

**Compliance Program**

Definition

"Compliance program" means a process to assess and ensure compliance by the officers and employees of an institution of higher education with applicable laws, rules, regulations, and policies, including matters of:

1. Ethics and standards of conduct;
2. Financial reporting;
3. Internal accounting controls; or
4. Auditing.

*Education Code 51.971(a)(1)*

Confidentiality  
Procedures

An institution of higher education, including a college district, that maintains a compliance program may establish procedures, such as a telephone hotline, to permit private access to the compliance program office and to preserve the confidentiality of communications and the anonymity of a person making a compliance report or participating in a compliance investigation.

Unless the information relates to an individual who consents to disclosure of the information, the following are confidential:

1. Information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of an institution of higher education, sought guidance from the office, or participated in an investigation conducted under the compliance program; and
2. Information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit.

Information is excepted from disclosure under Government Code Chapter 552 if it is collected or produced in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation.

Information made confidential or excepted from public disclosure by this section may be made available to the following on request in compliance with applicable law and procedure:

1. A law enforcement agency or prosecutor;
2. A governmental agency responsible for investigating the matter that is the subject of a compliance report, including the

Texas Workforce Commission civil rights division or the federal Equal Employment Opportunity Commission; or

3. An officer or employee of an institution of higher education who is responsible under institutional policy for a compliance program investigation or for reviewing a compliance program investigation.

*Education Code 51.971(b)–(f)* [See GCA]

**Conservator for  
Gross Fiscal  
Mismanagement**

On the governor’s request, the Coordinating Board with the advice and assistance of the state auditor shall determine if a condition of gross fiscal mismanagement exists at a public junior college.

If the Coordinating Board finds a condition of gross fiscal mismanagement of a public junior college, the governor by proclamation may appoint a conservator for the college.

Except as otherwise provided by Government Code Chapter 2104, Subchapter D, herein, a conservator shall act as conservator of a public junior college in the manner provided by Government Code Chapter 2104 for conservatorship of state agencies by a conservator.

*Gov’t Code 2104.031*

“Gross Fiscal  
Mismanagement”

“Gross fiscal mismanagement” includes:

1. Failure to keep adequate fiscal records;
2. Failure to maintain proper control over assets;
3. Failure to discharge fiscal obligations in a timely manner; and
4. Misuse of state funds.

*Gov’t Code 2104.001(2)*

Duration

A conservatorship of a public junior college continues until the earlier of:

1. The governor’s issuing of a proclamation declaring that the condition of gross fiscal mismanagement no longer exists and that the conservatorship is dissolved; or
2. The Coordinating Board’s finding and certifying to the governor that the condition of gross fiscal mismanagement no longer exists, in which case the conservatorship is dissolved.

*Gov’t Code 2104.033*

**Review of Budget  
and Operations**

The Coordinating Board may periodically review the effectiveness and efficiency of the budgets and operations of public junior colleges. A review may be initiated by the Coordinating Board or at the request of the governor or the public junior college.

A review may be initiated by a public junior college only at the request of the president of the college or by a resolution adopted by a majority of the governing body of the college. If a review is initiated by a public junior college, the college shall pay 25 percent of the cost incurred in conducting the review.

The Coordinating Board shall:

1. Prepare a report showing the results of each review conducted under this section;
2. File the report with:
  - a. The chief executive officer of the public junior college that is the subject of the report;
  - b. The governor;
  - c. The lieutenant governor;
  - d. The speaker of the house of representatives;
  - e. The chairs of the standing committees of the senate and of the house of representatives with primary jurisdiction over higher education; and
  - f. The commissioner; and
3. Make the entire report and a summary of the report available to the public on the Internet.

Until the Coordinating Board has completed the review, all information, documentary or otherwise, prepared or maintained in conducting the review or preparing the review report, including intra-agency and interagency communications and drafts of the review report or portions of those drafts, is excepted from required public disclosure as audit working papers under Government Code 552.116. [See GCA] This provision does not affect whether information described by this provision is confidential or excepted from required public disclosure under a law other than Section 552.116.

*Gov't Code 322.0165*