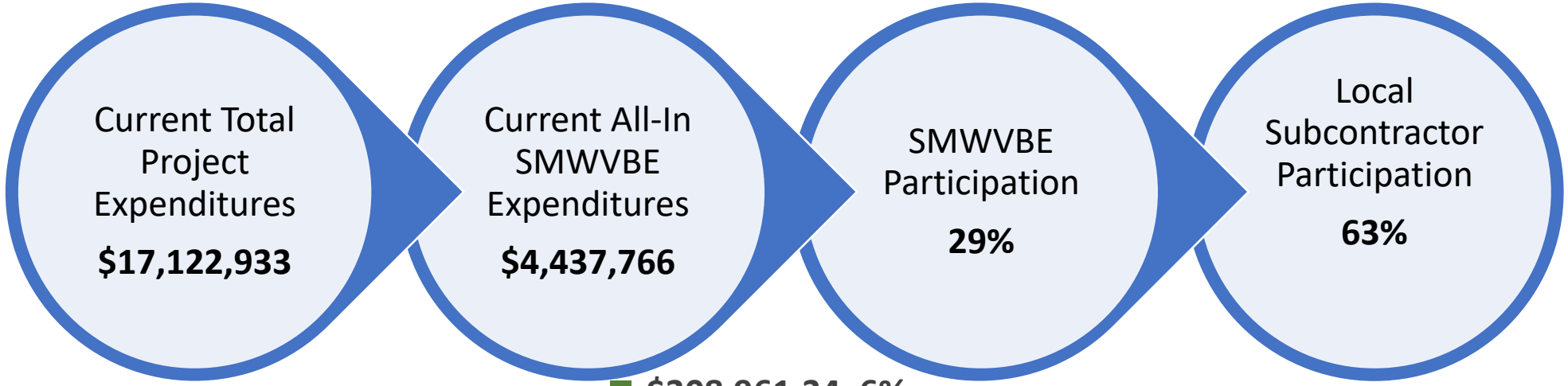
Local Subcontractor Participation
77%

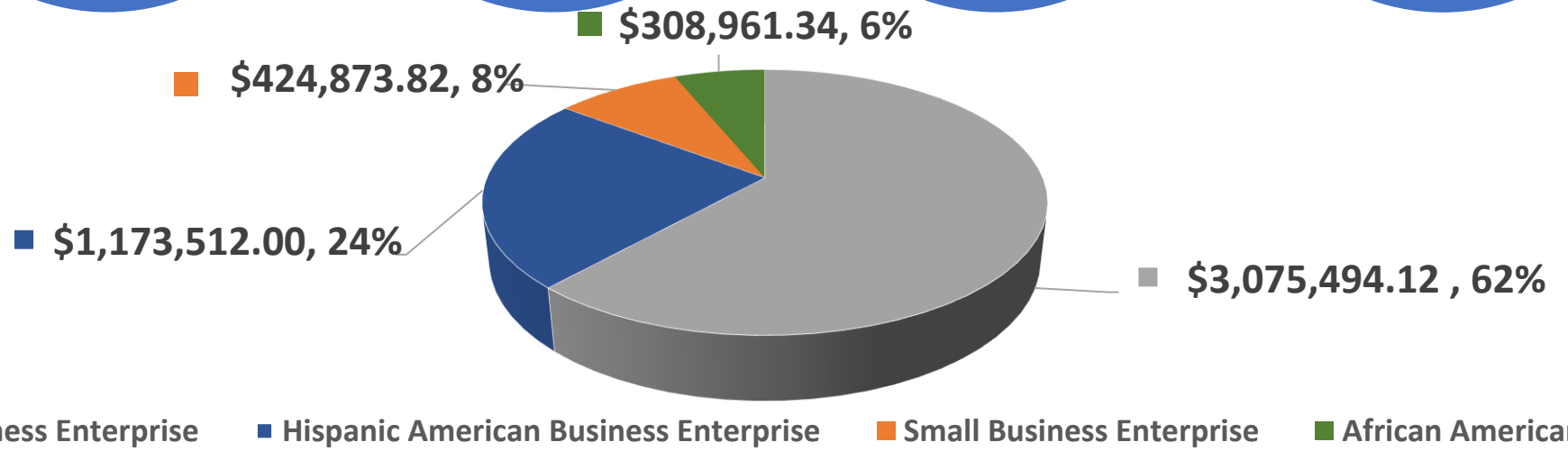


Northwest Vista College

ALAMO COLLEGES DISTRICT
Northwest Vista College

- STEM Center of Excellence
- **Total Project Budget: $33,900,00**



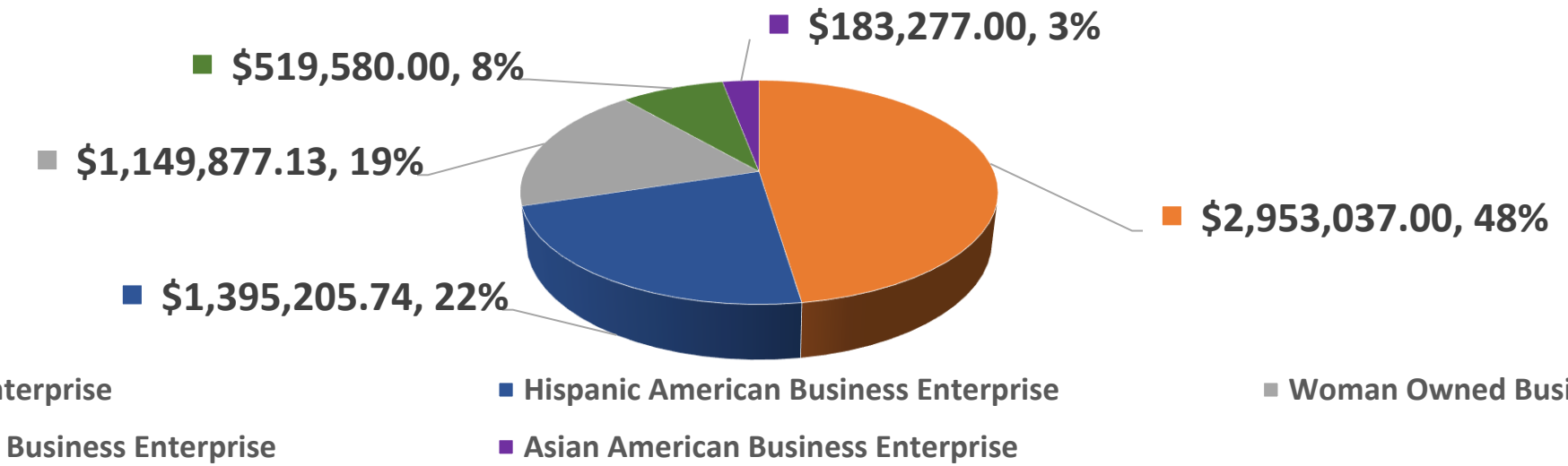


St. Philip's College

ALAMO COLLEGES DISTRICT
St. Philip's College

- Tourism, Hospitality, and Culinary Arts (THCA)
- **Total Project Budget: $33,453,473**

Current Total Project Expenditures	Current All-In SMWVBE Expenditures	SMWBE Participation	Local Subcontractor Participation
$30,707,480	**$6,200,976**	**20%** ↑3 %pts since Feb. 2021	**65%**



St. Philip's College

- Clarence Windzell Norris Building
- **Total Project Budget: $25,528,355**

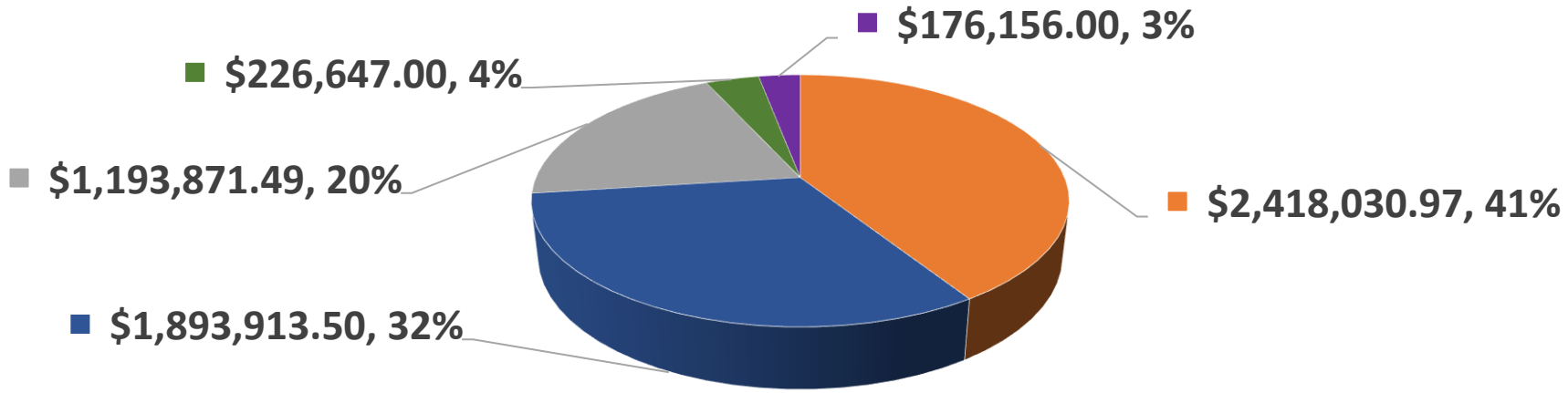
ALAMO COLLEGES DISTRICT
St. Philip's College

Current Total Project Expenditures
$16,728,601

Current All-In SMWVBE Expenditures
$5,908,618

SMWVBE Participation
35%
↑**19 %pts**
since March 2021

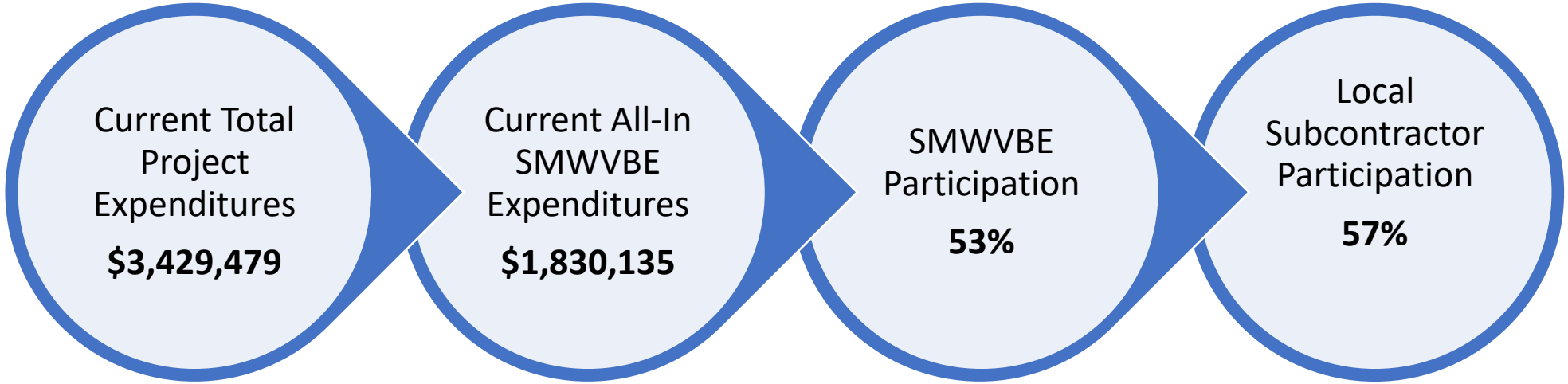
Local Subcontractor Participation
65%

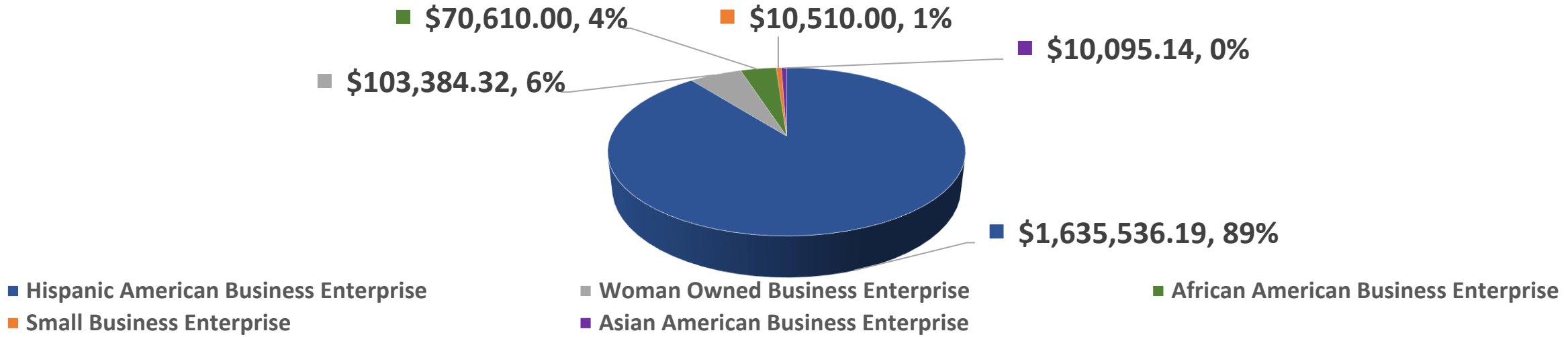


St. Philip's College

- Saint Artemisia Bowden Building
- **Total Project Budget: $14,722,480**

ALAMO COLLEGES DISTRICT
St. Philip's College

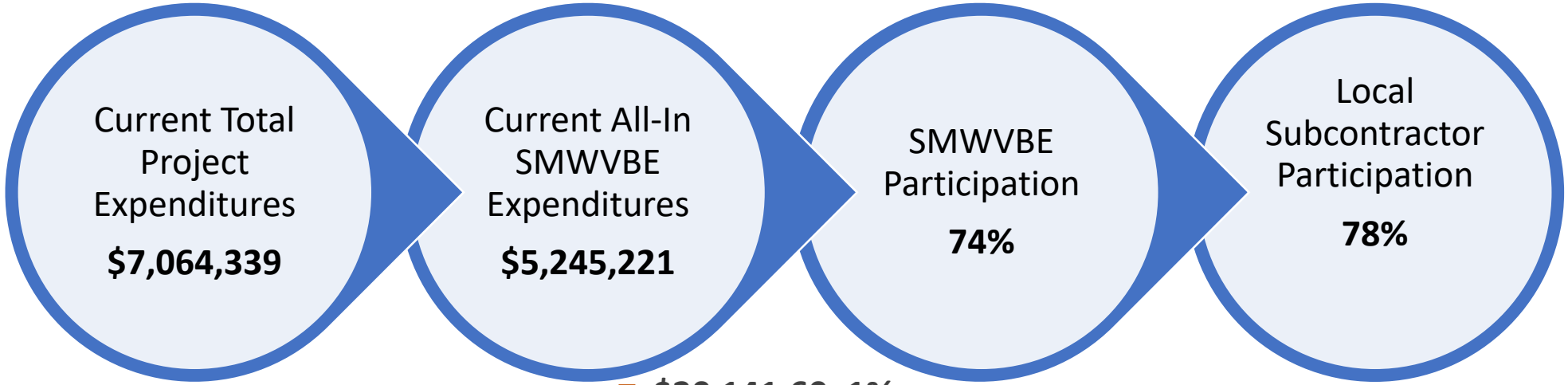


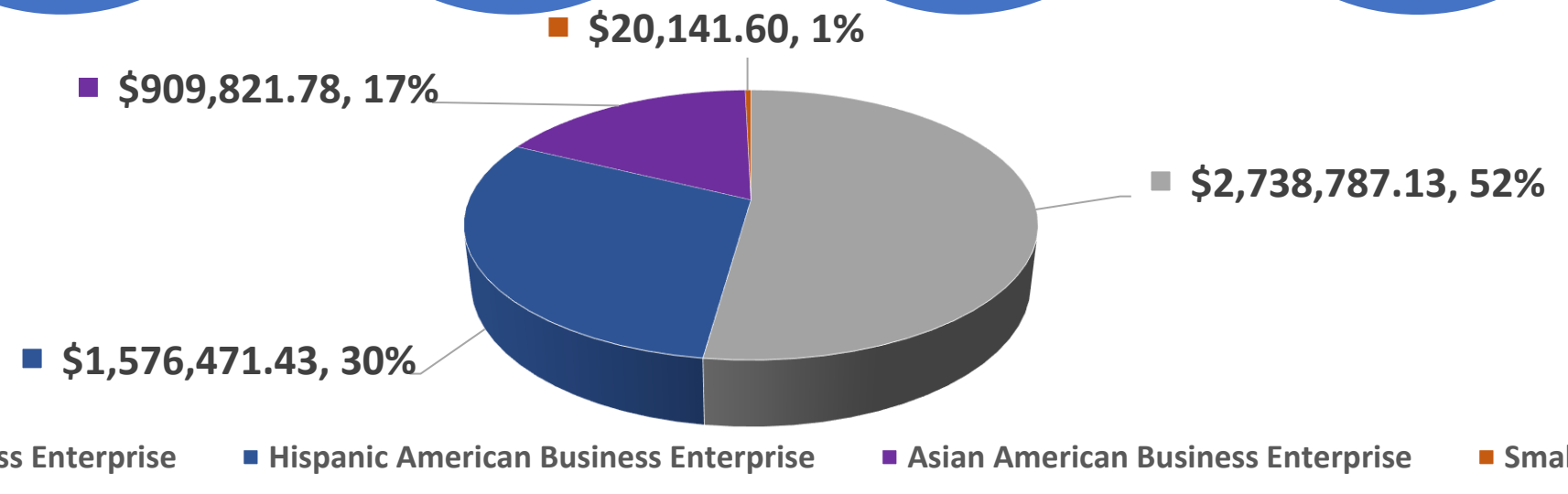


St. Philip's College

ALAMO COLLEGES DISTRICT
St. Philip's College

- Welding & Autobody Collision Center
- **Total Project Budget: $25,117,119**

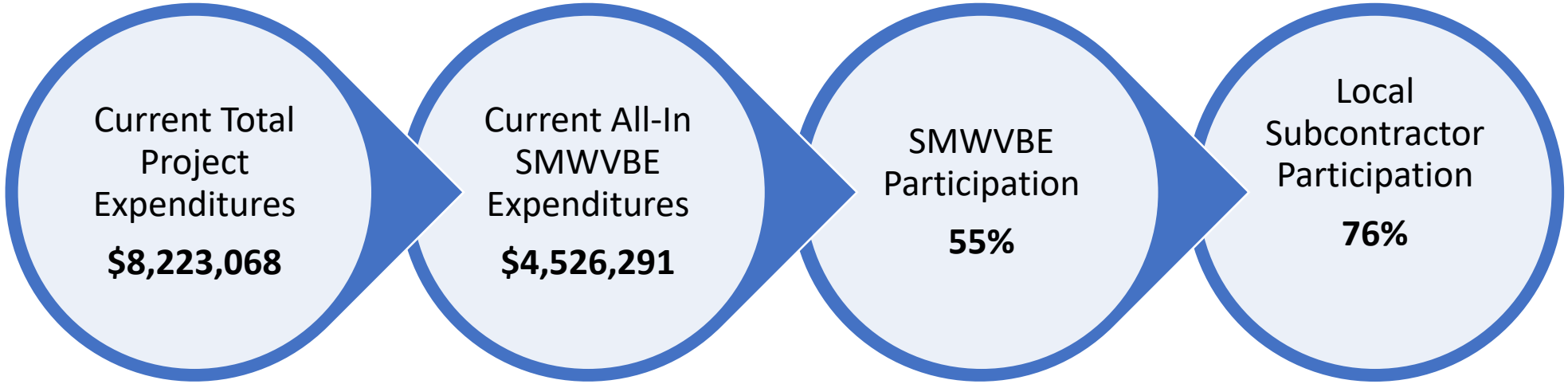


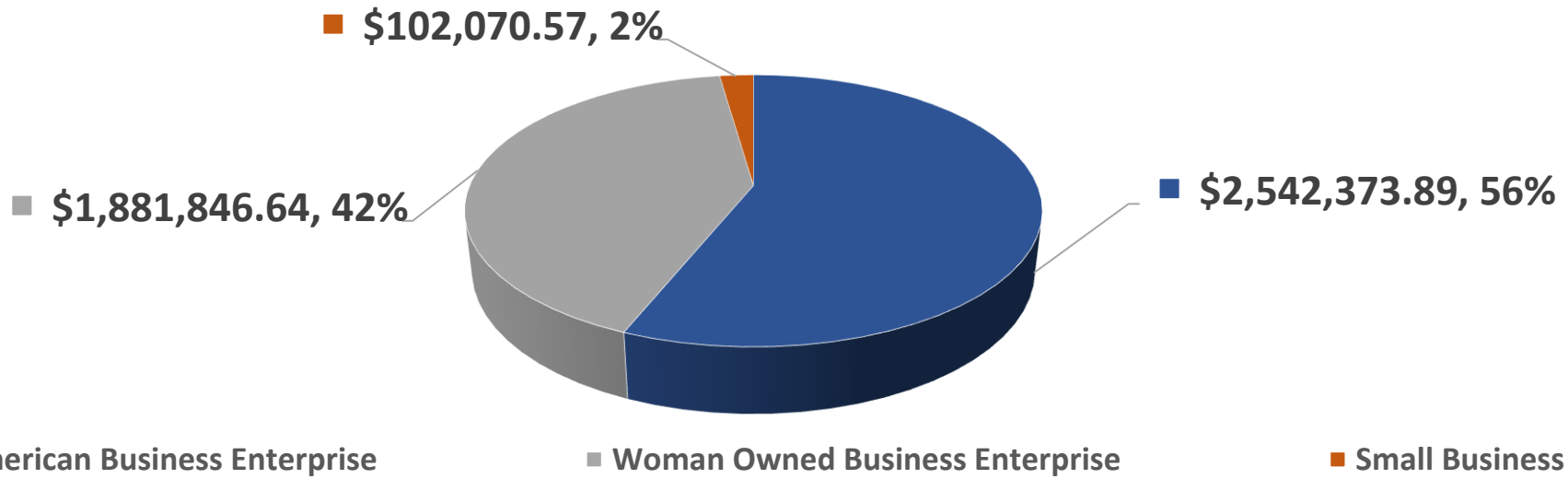


Palo Alto College

- Rio Grande Multipurpose Building
- **Total Project Budget: $43,302,247**

ALAMO COLLEGES DISTRICT
Palo Alto College





Palo Alto College

ALAMO COLLEGES DISTRICT
Palo Alto College

- Physical Plant
- **Total Project Budget: $3,843,136**