



Contents

[Case of the Month](#)
[From the Courts and Attorney General](#)
[Recent Regulations and Guidance](#)
[Policy Spotlight](#)
[In the News](#)



Case of the Month

The U.S. Supreme Court clarified the standard for establishing an adverse action under Title VII of the Civil Rights Act of 1964.

Sergeant Jatonya Muldrow worked for many years as a plainclothes officer in the St. Louis Police Department Intelligence Division, investigating corruption and human trafficking cases, supervising the Gang Unit, and leading the Gun Crimes Unit. Despite positive reviews from her former supervisor, her new supervisor replaced her with a male officer who the supervisor deemed more fitting for the division's "very dangerous" work. Muldrow was reassigned to a uniformed position supervising neighborhood patrol officers. Her rank and pay remained the same, but she no longer worked with high-ranking officials, lost access to a take-home vehicle, and was required to work a rotating schedule with weekend shifts instead of a traditional workweek. Muldrow sued the police department under [Title VII of the Civil Rights Act of 1964](#), alleging her transfer to a less prestigious position with fewer material benefits constituted sex discrimination. The department filed a motion for summary judgment, which the district court granted. Muldrow appealed.

The U.S. Eighth Circuit Court of Appeals stated Muldrow needed to show her transfer effected a "materially significant disadvantage" to her working conditions, a standard she could not meet since she experienced no change to her salary or rank and still served as a supervisor. The court affirmed the lower court's judgment. Muldrow appealed.

The U.S. Supreme Court reviewed the Title VII text to determine what an employee alleging discrimination must plead to show harm to the terms or conditions of employment as required by Title VII. The Court rejected the heightened significant harm standard applied by some federal courts, noting the concept of significance is not expressly stated in the statute. The Court held that Muldrow need only show some injury to the terms and conditions of her employment and that the transfer left her worse off but not significantly so. The Court vacated the judgment and remanded the case to the Eighth Circuit to apply the correct standard. [Muldrow v. St. Louis Police Dept.](#), No. 22-193, 2024 WL 1642826 (Apr. 17, 2024).

Why is This Case Significant?

The U.S. Supreme Court's decision clarifies that plaintiffs need only show some harm to support a discrimination claim, rejecting the heightened harm standard that had caused a split among the federal circuits.

Highlights

[Update 47](#) to the Community College Policy Reference Manual is now available.

Resources

[Texas Higher Education Coordinating Board](#)
[Texas Legislature](#)
[Texas Statutes](#)
[Texas Attorney General](#)
[U.S. Department of Education](#)



From the Courts and the Attorney General

Business and Finance

Former property owner provided sufficient evidence to overcome a motion for reconsideration of the prior grant of its summary judgment motion on its inverse condemnation claim, arguing that a community college, the current property owner, violated the property's deed restrictions by building a campus on the property. [Westside Ventures, Ltd. v. Houston Comm. Coll. Sys. Dist.](#), No. 4:19-CV-02928, 2024 WL 1348445 (S.D. Tex. Mar. 29, 2024) (mem. op.).

Personnel

Professor who alleged a university denied her tenure on the basis of her sex in violation of [Title VII of the Civil Rights Act of 1964](#) provided sufficient evidence to overcome summary judgment on her disparate treatment and retaliation claims. [Miller v. Sam Houston St.](#), No. 4:15-cv-2824, 2024 WL 1587470 (S.D. Tex. Apr. 11, 2024).

Employee failed to provide sufficient evidence to overcome dismissal on his claims that a university retaliated against him in violation of the [Family Medical and Leave Act](#) and failed to accommodate his disability and created a hostile work environment in violation of [Section 504 of the Rehabilitation Act](#). [Stanley v. Phelon](#), No. 23-731-cv, 2024 WL 1453872 (2d. Cir. Apr. 4, 2024).

Former professor failed to provide sufficient evidence to overcome dismissal of his claims that a university committed sex discrimination

and retaliation against him in violation of Title VII by orchestrating an email campaign to undermine his reputation, which ultimately led to his resignation. [Trimble v. Fort Valley State Univ.](#), No. 22-13278, 2024 WL 1266184 (11th Cir. Mar. 26, 2024).

Lists of preferred donation items given by state agency employees to non-profit entities are not impermissible solicitations of gifts under [Texas Penal Code section 36.08](#) if the items benefit the agency and are not for the employees' personal use. Tex. Ethics Comm'n [No. 602](#) (Mar. 20, 2024).

Open Records Letter Rulings

This month, the attorney general issued Open Records Letter Rulings¹ based on requests from Texas community colleges related to:

- Specified leases. Tex. Att'y Gen. [OR2024-10875](#) (Mar. 27, 2024);
- Legal services agreements and engagement letters. Tex. Att'y Gen. [OR2024-10966](#) (Mar. 27, 2024);
- A specified incident relating to a completed investigation. Tex. Att'y Gen. [OR2024-12361](#) (Apr. 10, 2024);
- Specified information involving proprietary interests of third parties, completed reports, and receipt or expenditure of public funds. Tex. Att'y Gen. [OR2024-13415](#) (Apr. 17, 2024); and
- Water or mold damage in a building. Tex. Att'y Gen. [OR2024-13452](#) (Apr. 17, 2024).

¹¹ Open record letter rulings are limited to the particular records at issue and the facts as presented to the attorney general. These rulings must not be relied upon as a previous determination regarding any other records or any other circumstances.



Recent Regulations and Guidance

The U.S. Department of Education issued amended [regulations](#) adopted under [Title IX of the Education Amendments Act of 1972](#) to clarify their application and update the procedures community colleges must follow to process Title IX complaints. Colleges must revise their policies to address the new regulations by August 1, 2024. TASB Community College Services will issue a special policy update this summer to incorporate the new regulations into the Community College Policy Reference Manual and local policies.

The U.S. Equal Employment Opportunity Commission issued final [regulations](#), effective June 18, 2024, to implement the [Pregnant Workers Fairness Act](#).

The U.S. Department of Labor issued final [regulations](#) raising the [Fair Labor Standards Act](#)'s minimum annual salary threshold for overtime pay eligibility effective July 1, 2024, with a second increase effective January 1, 2025.

The U.S. Department of Justice's issued final [regulations](#) to implement Title II of the [Americans with Disabilities Act](#) establishing specific requirements for accessibility of web and mobile applications for state and local government entities.

The Texas Commission on Law Enforcement (TCOLE) amended [regulations](#) to require that providers of active shooter training be certified by TCOLE to provide the training, in response to statutory changes made during the 88th Legislative Session.

TCOLE amended [regulations](#) relating to the minimum standards for applicants to qualify for a license issued by TCOLE, in response to statutory changes made during the 88th Legislative Session.

TCOLE amended [regulations](#) relating to the calculations of a training provider's licensing examination passing rate, in response to statutory changes made during the 88th Legislative Session.

TCOLE amended [regulations](#) to add active shooter training to the continuing education requirements for peace officers, in response to statutory changes made during the 88th Legislative Session.

The Texas comptroller amended [regulations](#) relating to the comptroller's broadband development map and the application process for broadband service grants, in response to statutory changes made during the 88th Legislative Session.

The Texas Board of Nursing amended regulations relating to a nursing education program's use of [vocational nursing student](#) and [professional nursing student](#) scores on standardized exams prepared by private entities.



Policy Spotlight

Update 47 packets are coming! How does your college access them?

TASB Community College Services is in the final stages of finishing Update 47 and will start sending packets to certain colleges in May. Those colleges that opt to receive printed updates will receive a paper copy, but Community College Services will also send all colleges a way to access the updates online.

When your packet is available on [Policy Online®](#), the policy contact at the college, the college's chief executive officer (CEO), and the CEO's assistant receive an automated email with a link to the update packet on Policy Online. They can access it using their TASB login credentials.

Those colleges who receive these packets will have access to the full update packet in PDF form, the local policies in Word form, and a video and transcript that help explain all the local policy changes and some of the legal framework changes more thoroughly.

While you are on Policy Online, Community College Services encourages those colleges who receive these packets to check the status of your previous updates. Go to the My Policy Manual header, then choose Local Manual Updates, and then [Numbered Updates](#). That page will show you any pending updates. If your board has already adopted policies, but you have not submitted them online, follow the steps on the [Policy Online User's Guide](#) for submission. You can also see which policy codes are pending by going to the My Policy Manual header and clicking on [View Pending Policies](#).

Once you have reviewed Update 47, if you have any policy questions, contact your [assigned policy consultant](#). If you have legal questions about Update 47, email colleges@tasb.org or call 800.580.1488 to get connected with a TASB Community College Services attorney.



In the News

The U.S. Department of Education, Office of Postsecondary Education, invited public comment on or before May 17, 2024, regarding its [proposed amendments](#) to regulations adopted under the [Higher Education Act of 1965](#) that provide for the waiver of certain student loan debts.

The DOE, Federal Student Aid, issued a [Dear Colleague letter](#) providing an overview of the Financial Value Transparency and Gainful Employment regulations scheduled to be implemented on July 1, 2024.

The DOE, Federal Student Aid, extended the [deadline](#) for reports submitted under the Financial Value Transparency and Gainful Employment regulations from July 31, 2024, to October 1, 2024.

The DOE, Federal Student Aid, issued a [technical update](#) regarding the DOE's plans to implement students' ability to make corrections to their Free Application for Student Aid (FAFSA) forms, reprocess Institutional Student Information Records (ISIRs) affected by known errors, and outline options for community colleges and states packaging and awarding financial aid.

Legal Update is a publication of TASB Community College Services

The U.S. Department of Labor created a new [Competitive Integrated Employment \(CIE\) Transformation Hub](#) for access to federal agency resources for those with disabilities and their employers.

The Texas governor issued an [executive order](#) requiring institutions of higher education to address antisemitic speech and acts. Contact TASB Community College Services with any questions about compliance with this order.

The Texas lieutenant governor issued 57 [interim legislative charges](#) for the Texas Senate committees to consider in preparation for the 89th Legislative Session.

The Texas House of Representatives created a [House Select Committee on Artificial Intelligence & Emerging Technologies](#) to review advancements in these technologies and prepare a report for the Texas House of Representatives.