



Locations

Collin Higher
Education Center
McKinney, Texas

Courtyard Center
Plano, Texas

Frisco Campus

McKinney Campus

Plano Campus

Public Safety
Training Center
McKinney, Texas

Rockwall Center

Technical Campus
Allen, Texas

Wylie Campus

eCollin

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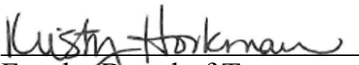
NOTICE is hereby given that the Collin County Community College District Board of Trustees will hold a meeting of the Organization, Education, and Policy Committee (Orr, Collins, and Donald) at 4:30 pm on Tuesday, June 23, 2020, in the President's Conference Room 407 at the Collin Higher Education Center, 3452 Spur 399, McKinney, Texas 75069.

PUBLIC COMMENT

REVIEW AND DISCUSSION ITEMS

1. First Reading of Local Board Policies
2. Second Reading and Consideration of Approval of Local Board Policies

J. Robert Collins, Ph.D.
Chairman, Board of Trustees


For the Board of Trustees

Board of Trustees

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Collin County Community College District Board of Trustees

1. Organization, Education, and Policy Committee

June 23, 2020

Resource: Kim Davison
Chief of Staff

DISCUSSION ITEM:

First Reading of Local Board Policies

- **DCA(Local)** Employment Practices-Term Contracts
- **DIAA(Local)** Freedom from Discrimination, Harassment, and Retaliation-Sex Discrimination, Sexual Harassment, and Sexual Assault
- **FFDA(Local)** Freedom from Discrimination, Harassment, and Retaliation-Sex Discrimination, Sexual Harassment, and Sexual Assault
- **FMA(Local)** Discipline and Penalties-Discipline Procedure

DISCUSSION:

As a part of the College's comprehensive review of all policies and with input from the Texas Association of School Boards' Legal and Policy Service, the local policies outlined below are being presented for your review as a first reading.

- **DCA(Local) Employment Practices-Term Contracts** – Adds clarifying language regarding the multi-year contract approval by the District President and subsequent presentation to the Board of Trustees
- **DIAA(Local) Freedom from Discrimination, Harassment, and Retaliation-Sex Discrimination, Sexual Harassment, and Sexual Assault** – Adds proposed language to comply with pending Title IX regulations that have a narrow window of time for implementation of August 14, 2020 and mandatory reporting requirements under Texas Education Code 51.252
- **FFDA(Local) Freedom from Discrimination, Harassment, and Retaliation-Sex Discrimination, Sexual Harassment, and Sexual Assault** – Adds proposed language to comply with pending Title IX regulations that have a narrow window of time for

implementation of August 14, 2020 and mandatory reporting requirements under Texas Education Code 51.252

FMA(Local) Discipline and Penalties-Discipline Procedure – Adds proposed language to modify student expulsion procedures to mirror those in pending Title IX regulations

Term of Contract

Employment contracts for full-time faculty require approval by the District President.

No full-time faculty member will be placed on the College District's payroll in a regular full-time status without a fully executed contract on file with the human resources office, as well as appropriate documentation of credentials and other required personnel forms.

**Contract
Renewal**

Unless a full-time faculty member on a multi-year contract is otherwise notified in writing by the District President or designee by January 31, the faculty member will be employed by the College District for the forthcoming one-year contract period, subject to a written approved contract being timely filed with the human resources office.

Unless a full-time faculty member on an annual contract is otherwise notified in writing by the District President or designee by March 1, the faculty member will be employed by the College District for the forthcoming one-year contract period, subject to a written approved contract being timely filed with the human resources office.

The position and terms of employment for the forthcoming contract period will be determined by the College District, in its sole discretion, in the written approved contract. In no event will any full-time faculty member have any property right to employment with the College District beyond the term of his or her contract. No right to an initial or additional multi-year contract will exist. Additionally, in no event will any full-time faculty member have any property right beyond the additional one-year contract period identified above.

Notification will be completed upon hand-delivery of notification to the employee or to the employee's division mailbox, by placement of notification in the U.S. mail at the employee's last address of record with the human resources office, or by verifiable electronic communication.

Annual Contracts

Beginning with appointment to a full-time faculty position, a College District faculty member will serve three one-year contracts before becoming eligible to be considered for a multi-year contract. If the appropriate vice president/provost and executive vice president do not recommend a multi-year contract at the end of the third year, the faculty member may be issued up to two additional one-year contracts. Following expiration of either or both of the two additional one-year contracts, if the employee is not recommended for a multi-year contract, nonrenewal may result. Nonrenewal may result at the end of any term contract.

Multi-Year Contracts

In order for a faculty member to secure a multi-year contract, a self-evaluation form and Board report will be completed and submitted by the faculty member for consideration by the council on excellence, in addition to the requisite annual dean's evaluations, class visit forms, and student evaluations.

The council on excellence's written recommendation will be forwarded to the appropriate vice president/provost, who will prepare and present written recommendations to the District President for approval. ~~If Full-time faculty multi-year contracts approved by the District President, the vice president's/provost's and executive vice president's recommendations will be submitted~~ are presented to the Board ~~for consideration~~ during the spring semester as a part of the personnel report.

Multi-Year Contract Extension

A faculty member completing a multi-year contract that was recommended through the council on excellence peer review process may be considered for one multi-year contract extension upon recommendation by the requisite dean, who will consider the faculty member's prior multi-year contract Board report, the annual evaluations and performance documentation, class visit forms, and student evaluations. The appropriate dean will prepare and present written recommendations to the appropriate vice president/provost and executive vice president, who will prepare and present written recommendations to the District President for approval. ~~If Full-time faculty multi-year contract extensions approved by the District President, the recommendations of the vice president/provost and executive vice president will be submitted~~ are presented to the Board ~~for consideration~~ during the spring semester as a part of the personnel report.

A faculty member must be considered through the council on excellence peer review process a minimum of every six years.

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Note: This policy only addresses employee complaints of sex and gender discrimination, sexual or gender-based harassment, sexual assault, stalking, violence, and retaliation. For legally referenced material relating to this subject matter, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, and retaliation targeting students, see FFDA. For other employee complaints not covered by Title VII or Title IX laws, see DIAB.

Definitions

Solely for purposes of this policy, the term “employee” includes former employees, applicants for employment, and unpaid interns.

Statement of Nondiscrimination

The College District prohibits discrimination, including harassment, against any employee on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy.

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of sex or gender that adversely affects the employee’s employment.

Sexual Harassment

For purposes of this policy, §sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive-It is based on unwelcome conduct that a reasonable person would determine is so severe, persistent, pervasive, and objectively offensive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment; or
3. Any instance of sexual assault, as defined in the Jeanne Clery Disclosure of Campus Security Policy Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA).

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Note: Quid pro quo harassment, Clery Act, and VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because such misconduct is considered sufficiently serious to deprive a student of equal access.

Sexual
Violence/Assault

Sexual violence/assault is a form of sexual harassment. Sexual violence/assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability. For purposes of this policy, consent is defined as an informed, voluntary, affirmative, and mutual agreement between the participants to engage in a specific sexual act. Consent is further defined by the consent guidelines in FFDA(LOCAL).

Examples

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; offensive or derogatory language of a sexual nature directed at another person; and other sexually motivated conduct, communication, or contact.

Dating Violence, Domestic Violence, and Stalking

For purposes of this policy, the terms "dating violence," "domestic violence," and "stalking" are incorporated into this policy as defined in FFDA(LOCAL).

Retaliation

The College District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding harassment or discrimination is subject to appropriate discipline. Charging an individual with a violation(s) for making a false claim, materially false statement, or refusing to cooperate during the course of an investigation regarding discrimination or harassment does not constitute retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a false claim or a materially false statement.

Examples

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include

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threats, unjustified negative evaluations, unjustified negative refer-
ences, or increased surveillance.

Prohibited Conduct

In this policy, the term “prohibited conduct” includes dating vio-
lence, domestic violence, sexual assault, stalking, sex discrimina-
tion, sexual or gender-based harassment, and retaliation as de-
fined by this policy, even if the behavior does not rise to the level of
unlawful conduct.

**Reporting
Procedures**

An employee who believes that he or she has experienced prohib-
ited conduct or believes that another employee has experienced
prohibited conduct should immediately report the alleged acts. The
employee may report the alleged acts to his or her immediate su-
pervisor.

Alternatively, the employee may report the alleged acts to one of
the College District officials below or electronically through the Col-
lege District’s website online complaint form located on its website.

For the purposes of this policy, “College District officials” are the Ti-
tle IX coordinators listed below and the District President.

**College District’s
Mandatory Response
Obligations**

The College District will respond promptly to sexual harassment,
as defined in this policy, in a manner that is not deliberately indiffer-
ent, which means a response that is not clearly unreasonable in
light of known circumstances, or as otherwise required by applica-
ble Title IX regulations. The College District’s response obligations
are listed in FFDA(LOCAL).

**Definition of College
District Officials**

Title IX Coordinator

Reports of discrimination based on sex, including sexual harass-
ment as defined in this policy, may be directed to the Title IX coor-
dinators. The College District designates the following persons to
coordinate its efforts to comply with Title IX of the Education
Amendments of 1972, as amended:

Name: Floyd Nickerson
Position: Chief Human Resources Officer
Address: 3452 Spur 399, McKinney, TX 75069
Telephone: (972) 599-3159

Deputy Title IX
Coordinator for
Human Resources

Name: Tonya Jacobson
Position: Manager HR/Employee Relations
Address: 3452 Spur 399, McKinney, TX 75069

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Telephone: (972) 758-3856

Other Anti-discrimination Laws

The District President or designee will serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

Alternative Reporting Procedures

An employee will not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinators, may be directed to the District President or designee.

A report under this policy against the District President may be made directly to the Board. If a report is made directly to the Board, the Board will appoint an appropriate person to conduct an investigation.

Timely Reporting

Employee Reports of prohibited conduct will be made immediately after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the College District's ability to investigate and address the prohibited conduct.

Notice of Report

Any College District supervisor who receives a report of prohibited conduct will immediately notify the appropriate College District official listed above and take any other steps required by this policy.

Investigation of the Report

The College District may request, but will not insist upon, a written report or formal complaint as defined in FFDA(LOCAL). If a report is made orally, the College District official receiving the report will reduce the report to written form.

Upon receipt or notice of a report, the College District official will determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official will immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official will refer the complaint for consideration under the appropriate policy.

If appropriate, the College District will promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District,

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such as an attorney. When appropriate, the supervisor will be involved in or informed of the investigation.

~~The investigation of prohibited conduct under this policy will be conducted in accordance with the investigation procedures and guidelines contained in FFDA(LOCAL). may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations. The College District may dismiss complaints, as mandated or on a discretionary basis, under the procedures and guidelines listed in FFDA(LOCAL).~~

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ~~ten~~ 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.

The investigator will prepare a written report of the investigation. The report will be filed with the College District official overseeing the investigation. The written report will be prepared in accordance with the reporting procedures and guidelines contained in FFDA(LOCAL).

Hearings

Consistent with applicable Title IX regulations, the College District will provide for a live hearing of complaints arising under this policy. The live hearing will be conducted in accordance with the procedures and guidelines contained in FFDA(LOCAL).

College District Action

If the results of an investigation and live hearing indicate that prohibited conduct occurred using a preponderance of the evidence standard (i.e. more likely than not to have occurred), the College District will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The College District may take action based on the results of an investigation and live hearing, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality

To the greatest extent possible, the College District will respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. Applicable federal Title IX regulations protect the privacy of a party's medical, psychological, and similar treatment records by

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stating that the College District cannot access or use such records unless the College District obtains the party's voluntary, written consent to do so.

Appeal

A party who is dissatisfied with the outcome of the investigation may appeal on the grounds listed in FFDA(LOCAL) through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, ~~FLD(LOCAL) for students,~~ and GB(LOCAL) for community members]. Appeals under this policy will be submitted to the appeals officer or administrator designed by the College District. The applicable appeal deadlines and guidelines of DGBA(LOCAL) or GB(LOCAL) will be followed for appeals made under this policy.

Informal Resolution

After a formal complaint is filed, the College District may permit the voluntary use of an information resolution process at any time prior to a final determination. The parties must provide their voluntary consent in writing to participate in such a process. The informal resolution process will be handled in accordance with the procedures and guidelines contained in FFDA(LOCAL).

Informal resolution is prohibited in any case where a College District employee is accused of sexual harassment against a student.

The College District will not require the parties to waive their rights to a formal process and agree to information resolution as a condition of enrollment or employment.

The party may have a right to file a complaint with appropriate state or federal agencies.

Records Retention

Retention of records will be in accordance with the College District's records retention procedures. [See CIA]

Records of formal complaint resolutions and informal resolutions will be retained by the College District for a period of seven (7) years. The College District will retain all materials used to train institutional participants in the various phases of the resolution process, including the Title IX coordinators and decision-makers. All materials utilized to train Title IX coordinators, investigators, hearing panel participants, and decision-makers will be made available in accordance with applicable federal Title IX regulation requirements.

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**Access to Policy,
Procedures, and
Related Materials**

In instances where the College District receives a report of sexual harassment but a formal complainant is not filed, the institution will maintain a record of all actions taken, including supportive measures, for a period of seven (7) years. In these instances, the College District will include a written rationale explaining why a formal complaint was not filed.

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, will be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials will also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures will be readily available at the College District's administrative offices and will be distributed to an employee who makes a report.

**Mandatory Reporting
under State Law for
Incidents of Dating
Violence, Sexual
Assault, Sexual
Harassment, and
Stalking**

In accordance with the Education Code Section 51.252, an employee who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment as defined in this policy, and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College District at the time of the incident, will promptly report the incident to Collin College's Title IX coordinator or deputy Title IX coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

An employee who is designated by the College District as a person with whom students may speak confidentially concerning sexual harassment as defined in this policy or who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law will, in making a report under this section, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This requirement does not affect the employee's duty to report an incident under any other law.

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Exceptions

An employee is not required to make a report concerning:

1. An incident in which the employee was a victim of dating violence, sexual assault, sexual harassment, or stalking; or
2. An incident in which the employee received information due to a disclosure made at a dating violence, sexual assault, sexual harassment, or stalking public awareness event sponsored by the College District or by a student organization affiliated with the College District.

Anonymous
Reports

In accordance with Education Code Section 51.9365, College District students and employees can report prohibited conduct anonymously as provided on the Dean of Students page on the College District's website. However, the submission of an anonymous report may impair the College District's ability to investigate and address the prohibited conduct.

Note: This policy addresses complaints dating violence, domestic violence, gender-based harassment, of sex discrimination, sexual assault, sexual harassment, ~~and sexual assault~~ stalking, and retaliation targeting students participating in the College District's education program or activity. For legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL) and FFDB(LOCAL). For sex discrimination, sexual harassment, sexual assault, and retaliation targeting employees, see DIAA.

Statement of Nondiscrimination

The College District prohibits discrimination, including harassment, against any student on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

College District's Education Program or Activity

The College District's education program or activity includes locations, events, or circumstances over which the institution exercises substantial control over both the respondent and the context in which the sexual harassment occurred. This policy applies to all of the College District's education programs and activities, whether such programs or activities occur on campus or off campus. The College District may address sexual harassment affecting its students that falls outside the jurisdiction of this policy in any manner it chooses, including, but not limited to, providing supportive measures or pursuing disciplinary action.

Sex Discrimination

Sex Discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

Sexual Harassment
By an Employee

For purposes of this policy, ~~S~~sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct in order to participate in a ~~school~~ College District program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct (i.e., quid pro quo harassment); ~~or~~
2. ~~The~~ It is based on unwelcome conduct that a reasonable person would determine is so severe, persistent, ~~or~~ pervasive, and objectively offensive that it limits or denies the student's

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educational access and/or ability to participate in or benefit from the College District's educational program; or

2-3. Any instance of sexual assault, as defined in the Jeanne Clery Disclosure of Campus Security Policy Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA).

Note: Quid pro quo harassment, Clery Act, and VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because such misconduct is considered sufficiently serious to deprive a student of equal access.

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive, or objectively offensive that it limits or denies a student's ability to participate in or benefit from the College District's educational program. Physical contact not reasonably construed as sexual in nature is not sexual harassment.

Sexual
Violence Assault

Sexual ~~violence assault~~ is a form of sexual harassment. Sexual ~~vi~~
~~olence assault~~ includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

Examples

~~Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; dating violence, stalking, and other sexually motivated conduct, communications, or contact.~~

~~Physical contact not reasonably construed as sexual in nature is not sexual harassment.~~

College District's
Definition of
Consent to Sexual
Activity

For purposes of this policy, sexual activity requires consent, which is defined as an informed, voluntary, affirmative, and mutual agreement between the participants to engage in a specific sexual act. The following guidelines will be used to determine whether consent was obtained:

1. Consent to sexual activity can be communicated in a variety of ways, but one should not presume consent has been given in

the absence of a clear, positive agreement.

2. Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. The absence of the word “no” or the like (e.g., “stop”) does not imply consent.
3. Although consent can be nonverbal, verbal communication is the most reliable form of asking for and obtaining consent. Discussing desires, needs, and limitations with sexual partners provides a basis for positive sexual experiences shaped by mutual willingness and respect.
4. Presumptions based upon contextual factors (e.g., provocative clothing or dancing, etc.) are unwarranted, and should not be considered grounds for consent.
5. As defined in the State of Texas Penal Code §22.011 Sexual Assault, the age of sexual consent is 17. Therefore, consent cannot be obtained from someone who is under the age of 17, as that person is legally considered to be a minor.
6. Consent cannot be obtained from someone who is asleep, unconscious, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition (e.g., an intellectual or other disability). A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual assault.
7. Consent to some sexual acts does not constitute consent to other sexual acts.
8. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. If you proceed despite your partner’s verbal and/or nonverbal communication to stop, you have committed sexual assault.
9. Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.
10. A prior sexual encounter or pre-existing relationship does not indicate consent to current or future sexual activity.

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Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, ~~or pervasive,~~ or objectively offensive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Dating Violence

The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship will be determined based on a consideration of the following factors:

1. The length of the relationship,
2. The type of relationship, and
3. The frequency of interaction between the persons involved in the relationship.

(Office on Violence Against Women, United States Department of Justice¹)

Domestic Violence

The term "domestic violence" includes felony or misdemeanor crimes of violence committed ~~"in a relationship by one partner to gain or maintain power and control over another intimate partner"~~ (Office on Violence Against Women, United States Department of Justice¹).

Examples

~~Examples of domestic violence may include abuse committed~~ by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with ~~cohabitates with~~ or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the

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jurisdiction. (Office on Violence Against Women, United States Department of Justice²).

Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. (Office on Violence Against Women, United States Department of Justice³).

Retaliation

~~The College District prohibits retaliation by a student or College District employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.~~

Examples

~~Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.~~

False Claims

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding dating violence, domestic violence, gender-based harassment, sex discrimination, sexual assault, or sexual harassment, and/or stalking will be subject to appropriate disciplinary action.

Prohibited Conduct

In this policy, the term “prohibited conduct” includes dating violence, domestic violence, sexual or gender-based harassment, sex discrimination, sexual assault, harassment, and retaliation-stalking as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**College District’s
Mandatory Response
Obligations**

The College District will respond promptly to sexual harassment, as defined in this policy, in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of known circumstances, or as otherwise required by applicable Title IX regulations. The College District’s response obligations include, but are not limited to:

Deliberate
Indifference
Standard

1. The College District must offer supportive measures to the person making the allegations (hereafter referred to as the “complainant”).
2. The Title IX coordinator or designee must promptly contact the complainant confidentially 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 with or without filing of a formal

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- complaint, and explain to the complainant the process for filing a formal complaint.
3. The College District must follow a grievance process that complies with applicable federal Title IX regulations before the imposition of any disciplinary sanctions (or other action that are not supportive measures) against a respondent.
 4. The College District must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with applicable federal Title IX regulations and this policy.
 5. Under applicable federal Title IX regulations, the College District is required to investigate sexual harassment allegations as defined in this policy in any formal complaint, which can be filed by a complainant or submitted by a Title IX coordinator.
 6. The federal Title IX regulations affirm that a complainant's wishes with respect to whether the institution investigates the complaint should be respected, unless the Title IX coordinator determines that submitting a formal complaint to initiate an investigation against the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
 7. The College District will dismiss the allegations in a formal complaint if such allegations do not meet the definitions of prohibited conduct outlined in this policy, or did not occur in the institution's education program or activity. However, the College District may still address the allegations in any manner it deems appropriate (e.g., general investigation for violation of the Student Code of Conduct in the Student Handbook).

Definitions

When responding to sexual harassment, applicable federal Title IX regulations provide clear definitions of a "complainant," "respondent," "formal complaint," and "supportive measures" so that recipients, students, and employees clearly understand how the College District must respond to sexual harassment incidents in a way that supports the alleged victim and treats both parties fairly. The College District adopts those definitions as outlined in applicable federal Title IX regulations.

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Formal Complaint

In accordance with applicable federal Title IX regulations, a “formal complaint” is a document filed by a complainant or submitted by the Title IX coordinator that alleges sexual harassment against a respondent and requests that the College District investigate the allegation of sexual harassment, and meets the following requirements:

1. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in a College District education program or activity as defined in this policy.
2. A formal complaint may be filed with the Title IX coordinator in person, by mail, or by email by using the contact information required to be listed for the Title IX coordinator and by any additional method designated by the College District.
3. The phrase “document filed by a complainant” means a document or electronic submission (e.g., by email or through an online portal provided by the College District specifically for this purpose) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
4. Where the Title IX coordinator submits a formal complaint, the Title IX coordinator is not a complainant or a party during the grievance process, and must comply with the requirements for Title IX personnel to be free from conflicts and bias.

Reporting Procedures

Responsible
Employee

In accordance with applicable federal Title IX regulations, the College District utilizes a consistent, transparent grievance process for resolving formal complaints of sexual harassment. For purposes of this policy, a “responsible employee” is an employee:

~~Who has the authority to remedy prohibited conduct;~~

- ~~1. Who has been given the duty of reporting incidents of prohibited conduct; or~~
- ~~2. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.~~

~~The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined at Definition of College District Officials, below.~~

Student Report

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Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to the appropriate Title IX coordinator, deputy Title IX coordinator, or another responsible employee or submit the report electronically through the College District's website. ~~The submission of an anonymous electronic report may impair the College District's ability to investigate and address the prohibited conduct.~~

Employee Report

Any College District employee who suspects ~~or any responsible employee who~~ receives notice that a student or group of students has or may have experienced prohibited conduct will immediately notify the Title IX coordinator or deputy Title IX coordinator and appropriate College District official listed in this policy and will take any other steps required by this policy. ~~Additionally, An employee who does not meet the description of a responsible~~ an employee in accordance with this policy may ~~alternatively~~ submit the report electronically via the College District's website. or report it to the District President or designee.

Exceptions

~~A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person will not be required to disclose a report of prohibited conduct without the student's consent.~~

~~A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source will not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student's identity without the student's consent, unless the person is disclosing information as required for inclusion in the College District's annual security report under the Clery Act [see GCC].~~

Mandatory Reporting under State Law for Incidents of Dating Violence, Sexual Assault, Sexual Harassment, and Stalking

In accordance with the Education Code Section 51.252, an employee who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment as defined in this policy, and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College District at the time of the incident, will promptly report the incident to Collin College's Title IX coordinator or deputy Title IX coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

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An employee who is designated by the College District as a person with whom students may speak confidentially concerning sexual harassment as defined in this policy, or who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law will, in making a report under this section, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This requirement does not affect the employee's duty to report an incident under any other law.

Exceptions

An employee is not required to make a report concerning:

1. An incident in which the employee was a victim of dating violence, sexual assault, sexual harassment, or stalking; or
2. An incident in which the employee received information due to a disclosure made at a dating violence, sexual assault, sexual harassment, or stalking public awareness event sponsored by the College District or by a student organization affiliated with the College District.

Anonymous Reports

In accordance with Education Code Section 51.9365, College District students and employees can report prohibited conduct anonymously as provided on the Dean of Students page on the College District's website. However, the submission of an anonymous report may impair the College District's ability to investigate and address the prohibited conduct.

Definition of College District Officials Designated Title IX Coordinators

Title IX Coordinators

For the purposes of this policy, ~~College District officials are the Title IX coordinators and the District President~~ the following are designated as the College District's Title IX coordinators.

Reports of ~~dating violence, domestic violence, discrimination based on sex, including sexual harassment or gender-based harassment, sex discrimination, sexual assault, sexual or gender-based harassment, and stalking~~ may be directed to the Title IX coordinators. The College District designates the following persons to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Title IX Coordinator for Students

Name: Terrence Brennan
Position: District Dean of Students

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	Address:	3452 Spur 399, McKinney, TX 75069
	Telephone:	(972) 881-5734
Title IX Coordinator for Employees	Name:	Floyd Nickerson
	Position:	Chief Human Resources Officer
	Address:	3452 Spur 399, McKinney, TX 75069
	Telephone:	(972) 599-3159
Deputy Title IX Coordinator for Employees	Name:	Tonya Jacobson
	Position:	Manager, HR/Employee Relations
	Address:	3452 Spur 399, McKinney, TX 75069
	Telephone:	(972) 758-3856
Other Anti-discrimination Laws		The District President or designee will serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.
Alternative Reporting Procedures		<p>A student will not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinators, may be directed to the District President.</p> <p>A report <u>under this policy</u> against the District President may be made directly to the Board. If a report is made directly to the Board, the Board will appoint an appropriate person to conduct an investigation.</p>
Timely Reporting		Reports of prohibited conduct will be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District's ability to investigate and address the prohibited conduct.
<u>Amnesty</u>		<u>In accordance with the Education Code Section 51.9366, the College District will give amnesty to (i.e., not take disciplinary action against) a student who reports, in good faith, that the student was the victim of or a witness to an incident of prohibited conduct as defined by this policy. This amnesty policy applies regardless of the location at which the incident occurred or the outcome of the College District's disciplinary process regarding the incident, if any. This amnesty policy does not apply to a student who reports their own commission or assistance in the commission of prohibited conduct as defined by this policy.</u>
<u>Victim's Rights and Options</u>		<u>In accordance with requirements under federal law, the College District will provide victims with written notification of their rights</u>

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and options, which will outline appropriate on- and off-campus re-
sources as well as steps a victim may want to take depending on
the services the victim needs.

**Investigation of the
Report**

The College District may request, but will not require, a written re-
port. If a report is made orally, the College District official will re-
duce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the College District official will
determine whether the allegations, if proven, would constitute pro-
hibited conduct as defined by this policy. If so, the College District
official will immediately notify the parties to the complaint of the al-
legations and the formal and informal options for resolution of the
complaint in writing.

~~If the College District official determines that the allegations, if
proven, would not constitute prohibited conduct as defined by this
policy but may constitute a violation of other College District rules
or regulations, the College District official will refer the complaint for
consideration under the appropriate policy.~~

Informal Resolution

~~If the parties voluntarily agree to participate in informal resolution of
the complaint, the College District official will determine if informal
resolution is appropriate for the complaint. If the official determines
that informal resolution is appropriate, then the official may facili-
tate that resolution. If the official does not determine informal reso-
lution to be appropriate, then the complaint will be subject to the
formal resolution process.~~

Formal Resolution

If any of the parties decline to participate in informal resolution of
the complaint or the College District official finds informal resolution
of the complaint to be inappropriate, the College District official will
authorize or undertake an investigation, except as provided below
at Criminal Investigation.

Interim Action

If appropriate and regardless of whether a criminal or regulatory in-
vestigation regarding the alleged conduct is pending, the College
District will promptly take interim action calculated to address pro-
hibited conduct prior to the completion of the College District's in-
vestigation.

If, after engaging in an individualized safety and risk analysis, the
College District determines that an immediate threat to the physical
health or safety of any student or other individual, arising from the
allegation of sexual harassment, justifies the removal of the re-

College District
Investigation

spondent, the College District will provide the respondent with written notice of this interim action and afford the respondent an opportunity to challenge the decision immediately after the removal.

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator will have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures. The investigator will conduct a prompt, fair, and impartial process from the initial investigation to the final result.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations. Both the victim and student respondent may have an observer(s) present during any meeting with the investigator.

During the investigation:

1. The burden of gathering evidence and burden of proof must remain on the College District, not on the parties.
2. The College District must provide equal opportunity for the parties to present facts and expert witnesses and other inculpatory and exculpatory evidence.
3. The College District must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders").
4. The parties must have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
5. The College District must send written notice of any investigative interviews, meetings, or hearings to the parties. This written notice must include a statement that the respondent is presumed not responsible and that a determination will not be made until the conclusion of the grievance process. If the scope of the investigation expands, the College District must issue a supplemental written notice to the parties providing additional details that also meet this standard.
6. The College District must send the parties and their advisors evidence directly related to the allegations, in electronic format or hard copy, and provide at least 10 days for the parties to inspect, review, and respond to the evidence.

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7. The College District must dismiss allegations of conduct that do not meet the federal Title IX definition of sexual harassment or did not occur in the institution's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes, and does not preclude the College District from addressing the conduct in any manner the institution deems appropriate (e.g., general discrimination or harassment complaint, Student Code of Conduct violation).
8. The College District may, at its discretion, dismiss a formal complaint or allegations contained therein, if:
 - a. the complainant informs the Title IX coordinator in writing that the complainant desired to withdraw the formal complaint or allegations contained therein,
 - b. the respondent is no longer enrolled at or employed by the College District, or
 - c. specific circumstances prevent the College District from gathering sufficient evidence to reach a determination.
9. The College District must give the parties written notice of a dismissal, whether mandatory or discretionary, and the reasons for the dismissal.

Mandatory dismissal provisions include the following:

- a. The alleged conduct is determined to not constitute sexual harassment, as defined in this policy;
- b. The alleged conduct is determined not to have occurred within a College District's education program or activity; or
- c. The alleged conduct is determined not to have occurred against a person in the United States.

Discretionary dismissal provisions include the following:

- a. The complainant would like to withdraw the complaint,
- b. The respondent is no longer enrolled at or employed by the College District; or
- c. Specific circumstances prevent the College District from gathering evidence sufficient to reach a determination.

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10. The College District may, at its discretion, consolidate formal complaints.

Privacy
Rights

Federal Title IX regulations protect the privacy of a party's medical, psychological, and similar treatment records by stating that the College District cannot access or use such records unless the College District obtains the party's voluntary, written consent to do so.

Criminal
Investigation

If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District will confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District will proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation and in compliance with applicable federal Title IX regulations. After the law enforcement or regulatory agency has completed gathering its evidence, the College District will promptly resume its investigation.

**Concluding the
Investigation**

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.

The investigator will prepare a written report of the investigation. The report will be filed with the College District official overseeing the investigation. The investigation must result in an investigation report that fairly summarizes the investigation, and the report must be completed at least 10 College District business days prior to the hearing. Access to this report must be given so that the complainant and respondent can meaningfully respond to the evidence prior to the conclusion of the investigation. The College District must send the evidence to each party and their advisors in electronic form and provide at least 10 for them to submit a written response, which the investigator must consider before finalizing the investigation. The College District must make the evidence available again at any hearing, including for use in cross-examination.

Hearings

In accordance with applicable federal Title IX regulations, the College District will provide for a live hearing. During this live hearing:

1. A decision-maker must permit each party's advisor to ask the

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other party and any witnesses all relevant questions and follow-up questions, including those bearing on credibility.

2. Cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice, and never by a party personally.
3. If a party is unable to obtain an advisor, the College District must provide one, free of charge, for the purpose of conducting cross-examination for the party. The advisor provided does not have to be, but may be, an attorney.
4. While the hearing must be "live," at either party's request, the College District must provide the parties with separate rooms and use technology so the decision-maker and parties may simultaneously see and hear the questions.
5. At the hearing, the decision-maker has the responsibility to determine the relevancy of questions and explain in real time any decision not to permit a certain line of questioning.
6. During the investigation or hearing, questioning concerning a complainant's sexual history is generally not permitted, unless allowed by Title IX regulations.
7. If a party or witness refuses to submit to cross-examination, the College District is required to ignore that person's statement and reach a decision based on the remaining body of relevant evidence. The College District is not, however, permitted to draw an adverse inference based on the mere fact that an individual refused to submit to cross-examination.
8. During the hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be considered irrelevant, unless offered to prove that someone other than the respondent committed the alleged misconduct or to prove consent.
9. The College District must make an audio or video recording of the hearing, or a transcript, and make it available to the parties for inspection and review.
10. The decision-maker(s) facilitating the live hearing must not be the same person(s) as the Title IX coordinator or investigator(s).
11. After the hearing, the decision-maker(s) must issue a written determination of responsibility applying the preponderance of the evidence (i.e., more likely than not to have occurred) standard. The written determination must include the following elements:

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- a. Identification of the allegations at issue.
- b. A description of the procedural steps taken throughout the case.
- c. Findings of fact supporting the determination.
- d. Conclusions regarding application of the College District's Title IX policy.
- e. A statement and rationale as to the determination for each allegation.
- f. A statement of any disciplinary sanction and whether any remedies will be provided to the complainant, and
- g. A description of the procedures and permissible ground for appeal.

12. The decision-maker's written determination must be sent simultaneously to the parties along with information about how to file an appeal.

Notification of the Outcome

The College District will provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed. The parties will be given the opportunity to respond to the report.

Upon written request, the College District will disclose to the alleged victim of a crime of violence, as defined in Title 18, § 16, United States Code, or non-forcible sex offense (i.e., incest or statutory rape) the report on the results of any disciplinary proceeding conducted by the College District against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the College District will treat the victim's next of kin as the alleged victim.

College District Action

Prohibited Conduct

The College District will determine, based on the results of the investigation, whether each individual allegation of misconduct occurred using a the preponderance of the evidence standard (i.e., more likely than not to have occurred). If the results of an investigation and live hearing indicate that prohibited conduct occurred, the College District will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures. [See FM and FMA]

Corrective Action

Examples of corrective action may include, but are not limited to, the following:

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1. Providing a training program for those involved in the complaint;
2. Providing a comprehensive education program for the College District community;
3. Providing counseling for the victim-complainant and ~~the student who engaged in prohibited conduct~~ respondent;
4. Permitting the victim-complainant or student engaged in the prohibited conduct respondent to drop a course in which they both are enrolled without penalty;
5. Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
6. Involving students in efforts to identify problems and improve the College District climate;
7. Increasing staff monitoring of areas where prohibited conduct has occurred; and
8. Reaffirming the College District's policy against dating violence, domestic violence, gender-based harassment, sex discrimination, sexual assault, and sexual harassment, and stalking.

Exception

The College District will minimize attempts to require a student who complains of sexual harassment prohibited conduct as defined by this policy to resolve the problem directly with the person who engaged in the harassment prohibited conduct; however, if that is the most appropriate resolution method, the College District will be involved in an appropriate manner.

Improper Conduct

If the College District determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District may take other appropriate disciplinary action in accordance with College District policy and procedures.

~~If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.~~

Confidentiality

To the greatest extent possible, the College District will respect the privacy of the complainant, ~~persons against whom a report is~~

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~~filed respondent~~, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

~~A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FMA(LOCAL) for students, and GB(LOCAL) for community members] A party will be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights.~~

Either the complainant or respondent may appeal the determination rendered as a result of the investigation and live hearing, or any discretionary dismissal of the complaint, on the following permissible grounds:

1. Procedural irregularity that affected the outcome,
2. New evidence not reasonable available that could affect the outcome, and/or
3. Conflict of interest or bias by the College District's participants that affected the outcome.

The College District will ensure that the following elements are present during the course of the appeal:

1. The non-appealing party will be notified of the appeal and allowed to submit a written statement in response.
2. The appeal decision maker(s) cannot be the same individuals as the hearing decision-maker(s). Nor can the appeal decision-maker(s) be the Title IX coordinator or the investigator(s) on the case.
3. The appeal must conclude with a written decision describing the appeal and the rationale for the result that is provided to the complainant and respondent simultaneously.

Appeals under this policy will be submitted to the appeals officer or administrator designed by the College District. The applicable appeal deadlines and guidelines of FMA(LOCAL) will be followed. The College District will provide written notice of the outcome of any appeal(s), within the extent permitted by FERPA or other law, to the ~~victim-complainant~~ and the ~~person against whom the complaint is filed~~ respondent. ~~The parties will be given the opportunity to respond to the report.~~

Upon written request, the College District will disclose to the alleged victim of a crime of violence, as defined in Title 18, § 16,

United States Code, or non-forcible sex offense (i.e., incest or statutory rape) the report on the results of any disciplinary proceeding conducted by the College District against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the College District will treat the victim's next of kin as the alleged victim.

Informal Resolution

After a formal complaint is filed, the College District may permit the voluntary use of an information resolution process at any time prior to a final determination. The parties must provide their voluntary consent in writing to participate in such a process.

Prior to commencing an information resolution process, the College District will provide the parties with the required written notice of the allegations and a description of the parameters of the information resolution process. The notice will include a statement that a party is permitted to withdraw from the information resolution process and resume the formal process at any time prior to a resolution being reached.

Informal resolution is prohibited in any case where a College District employee is accused of sexual harassment against a student.

The College District will not require the parties to waive their rights to a formal process and agree to information resolution as a condition of enrollment or employment.

Retaliation

Retaliation against anyone involved in the complaint process is a violation of College District policy, and is prohibited. Neither the College District nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by applicable federal Title IX regulation; this policy; or because the individual has made a report or complaint, testified, assisted with, participated in, or refused to participate in a Title IX investigation, proceeding, or hearing.

Charging an individual with a violation(s) that does not involve sexual harassment, but arises out of the same facts or circumstances as a formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by applicable federal Title IX regulations, constitutes retaliation.

In an effort to prevent acts of retaliation, the College District will keep confidential and not disclose the identities of complainants, respondent, and witnesses, except as permitted by the Family

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Educational Rights and Privacy Act (FERPA), required by law, or necessary to investigate and resolve a Title IX complaint.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a violation(s) for making a materially false statement in bad faith during the course of a Title IX grievance proceeding does not constitute retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

Complaints alleging retaliation may be filed in accordance with the College District's prompt and equitable grievance procedure. [See FFDB and FLD.]

Records Retention

Retention of records will be in accordance with the College District's records retention procedures. [See CIA]

Records of formal complaint resolutions and informal resolutions will be retained by the College District for a period of seven (7) years. The College District will retain all materials used to train institutional participants in the various phases of the resolution process, including the Title IX coordinators and decision-makers. All materials utilized to train Title IX coordinators, investigators, hearing panel participants, and decision-makers will be made available in accordance with applicable federal Title IX regulation requirements.

In instances where the College District receives a report of sexual harassment but a formal complainant is not filed, the institution will maintain a record of all actions taken, including supportive measures, for a period of seven (7) years. In these instances, the College District will include a written rationale explaining why a formal complaint was not filed.

Access to Policy, Procedures, and Related Materials

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, will be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials will also be prominently published on the College

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District's website, taking into account applicable legal require-
ments. Copies of the policy and procedures will be readily available
at the College District's administrative offices and will be distributed
to a student who makes a report.

¹ Office on Violence Against Women, United States Department of Jus-
tice: <https://www.justice.gov/ovw/dating-violence>

² Office on Violence Against Women, United States Department of Jus-
tice: <https://www.justice.gov/ovw/domestic-violence>

³ Office on Violence Against Women, United States Department of Jus-
tice: <https://www.justice.gov/ovw/stalking>

**Reports of Alleged
Misconduct**

College District faculty and staff ~~shall~~will submit an alleged violation or violations of College District policies and procedures, including the rules for student conduct [see FLB], committed by a student to the dean of students within a reasonable time following an alleged incident, not to exceed ten College District business days. The allegations must be submitted in writing, through traditional or electronic means, and must describe the violation and any surrounding facts.

The dean of students or designee ~~shall~~will investigate the matter as necessary. If an allegation is deemed to be unfounded, the dean of students or designee ~~shall~~will dismiss the allegation and ~~shall~~will provide the student written notice that the allegation of misconduct was made against the student and that the allegation was dismissed.

Conference

If, however, the dean of students or designee determines that the allegation warrants further consideration, the dean of students or designee ~~shall~~will summon the student for a conference to be held within a reasonable time, not to exceed ten College District business days, following the receipt of the allegation of misconduct.

At the conference, the dean of students or designee ~~shall~~will notify the student of the allegation or allegations and provide the student an opportunity to respond.

Unfounded
Allegations

After conferring with the student, if the dean of students or designee determines that the student did not commit a violation, the allegation or allegations ~~shall~~will be dismissed as unfounded. The student ~~shall~~will be provided written notice of the dismissal.

Misconduct
Warranting a
Penalty

If the dean of students or designee determines that the student committed misconduct that warrants a penalty ~~other than suspension or expulsion~~, the dean of students or designee ~~shall~~will provide the student a written administrative decision with written notice of the penalty and the student's right to appeal to the disciplinary appeals committee. A student who accepts the administrative decision rendered by the dean of students or designee will sign an acceptance statement indicating he or she understands the violation(s), penalty or penalties imposed and that by signing the acceptance statement he or she voluntarily waives the right to appeal.

Once the acceptance statement is signed or the deadline for filing an appeal has passed, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal. at a later date.

DISCIPLINE AND PENALTIES
DISCIPLINE PROCEDURE

FMA
(LOCAL)

~~*Suspension*~~

~~If the dean of students or designee determines that the student committed misconduct that warrants a suspension, the dean of students or designee shall will inform the student in writing of the determination, and a hearing shall will be scheduled for consideration by the disciplinary appeals committee as described below.~~

~~*Expulsion*~~

~~If the dean of students or designee determines that the student committed misconduct that warrants expulsion, the official shall will inform the student in writing of the determination. The dean of students or designee shall will forward the determination and all evidence collected during the investigation and conference to the designated leadership team member in order to schedule an expulsion hearing before the Board [see Petition to Revoke Expulsion, below].~~

Interim Disciplinary
Action

The dean of students or designee may take immediate interim disciplinary action, including suspension pending a hearing, against a student for policy violations if the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the educational environment.

**Disciplinary Appeals
Committee**

The disciplinary appeals committee will be convened on a request of a student appealing the penalty or penalties imposed by the dean of students or designee. The student's request must be submitted in writing within ten College District business days of the date of the dean of students or designee's written administrative decision.

~~The disciplinary appeals committee shall~~will be convened:

- ~~1. On request of a student appealing a penalty other than suspension or expulsion. The request must be filed in writing, on a form provided by the College District, within ten College District business days of the date of the administration's written notice.~~
- ~~2. Automatically, if the dean of students or designee determines that a student committed misconduct warranting suspension or expulsion.~~

Composition

The disciplinary appeals committee ~~shall~~will be composed of at least four College District employees and a minimum of one current College District student, when appropriate. The members of the disciplinary appeals committee and the committee chairperson ~~shall~~will be designated according to procedures developed by the designated leadership team member. All members of the disciplinary appeals committee ~~shall~~will be eligible to vote during the hearing.

Hearing Notice

The dean of students or designee ~~shall~~will notify the student by letter of the date, time, and place for the hearing. Unless the student and the dean of students or designee otherwise agree or unless there are unforeseeable circumstances beyond the College District's control, the hearing ~~shall~~will take place within a reasonable time period, not to exceed ten College District business days after the date of the student's request for the hearing or the dean of students or designee's determination that the student should be suspended.

*Contents of
Notice*

The notice ~~shall~~will:

1. Direct the student to appear on the date and at the time and place specified.
2. Advise the student of his or her rights:
 - a. To have a private hearing.
 - b. To be assisted by an adviser or legal counsel at the hearing.
 - c. To call witnesses, request copies of evidence in the College District's possession, and offer evidence and agreement on his or her own behalf.
 - d. To make an audio recording of the proceedings, after first notifying the dean of students or designee in advance of the hearing, or, at the student's own expense,

to have a stenographer present at the hearing to make a stenographic transcript of the hearing.

- e. To ask questions of each witness who testifies against the student.
3. Contain the names of witnesses who will testify against the student and a description of documentary and other evidence that will be offered against the student.
4. Contain a description of the allegations of misconduct in sufficient detail to enable the student to prepare his or her defense against the charges.
5. State the proposed punishment or range of punishments that may be imposed.

Failure to Appear
for Hearing

The disciplinary appeals committee may impose appropriate punishment upon a student who fails without good cause to appear for the hearing; for purposes of assessing punishment, the committee may proceed with the hearing in the student's absence.

Hearing Procedure

The hearing ~~shall~~will proceed as follows:

1. The chairperson ~~shall~~will read the description of the misconduct.
2. The chairperson ~~shall~~will inform the student of his or her rights.
3. The designated official or representative ~~shall~~will present the College District's case.
4. The student or representative ~~shall~~will present the student's defense.
5. The designated College District official or representative ~~shall~~will present rebuttal evidence.
6. The committee members may ask questions of witnesses testifying on behalf of the student or the College District.
7. The designated official or representative ~~shall~~will summarize and argue the College District's case.
8. The student or representative ~~shall~~will summarize and argue his or her case.
9. The designated official or representative ~~shall~~will have an opportunity for rebuttal argument.
10. The committee members ~~shall~~will deliberate in closed session. The committee members ~~shall~~will vote on the issue of

whether or not the student violated College District policies and procedures, including the rules for student conduct.

11. If the committee finds the student ~~did~~ committed misconduct, the committee ~~shall~~will determine whether the penalty assessed, or proposed in the case of suspension, by the dean of students or designee is appropriate and, if necessary, ~~shall~~will assess a different or additional penalty.
12. The committee chairperson ~~shall~~will communicate the decision and any findings of facts in support of the committee's decision to the student in writing within ten College District business days of the hearing. The notice ~~shall~~will include procedures for appealing the committee's decision to the designated leadership team member.

All hearings ~~shall~~will be recorded by the College District.

Evidence

Evidence ~~shall~~will be handled in accordance with the following:

1. Legal rules of evidence do not apply ~~unless otherwise required by applicable Title IX regulations~~; the committee chairperson may admit evidence or exclude evidence considered to be irrelevant, immaterial, and unduly repetitious.
2. At the hearing, the College District ~~shall~~will be required to prove by a preponderance of the evidence that the charges are true.
3. A student may not be compelled to testify.
4. The committee ~~shall~~will determine if a violation has occurred and assess an appropriate penalty based solely on the evidence presented at the hearing.

Appeal to College District Administration

A student may, within ~~ten~~ ~~ten~~ College District business days of receiving notice of the disciplinary appeal committee's decision, petition in writing the designated leadership team member to review the decision. The student's petition ~~shall~~will state with particularity why the decision is believed to be incorrect. After receiving notice of the appeal, the disciplinary appeals committee chairperson ~~shall~~will forward all evidence considered during the hearing, the audio recording of the hearing, and the digest of the hearing, if applicable, to the designated leadership team member.

The designated leadership team member ~~shall~~will hold a conference within ~~ten~~ ~~ten~~ College District business days after the appeal notice is filed, ~~unless there are unforeseeable circumstances beyond the College District's control~~. At the conference, the student may provide information concerning any documents or information

relied on by the committee. The designated leadership team member may set reasonable time limits for the conference. The conference ~~shall~~will be audio recorded.

The designated leadership team member ~~shall~~will provide the student a written response, stating the basis of the decision, within ten College District business days following the conference. In reaching a decision, the designated leadership team member may consider the evidence included in the student's petition, provided during the conference, and forwarded by the committee chairperson. The designated leadership team member may act to affirm, modify, remand, or reverse the decision of the disciplinary appeals committee. The designated leadership team member's decision is final and non-appealable, except when expulsion is recommended by the dean of students or designee and/or the disciplinary appeals committee ~~and affirmed by the designated leadership team member.~~

**College District
President Review of
Recommendation for
Expulsion Appeal to
Board**

Solely in the case where expulsion is recommended and affirmed, a student may appeal to the District President or designee. An appeal to the District President or designee will be held on the request of a student appealing the designated leadership team member's decision and affirmation of expulsion. The request must be submitted in writing within ten College District business days of the designated leadership team member's decision. The College District President or designee may request a meeting with the student prior to issuing a final administrative decision.

The District President or designee will review all recommendations for expulsion, whether or not the student chooses to proceed through the disciplinary appeals process. The designated leadership team member will forward the recommendation for expulsion and evidence to the District President or designee for review and final consideration. The District President or designee may act to affirm, modify, or reverse the recommendation for expulsion. The student will be notified in writing of the District President or designee's decision within ten College District business days. The College District President or designee's decision is final and non-appealable. Unless otherwise specified in writing, expulsion shall have District-wide effect and an expelled student may not enroll for admission to any campus without the District President's approval unless the expulsion has expired by its own terms.

~~If the designated leadership team member affirmed the decision of the disciplinary appeals committee's recommendation for expulsion, the student may appeal the decision to the Board. The appeal~~

DISCIPLINE AND PENALTIES
DISCIPLINE PROCEDURE

FMA
(LOCAL)

~~notice must be filed in writing, on a form provided by the College District, within ten College District business days after receipt of the written response from the designated leadership team member, or, if no response was received, within ten College District business days of the response deadline.~~

~~The designated leadership team member or designee shall~~will ~~in-~~
~~form the student of the date, time, and place of the Board meeting~~
~~at which the appeal will be on the agenda for presentation to the~~
~~Board.~~

~~The College District President or designee shall~~will ~~provide the~~
~~Board the evidence presented to the designated leadership team~~
~~member, as well as the audio recording of the designated leader-~~
~~ship team member's conference with the student and~~with a copy
of the student's appeal and any supporting documents provided by
the student, ~~the written response provided by the designated lead-~~
~~ership team member to the student, and a summary of the leader-~~
~~ship team member's findings.~~

~~The College District shall~~will ~~determine whether the appeal will be~~
~~presented in open or closed meeting in accordance with the Texas~~
~~Open Meetings Act and other applicable law. [See BD]~~

~~The presiding officer may set reasonable time limits and guidelines~~
~~for the presentation, including an opportunity for the student and~~
~~the administration to each make a presentation and provide rebut-~~
~~tal and an opportunity for questioning by the Board. The Board~~
~~shall~~will ~~hear the appeal and may request that the administration~~
~~provide an explanation for the decisions at the preceding levels.~~

~~In addition to any other record of the Board meeting required by~~
~~law, the Board shall~~will ~~prepare a separate record of the hearing.~~
~~The hearing, including the presentation by the student or the stu-~~
~~dent's representative, any presentation from the administration,~~
~~and questions from the Board with responses, shall~~will ~~be recorded~~
~~by audio recording, video/audio recording, or court reporter.~~

~~The Board shall~~will ~~then consider the evidence. It may give notice~~
~~of its decision orally or in writing at any time up to and including the~~
~~next regularly scheduled Board meeting. If for any reason the~~
~~Board fails to reach a decision regarding the evidence by the end~~
~~of the next regularly scheduled meeting, the lack of a response by~~
~~the Board upholds the dean of students or designee, disciplinary~~
~~appeals committee, and/or the designated leadership team~~
~~member's decision. The Board's decision is final and non-appeala-~~
~~ble, except when considering expulsion revocation requests [see~~
~~Petition to Revoke Expulsion].~~

**Petition to Revoke
Expulsion**

Once five calendar years from the date of the College District President or designee's Board's final decision has lapsed, the student may petition to revoke the expulsion.

Collin County Community College District Board of Trustees

2020-06-X

June 23, 2020

Resource: Kim Davison
Chief of Staff

AGENDA ITEM: Report Out of the Organization, Education, and Policy Committee, First Reading of Local Board Policies

DISCUSSION: As a part of the College's comprehensive review of all policies and with input from the Texas Association of School Boards' Legal and Policy Service, the local policies outlined below are being presented for your review as a first reading.

- **DCA(Local) Employment Practices – Term Contracts** – Adds clarifying language regarding the multi-year contract approval by the District President and subsequent presentation to the Board of Trustees
- **DIAA(Local) Freedom from Discrimination, Harassment, and Retaliation-Sex Discrimination, Sexual Harassment, and Sexual Assault** – Adds proposed language to comply with pending Title IX regulations that have a narrow window of time for implementation of August 14, 2020 and mandatory reporting requirements under Texas Education Code 51.252
- **FFDA(Local) Freedom from Discrimination, Harassment, and Retaliation-Sex Discrimination, Sexual Harassment, and Sexual Assault** – Adds proposed language to comply with pending Title IX regulations that have a narrow window of time for implementation of August 14, 2020 and mandatory reporting requirements under Texas Education Code 51.252
- **FMA(Local) Discipline and Penalties-Discipline Procedure** – Adds proposed language to modify student expulsion procedures to mirror those in pending Title IX regulations

SUGGESTED MOTION: This being a first reading of local board policies, no action is required.

Collin County Community College District Board of Trustees

2. Organization, Education, and Policy Committee

June 23, 2020

Resource: Kim Davison
Chief of Staff

DISCUSSION ITEM

Second Reading and Consideration of Approval of Local Board Policies

- **BE(Local)** Policy and Bylaw Development
- **CAA(Local)** Appropriations and Revenue Sources (Grants and Awards)
- **CHA(Local)** Site Management-Security
- **CR (Local)** Technology Resources
- **CS (Local)** Information Security
- **DEB(Local)** Compensation and Benefits
- **DEC(Local)** Compensation and Benefits – Leaves of Absence
- **DEE(Local)** Expense Reimbursement (International Travel)
- **DGC (Local)** Employee Rights and Privileges – Employee Expression and Use of College Facilities
- **DGD (Local)** – Employee Rights and Privileges – Employee Expression and Employee Use of College District Facilities
- **FKA(Local)** – College-Sponsored Publications
- **FLA (Local)** Student Rights and Responsibilities – Student Expression and Use of College District Facilities
- **FLAA (Local)** Student Expression – Student Use of College District Facilities
- **FLB (Local)** Student Rights and Responsibilities – Student Conduct
- **GD (Local)** Community Expression and Use of College District Facilities

DISCUSSION:

As a part of the college’s comprehensive review of all policies and with input from the Texas Association of School Boards’ Legal and Policy Service, the local policies outlined below are being presented for your review as a second reading.

- **BE(Local) Policy and Bylaw Development -**
Adds language providing for a designee to act on perfunctory policy changes, as defined in the policy, in the absence of the District President.
- **CAA(Local) Appropriations and Revenue Sources (Grants and Awards) –** Adds language providing for a designee to take action related to grants in the absence of the District President.
- **CHA(Local) Site Management-Security –** Adds language that requires an original copy of all dash cam and body camera recordings be archived by the IT Department as outlined.
- **CR (Local) Technology Resources –** Adds language providing for a designee to approve the college’s information security program in the absence of the District President and defines ownership of data created and stored in college-owned and leased equipment and videos captured through cameras on campus.
- **CS (Local) Information Security –** Establishes that the College may work with third parties to research and resolve security breaches.
- **DEB(Local) Compensation and Benefits –**
Deletes outdated language related to penalties under the ACA.
- **DEC(Local) Compensation and Benefits – Leaves of Absence –** Adds a definition of catastrophic illness and eligibility for using the college’s sick leave bank.
- **DEE(Local) Expense Reimbursement (International Travel) -** Adds language providing for a designee to approve international travel requests in the absence of the District President.
- **DGC (Local) Employee Rights and Privileges – Employee Expression and Use of College Facilities –** Updates will address an employee’s use of college common outdoor areas for expressive activities.

- **DGD (Local) – Employee Rights and Privileges – Employee Expression and Employee Use of College District Facilities** – Updates will provide additional guidance related to an employee’s use of college facilities for expressive activities.
- **FKA(Local) – College-Sponsored Publications** – Adds language providing for a designee to approve usage of the college’s name or logo for publications.
- **FLA (Local) Student Rights and Responsibilities – Student Expression and Use of College Facilities** – Updates will address a student’s use of college common outdoor areas for expressive activities.
- **FLAA (Local) Student Expression – Student Use of College District Facilities** - Updates will provide additional guidance related to a student’s use of college facilities for expressive activities.
- **FLB (Local) Student Rights and Responsibilities – Student Conduct** – Adds required language prohibiting sexual assault, committing dating violence, engaging in bullying; adds a restriction against using brass knuckles; and prohibits interfering with expressive activities in common outdoor areas.
- **GD (Local) Community Expression and Use of College District Facilities** – Updates will address the general public’s use of the College’s common outdoor areas for expressive activities. Adds language providing for a designee to act in the absence of the District President on issues related to the use of college facilities by the community.

Within the context of current law, the College District ~~shall~~will be guided by Board-adopted written policies that are given appropriate distribution and are accessible to staff members, parents, students, and community residents.

Organization

Legally referenced policies contain provisions from federal and state statutes and regulations, case law, and other legal authority that together form the framework for local decision making and implementation. These policies are binding on the College District until the cited provisions are repealed, revised, or superseded by legislative, regulatory, or judicial action.

At each policy code, the legally referenced policy and the Board-adopted local policy must be read together to further a full understanding of a topic.

Terms

The terms “Trustee” and “Board member” are used interchangeably in the local policy manual. Both terms are intended to reflect all the duties and obligations of the office.

[See AB for College District name terminology]

Harmony with Law

Newly enacted law is applicable when effective. No policy or regulation, or any portion thereof, ~~shall~~will be operative if it is found to be in conflict with applicable law.

Severability

If any portion of a policy or its application to any person or circumstance is found to be invalid, that invalidity ~~shall~~will not affect other provisions or applications of policy that can be given effect without the invalid provision or application. To this end, the provisions of this policy manual are declared to be severable.

Policy Development

Policies and policy amendments may be initiated by the District President, Board members, College District personnel, students, or community citizens but generally ~~shall~~will be recommended for the Board’s consideration by the District President.

Adoption and Amendment

Local policies may be adopted or amended by a majority of the Board at any regular or special meeting, provided that Board members have had advance written notice of the proposed change and that it has been placed on the agenda for such meeting.

Local policies ~~shall~~will become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

Official Policy Manual

The Board ~~shall~~will designate one copy of the local policy manual as the official policy manual of the College District. The official copy ~~shall~~will be kept in the District President’s office, and the District President or designee ~~shall~~will be responsible for its accuracy and

integrity and ~~shall~~will maintain a historical record of the College District's policy manual.

TASB Localized
Updates

After Board review of legally referenced policies and adoption of local policies, the new material ~~shall~~will be incorporated into the official policy manual and into the online policy site maintained by the College District. If discrepancies occur between different copies of the policies, the version contained in the official policy manual ~~shall~~will be regarded as authoritative.

Perfunctory Changes

The District President, or designee, may approve perfunctory or insignificant changes to any portion of a (LOCAL) policy, so long as such change does not alter the purpose, intent, or application of the policy. Perfunctory changes ~~shall~~will be limited to changes made to correct spelling or grammatical errors, and to update titles, names, or other contact information for individuals or departments assigned to carry out the responsibilities of a particular policy.

Grants and Awards

The District President, or designee, shall be authorized to:

1. Apply, on behalf of the Board, for any and all special federal and state grants and awards as deemed appropriate for the College District's operations;
2. Approve commitment of College District funds for matching, cost sharing, cooperative, or jointly funded projects up to the amounts specifically allowed under the College District budget approved by the Board; ~~and~~
3. Approve grant and award amendments as necessary; and
- ~~3-4. Receive funds on behalf of the College District related to completion of such authorized grant activities, if required.~~

The College District shall comply with all requirements for state and federal grants and awards imposed by law, the awarding agency, or an applicable pass-through entity. The District President, or designee, shall develop and enforce financial management systems, internal control procedures, procurement procedures, and other administrative procedures as needed to provide reasonable assurance that the College District is complying with requirements for state and federal grants and awards.

[See CAAA, CAAB]

Federal Awards

Conflict of Interest

Each employee, Board member, or agent of the College District who is engaged in the selection, award, or administration of a contract supported by a federal grant or award, and who has a potential conflict of interest as defined at 2 C.F.R. 200.318, shall disclose to the College District in writing any conflict that meets the disclosure threshold in Local Government Code Chapter 176. [See CAAB]

In addition, each employee, Board member, or agent of the College District shall comply with any other conflict of interest requirements imposed by the granting agency or a pass-through entity.

For purposes of this policy, "immediate family member" has the same meaning as "family member" as described in Local Government Code Chapter 176. [See BBFA]

For purposes of this policy, "partner" shall have the same meaning as defined in Business Organizations Code Chapter 1, Subchapter A.

An employee, Board member, or agent of the College District who is required to disclose a conflict in accordance with the provisions above shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

APPROPRIATIONS AND REVENUE SOURCES
STATE AND FEDERAL REVENUE SOURCES

CAA
(LOCAL)

Gifts and Gratuities Employees, Board members, and agents of the College District shall not solicit any gratuities, favors, or items from a contractor or a party to a subcontract for a federal grant or award and shall not accept:

1. Any single item with a value at or above \$50; or
2. Items from a single contractor or subcontractor that have an aggregate monetary value exceeding \$100 in a 12-month period.

[See BBFA, BBFB, CAAB, and DBD. In the event of a violation of these requirements, see CDE and DH.]

Purpose and Mission As authorized by the Texas Education Code, the Board of Trustees has chosen to employ and commission peace officers to maintain law and order. The Collin College Police Department will strive to provide a safe environment in which all members of the College District community may work, teach, study, and learn. The police department in the daily performance of its functions will stress public safety and service and the protection of life and property.

Jurisdiction The primary jurisdiction of College District peace officers will include all counties in which property is owned, leased, rented, or otherwise under the control of the College District.

Authority Within a peace officer's primary jurisdiction, he or she:

1. Is vested with all the powers, privileges, and immunities of peace officers; and
2. May, in accordance with Chapter 14, Code of Criminal Procedure, arrest without a warrant any person who violates a law of the state; and
3. May enforce all traffic laws on streets and highways.

Outside a peace officer's primary jurisdiction, he or she is vested with all the powers, privileges, and immunities of peace officers and may arrest any person who violates any law of the state if the peace officer is:

1. Summoned by another law enforcement agency to provide assistance; or
2. Assisting another law enforcement agency; or
3. Otherwise performing duties as a peace officer for the College District.

Additionally, as provided by Section 51.210 of the Texas Education Code, the College's peace officers are authorized to enforce rules and regulations promulgated by the Board and the administration.

Any person commissioned by the College District must be a certified peace officer who satisfies the requirements of the Texas Commission on Law Enforcement (TCOLE). Peace officers will discharge the responsibilities provided in Section 51.203 of the Texas Education Code and Articles 2.12 and 2.13 of the Code of Criminal Procedure. All certified peace officers will possess a valid Texas driver's license at all times.

Appointing a Chief The Chief of Police is appointed by the Board of Trustees upon the recommendation of the District President. The Chief of Police is subject to state and federal law, the policies of the Collin College

Board of Trustees, and the regulations, guidelines, and directives implemented by the District President or designee.

The Chief of Police will, as a condition of employment, complete the course of training prescribed for Chiefs of Police by the TCOLE.

Subject to pertinent state and federal laws, Board policy, and administrative regulations and directives, the Chief of Police has authority to manage the members of the police department. The Chief of Police will promote the discipline, training, efficiency, and morale of the department. The Chief of Police is authorized to establish the schedule of work for all department personnel.

Subject to review and approval by the District President or designee, the Chief of Police will prepare a handbook or manual of procedures, guidelines, and regulations to implement Board policy and to guide officers in the discharge of their responsibilities. The handbook or manual will address arrests, search and seizure, use of force, evidence handling, use of vehicles and equipment, protection of criminal history information and other confidential information, use of firearms and qualifications, officer standards of conduct and training, interaction with other law enforcement agencies, interaction with mentally impaired individuals, traffic control, compliance with state and federal mandates, and other subjects as may be determined by the Chief of Police. The handbook or manual will address communication and cooperation between the police department and Collin College campus administrators with authority for the administration of student discipline.

The Chief of Police may promulgate oral and written orders, commands, directives, and verbal instructions that are not inconsistent with the law, Board policy, or orders and instructions from the District President or designee.

Security Authority and Powers

While within the jurisdiction set out in this policy, peace officers employed and commissioned by the College District will have all the powers, privileges, and immunities of peace officers. College District peace officers will have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the College District and protect the property of the College District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, College District peace officers may serve search warrants in connection with College District-related investigations in compliance with the Texas Code of Criminal Procedure.

3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce College District policies on College District property or at College District functions.
6. Investigate violations of College District policy, rules, and regulations as requested by the District President and participate in administrative hearings concerning the alleged violations.
7. Carry weapons as directed by the Chief of Police and approved by the District President.
8. Carry out all other duties as directed by the Chief of Police or District President.

**Limitations on
Outside Employment**

No officer commissioned under this policy will provide law enforcement or security services for an outside employer without prior written approval from the Chief of Police.

[See DBF(LOCAL) for additional requirements related to non-school employment.]

**Relationship with
Outside Agencies**

The College District's police department and the law enforcement agencies with which it has overlapping jurisdiction will enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. The Chief of Police and the District President or designee will review the memorandum of understanding at least once every year. The memorandum of understanding will be approved by the Board.

Use of Force

The use of force, including deadly force, will be authorized only when reasonable and necessary, as outlined in the department regulations manual.

Guiding Principles

The use of force by police officers is a matter of critical concern to the Board, the public, and the law enforcement community. The Board recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Duty to Intervene
and Report

Any College police officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances will, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law will promptly report these observations to a supervisor.

Standards for Using
Force

Officers will use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officers at the time of the event to accomplish a legitimate law enforcement purpose.

An officer may use reasonable force to effect an arrest, search, prevent escape, or overcome resistance. If it is not reasonably apparent to the person being arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search the person and identify themselves as peace officers before using force.

When determining whether to apply force and evaluating whether an officer has used reasonable force, officers will take the following factors into consideration, as time and circumstances permit. These factors include, but are not limited to:

1. Immediacy and severity of the threat to officers or others;
2. The conduct of the individual being confronted as reasonably perceived by the officer at the time;
3. The officer's personal circumstances (e.g., age, size, relative strength, prior training and skill level, injuries sustained, level of exhaustion or fatigue, the number of other officers available);
4. The effect of drugs or alcohol on the subject;
5. The subject's mental state or capacity;
6. Proximity of weapons or dangerous improvised devices;
7. The degree to which the subject has been effectively restrained and his or her ability to resist despite being restrained;

8. The availability of other options and their possible effectiveness;
9. Nature of the offense or reason for contact with the individual;
10. Likelihood of injury to officers, suspects, and others;
11. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer;
12. The risk and reasonably foreseeable consequences of escape;
13. The apparent need for immediate control of the subject or a prompt resolution of the situation;
14. Whether the conduct of the individual being confronted reasonably appears to pose an imminent threat to the officer or others or whether the risk of imminent threat has subsided;
15. Prior contacts with the subject or awareness of any propensity for violence; or
16. Any other exigent circumstances.

Use of deadly force is justified only in the following circumstances:

1. An officer may use deadly force to protect himself or herself or other persons from what the officer reasonably believes would be an imminent threat of death or serious bodily injury.
2. An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended.

Reporting and
Analysis

Officers are discouraged from discharging a firearm at a moving vehicle. An officer may discharge a firearm at a moving vehicle only when there is an imminent threat of death or serious bodily injury, and the officer reasonably believes that use of deadly force is necessary to defend the life of the officer or any other person. Any use of force by a College police officer will be documented promptly, completely, and accurately in an appropriate report, and a copy will be sent to the District President. To collect data for purposes of training, resource allocation, analysis, policy development, and related purposes, the Chief of Police or designee may require the completion of additional report forms, as specified in department procedure or law. The Chief of Police will objectively evaluate the

use of force by the department's officers to ensure that their authority is used lawfully, appropriately, and consistently with training and policy.

Annual Report

Each year, the Chief of Police or designee will submit to the District President a written report summarizing and analyzing the use of force incidents in the preceding year that resulted in death, visible injury, or unconsciousness; that would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort; that used methods of restraint other than handcuffs or approved devices; that involved individuals who were struck or kicked; or that involved claims by individuals that the officer used excessive force or caused injury. The District President or designee will evaluate the need for additional training or policy modifications.

Training

In addition to initial and supplementary training on use of force, all College police officers will participate no less than annually in regular and periodic department training addressing this policy and protecting the public.

**Emergency Driving
in Pursuit and Non-
Pursuit Situations**

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The College District's police officers will make every reasonable effort to apprehend a fleeing suspect and to respond to emergency calls quickly and safely. The pursuit or call response should never be carried to such an extent as to endanger the lives or property of innocent users of the street, the highway, the violator, or the officer.

Emergency, non-pursuit driving is the operation of an authorized emergency vehicle with emergency lights and sirens in operation by a police officer in response to a life-threatening or a violent crime in progress, using due regard for the safety of others.

Emergency driving in a pursuit situation is an active attempt by a police officer, operating an emergency vehicle and utilizing simultaneously all emergency equipment, to apprehend one or more occupants of another moving vehicle and the driver of the fleeing vehicle is aware of that attempt and is resisting apprehension. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances.

Emergency Driving
in General

The operation of a Collin College police vehicle, when utilized as an authorized emergency vehicle, is governed by the Texas Transportation Code Chapter 546. College police officers may operate College police vehicles as emergency vehicles in compliance with this policy in non-pursuit and pursuit emergency situations. When operating a department vehicle as an authorized emergency

vehicle, the officer will immediately activate all emergency lights and sirens and will immediately notify the dispatcher. Officers will not operate a police vehicle in emergency status if it is occupied by any passenger other than another police officer.

Unmarked vehicles and police vehicles and College-owned vehicles without emergency lights and sirens will not be operated as emergency vehicles.

Non-Pursuit
Situations

Emergency responses will be made only when the incident involves a life-threatening situation or a violent crime in progress. Emergency responses must be approved by a supervisor. When deciding to initiate or continue driving under emergency conditions, officers will consider such factors as traffic volume, time of day, weather conditions, and potential hazard or liability to themselves and the public. Officers will have sufficient information to justify the decision to drive under emergency situations. Officers responding to a call from another officer needing assistance will remember that one must arrive at the scene safely in order to be of assistance.

Pursuit Situations

Probable cause must exist for the belief that a felony offense has been committed and failure to apprehend a suspect immediately may result in loss of life or serious bodily injury to another. A crime against property, by itself, will not justify pursuit.

Pursuits will be utilized only in instances necessary to pursue suspected perpetrators of felony crimes, which occurred on property owned, operated, or controlled by the College District. No pursuit will be initiated or continued on or off property owned, operated, or controlled by the College District by any officer unless a supervisor approves such pursuit. The supervisor will control the pursuit and have the authority to terminate the pursuit at any time. Supervisors should be within radio contact at all times and continually assess the advisability of commencing and continuing the pursuit. The supervisor will determine whether a back-up police vehicle is necessary and appropriate. The supervisor will notify other jurisdictions if the pursuit is likely to enter or cross into another jurisdiction.

The pursuing officer will consider the following factors before initiating a pursuit:

1. Nature of the offense;
2. The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others;
3. Performance capabilities of the pursuit vehicle;

4. Vehicle speeds, road, traffic, and pedestrian conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape;
5. Weather and environmental factors such as rain, fog, ice, snow, or darkness that could substantially increase the danger of pursuit;
6. Age of offender, whether the identity is known, and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time;
7. Officer's familiarity of area and his or her ability to accurately describe location and direction of travel;
8. Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors; and
9. Availability of other resources and back-up assistance.

When the suspect's identity has been established at a point where later apprehension can be accomplished, and there is no logical need for immediate apprehension, the pursuit will be terminated.

Officers should not continue an emergency response or pursuit when conditions escalate to a degree that places the safety of the officers or others in an unacceptable level of jeopardy. All officers involved in vehicular pursuits will be held accountable for the continuation of a pursuit when traffic hazards and other circumstances indicate, by danger level, that it should have been discontinued.

Officers will not use their vehicle as a ramming device, to box in or surround a suspect vehicle, to overtake or force a suspect vehicle off the roadway, or to create roadblocks.

Pursuits Initiated by
Other Law
Enforcement
Agencies

College police officers will discontinue the pursuit when another agency has assumed the pursuit, unless continued assistance of the Collin College Police Department is requested by the agency assuming the pursuit.

When a pursuit begins within another agency's jurisdiction and passes or ends within the College District's primary geographical jurisdiction, the originating agency will have arrest responsibility.

Reporting and
Analysis

After a pursuit, the pursuing officer and supervisor monitoring the pursuit will each prepare a written report detailing the factual circumstances surrounding the pursuit. The report will be evaluated by the Chief of Police or his or her designee to ensure compliance with this policy and other department procedures. Each year, the

Chief of Police will submit to the District President or designee a report summarizing and analyzing the pursuits taken in the previous year. The District President or designee will evaluate the need for additional training or policy modifications.

Training

In addition to initial and supplementary training on pursuits, all police officers of the department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public.

Video Monitoring

Video equipment will be used on a College District police car for safety purposes whenever the flashing lights on a car are in use.

Access to
Recordings

Recordings will be considered law enforcement records, will remain in the custody of the Chief of Police, and will be maintained as required by the department regulations manual and in accordance with applicable law. An original complete copy of all dash cam and body camera recordings will be archived by the Information Technology Department in accordance with records retention guidelines. See CR(Local) for additional information.

Training

All College District officers will receive at least the minimum amount of education and training as required by law.

Racial Profiling

Officers will actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity, or national origin. Officers are prohibited from engaging in bias-based profiling when making traffic stops, field interview stops, or initiating asset seizure and forfeiture efforts. This policy is applicable to all persons, whether drivers, passengers, or pedestrians. Officers will conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by governmental agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Bias-based profiling is an unacceptable patrol tactic and will not be condoned.

The District President or designee will provide a complaint process so that students, employees, and other citizens may report violations of this policy. The District President or designee will provide public education regarding the complaint process in the form of bulletin board notices, website postings, student handbook notices, public presentations, and/or other forms of communication designed to promote public awareness.

The Chief of Police will disseminate written regulations to all members of the police department that strictly prohibit racial profiling;

define acts constituting racial profiling; describe the complaint process by which an individual may file a complaint if the individual believes that he or she has been subjected to racial profiling; and require appropriate corrective action to be taken against a peace officer who, after an investigation, is shown to have engaged in racial profiling in violation of this policy. The written regulations will comply with state law requirements regarding the collection of data regarding arrests and the annual reporting to TCOLE and the Board regarding the data.

The Chief of Police or designee will provide periodic training regarding this policy and the department's procedures regarding racial profiling.

Complaints

Complaints against police officers must be in writing and signed by the person making the complaint. A copy of the complaint will be given to the officer within a reasonable time after it is filed, and no disciplinary action will be taken against the officer as a result of the complaint unless a copy is given to the officer and the matter has been investigated. A signed letter from a supervisor or other employee with knowledge of the facts may fulfill the requirements of a complaint.

Complaints involving allegations of misuse of force, brutality, felony misconduct, misdemeanors involving moral turpitude, corruption, or police conduct involving serious injury or death will be investigated by an impartial supervisor who did not have involvement in the underlying matter. However, the District President or designee, in his or her sole discretion, may appoint an investigator outside the department when circumstances warrant such action.

Grievances and concerns by police department employees concerning wages, promotions, hours of work, working conditions, workplace conflict, discrimination, performance evaluations, assignments, reprimands, or disciplinary action will be processed in accordance with the Board's personnel policies located in DAA of the Board's policy manual.

Appeals regarding this complaint process will be filed in accordance with DGBA, FLD, or GB, as appropriate.

Complaints against the Chief of Police will be submitted to the District President or designee who will appoint an appropriate investigator.

Assistance in College Hearings

As employees of the College, the College's police officers have a duty to assist the College administration in College disciplinary hearings or other College hearings when the officer has information pertinent to the hearing, regardless of whether the hearing involves

criminal or noncriminal charges and regardless of whether criminal charges are pending. Officers may be called to provide expertise, information, records, or testimony that may be pertinent to the matter pending. In extenuating circumstances, the District President or his or her designee may excuse an officer's participation.

**School Marshal
Program**

Purpose and
Responsibilities

The sole purpose of a school marshal is to prevent the act of murder or serious bodily injury on the College's premises, acting only within the authority granted in this policy and applicable law.

A school marshal may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, staff, or visitors on school premises.

A school marshal may not issue a traffic citation.

Appointment

An individual who is employed by the College District and is interested in serving as a school marshal will express such interest by completing a designated application form available in the District President's Office.

In addition to holding a current and valid License to Carry (LTC), to be eligible for appointment as a school marshal at the College, an applicant must:

1. Successfully complete all prerequisite commission training;
2. Pass the state licensing exam;
3. Be currently employed by the College District;
4. Be appointed by the Board; and
5. Meet all statutory requirements and TCOLE requirements, including psychological fitness established through a psychological examination.

To be eligible for an appointment, an employee must also meet all additional requirements as outlined in Occupations Code 1701.260 and 37 Administrative Code 227.3.

The College District is not obligated to appoint any individual as a school marshal, and the selection or removal of a school marshal will be at the sole discretion of the College District, subject to applicable laws. An applicant who is appointed as a school marshal must continue to meet all relevant statutory, commission, and College District requirements at all times.

Once appointed, a school marshal will:

1. Immediately report to the TCOLE and the College through the Chief of Police, any circumstance which would render him or

her unqualified and unauthorized to act as a school marshal by virtue of his or her employment with the College, failure to meet the standards of the commission, another state agency, or under law;

2. Immediately report to the TCOLE any violation of applicable commission standards, including any discharge of a firearm carried under the authorization of this chapter outside of the training environment on College premises; and
3. Comply with all requirements under law, including Texas Higher Education Code Section 51.220.

Possession and
Use of Handgun

Individuals appointed as school marshals are authorized to carry or possess a handgun on the physical premises of the College and access such handgun only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code and subject to the requirements found in "Use of Force" outlined herein and in the police department operating procedures, insofar as the Use of Force guidelines and police department procedures are more restrictive.

Individuals appointed as school marshals may only possess or carry the handgun in a concealed manner; however, if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a public junior college campus in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty.

School marshals will be designated as school marshals only for specific campuses, and such designation will be made by the Board in closed Executive Session.

Training

Training is required on an annual basis that meets or exceeds the state's training requirements for school marshals. Training will be facilitated and monitored through the College's police department, as authorized by the Chief of Police.

Equipment

Appointed school marshals will carry their personal firearms and are responsible for maintaining them appropriately. Firearms and ammunition of school marshals must be approved by the Chief of Police or designee and are subject to periodic inspection by the Chief of Police or designee for safety purposes. The only ammunition a marshal may carry and use is frangible duty ammunition approved by the TCOLE.

Renewal of
Appointment

An individual serving as an appointed school marshal is reviewed and considered for reappointment annually by the Chief of Police.

Individuals recommended for appointment and renewal are then considered by the Board in closed Executive Session.

Appointments may be withdrawn at any time for any reason or no reason by action of the Board in its sole discretion taken in executive session, without the right to appeal.

If a school marshal's status becomes inactive for a reason spelled out in Texas Higher Education Code Section 51.220(g) or other law, that school marshal will cease being a marshal for the College and will notify the Chief of Police immediately of the change in status.

Confidentiality

Except as provided in Section 1701.260(j) of the Texas Occupations Code, the identity of a school marshal is confidential. The identity of a school marshal will not be disclosed by the College District in response to a request under the Texas Public Information Act.

However, if the College District receives an inquiry in writing from a parent or guardian of a student enrolled at the College District, the Board will provide the parent or guardian written notice indicating whether any employee of the public junior college is currently appointed as a school marshal. Such notice will not disclose any information confidential under this section, including the identity of any particular school marshal.

Definition

Technological and information resources are defined to include electronic data and records; software; networking tools; remote access devices; electronically recorded voice, video, and multimedia communications; and other electronic devices used primarily for the transmission, storage, or utilization of electronically communicated information.

Use of College District Technological and Information Resources

College District technological and information resources are provided to allow faculty, staff, and students to pursue the central educational mission of the College District and are to be used to the extent that they promote that mission either directly in teaching and research or indirectly in supporting the offices that maintain College District operations. Incidental personal use that does not otherwise violate this policy or have an adverse effect on College District resources will be permitted. Technological and information resources will be accessed and used in an ethical manner consistent with the institution's Core Values, which include a passion for learning, service and involvement, creativity and innovation, academic excellence, dignity and respect, and integrity. All users of technological and information resources are to adhere to legal and professional standards, to support the mission, and to act in the best interests of the College District.

All users of technological and information resources are responsible for the protection of College District assets to which they are assigned and for not compromising the accuracy, integrity, and confidentiality of the information to which they have access. Resources are not to be abused or employed in such a way as to interfere with, or cause harm or damage to, another person, institution, or company within or outside the College District. While the College District encourages the exploration of educational and scholarly interests through the use of its technological resources, respect for the rights and privacy of others will be observed. Those who are authorized to access confidential files will respect the privacy rights of others and use data only for legitimate academic or administrative purposes.

All users of College District technology resources will comply with the following policies, procedures, and security controls.

Access

Many of the technological and information resources of the College District may be accessed by all employees and students of the College District and by the public as well. However, access to some resources is restricted. The appropriate administrators will determine and authorize the appropriate degree of access.

Users will implement best practices in taking precautions to prevent the unauthorized use of their access codes. In choosing access codes, users will avoid the use of common words, proper

names, readily associated nicknames or initials, and any other letter or number sequences that might easily be guessed. Users will be held accountable for their own actions performed under their access codes and will be subject to appropriate disciplinary action if violations occur from the actions of other individuals as a result of user negligence in protecting the codes. Users are responsible for changing access codes on a regular basis. If an access code becomes compromised, users will change it immediately upon becoming aware that said code has been compromised.

Users will not attempt to access, search, or copy technological and information resources without the proper authorization. No one will use another individual's account without permission, and active sessions will not be left unattended. Providing or using false or misleading information in order to gain access to technological and information resources will be prohibited. Users will not test or attempt to compromise internal controls, even for purposes of systems improvement. Such actions require the advance, written approval of the authorized administrator or must be included among the security evaluation responsibilities of one's position. Violations will be reported to the chief information systems officer in the office of information technology.

**Protecting
Confidentiality**

Unless disclosure is a normal requirement of a user's position and has been so authorized, no user will disclose:

1. Confidential information that is protected by the Family Educational Rights and Privacy Act (FERPA);
2. Personnel records; or
3. Other materials commonly recognized or considered as sensitive or confidential.

All users with access to confidential data will safeguard the accuracy, integrity, and confidentiality of that data by taking precautions and performing office procedures necessary to ensure that no unauthorized disclosure of confidential data occurs. Such precautions and procedures include, but are not limited to, avoiding the use of portable storage devices (i.e., thumb drives), protecting sensitive data with access codes, and only storing sensitive materials on the College District's network, including College District-approved or College District-contracted external sites such as publisher websites for a course being offered by the College District. If portable storage devices that contain confidential information must be used, the device must be encrypted. A justification must also be provided to the Chief Information Security Officer.

Information regarding the confidentiality of student educational records may be found in the student handbook or by contacting the registrar.

Privacy

For purposes of this policy, privacy is defined as the right of an individual or an organization to create, maintain, send, and receive electronic data, software, and communications files that are safe from examination and disclosure by unauthorized parties. The College District recognizes that individuals have a substantial interest in and reasonable expectation of privacy. Accordingly, the College District respects the privacy rights of all users of the College District's technology resources.

The College District will not monitor users' private electronic data, software, and communications files as a routine matter. Users should note that some electronic files are copied to backups and stored for indefinite periods in centralized locations. In such instances, user deletion of an electronic file, such as an email message, may not delete a previously archived copy of that file.

It is a violation of College District policy for any member of the College District community to access College District databases to engage in electronic "snooping," or to use College District technological resources for the purpose of satisfying idle curiosity about the affairs of others, with no substantial business purpose for obtaining access to such files.

The College District reserves the right to access and to disclose the contents of an individual's electronic data, software, and communications files; however, the College District will do so after obtaining the proper approvals only when a legitimate need exists and the urgency of the need is sufficiently strong to offset the College District's commitment to honor the individual's privacy. Such grounds include, but are not limited to:

1. Maintaining system integrity, for example, tracking viruses;
2. Protecting system security;
3. Investigating indications of impropriety;
4. Protecting the College District's property rights; and
5. Meeting legal obligations, for example, subpoenas and open records requests.

Copyright Issues

Copyright is a form of protection the law provides to the authors of "original works of authorship" for their intellectual works that are "fixed in any tangible medium of expression," both published and unpublished (Title 17, United States Code). It is illegal to violate

any of the rights provided by the law to the owner of a copyright. The College District respects the ownership of intellectual material governed by copyright laws. All users of the College District technology resources will not knowingly fail to comply with the copyright laws and the provisions of the licensing agreements that apply to software; printed and electronic materials, including documentation, graphics, photographs, multimedia, including musical works, video productions, sound recordings, and dramatic works; and all other technological resources licensed or purchased by the College District or accessible over network resources provided by the College District. The user will be responsible for reviewing individual author, publisher, patent holder, and manufacturer agreements for software, programs, and applications loaded by the user onto College District hardware, equipment, and web resources.

In compliance with the requirements of the Digital Millennium Copyright Act of 1998 (DMCA), any user of the College District's technology resources who violates the digital copyright laws for the first time will be reminded of the laws, and the software or licensing violations will be removed. A second violation will result in removing the software or licensing violations, retraining of the user in copyright procedures, and taking appropriate disciplinary action. A third violation will require the College District to remove the user's network and internet access and take further disciplinary action, which may include termination from College District employment or student status. In addition, any violation of digital copyright laws by a student or by a College District employee that results in demonstrable harm to the College District's network or disruption of classroom activities will be addressed as a formal disciplinary matter.

All technological resources developed by the College District employees, students, and contractors for use by the College District or as part of their normal employment activities are considered "works for hire." As such, the College District is considered the "author" and owner of these resources. Information regarding intellectual property rights may be found in the faculty and staff handbook.

[See CT]

DMCA-Designated Agent

Title II of the DMCA enables internet service providers (ISPs), such as the College District, to limit liability for monetary damages related to copyright infringing activities of their users. Provisions within the legislation further protect educational institutions and limit liability for monetary damages caused by copyright infringing activities of their users. In order to comply with Title II of the DMCA, the College District designates the following individual as the DMCA-designated agent to receive notices and claims from copyright owners about infringements:

Name: David Hoyt
Position: Chief Information Officer
Address: 3452 Spur 339, McKinney, TX 75069
Telephone: (972) 599-3133
Email: dhoyt@collin.edu

Additionally, the College District will maintain a prominent link on the information technology page of the College District website that provides access to this policy and a link to report DMCA notices or claims to the DMCA-designated agent.

Viruses

It is the responsibility of the user, to the best of his or her knowledge and ability, to ensure that any imported or exported executable code or data are free of any destructive code, such as a virus. To this end, best practices regarding safety precautions will be taken by the user. The office of information technology will be consulted for questions related to such precautions or information and protective software.

Backups

It is the responsibility of the appropriate administrator or network administrator to ensure that appropriate procedures and resources are in place to backup data on a regular basis. Backups are to be stored in a location that is physically secure to protect the confidentiality of the data. It is the responsibility of the individual user to perform any actions necessary to comply with these procedures.

Physical Security

Each user will be responsible for the physical security of the technological and information resources to which he or she has been assigned (e.g., desktop computer, laptop computer, pager, cell phone, bar code, scanner, and the like). Administrators will help to ensure physical security by instituting procedures for the use of locked doors and/or for the use of security devices made available by the College District for the protection of equipment. To avoid loss by fire or theft, backups of important data will not be stored in the same location as the originals. Certain electronic information will only be stored on the College District's network, including College District-approved and College District-contracted external sites such as publisher websites for a course offered by the College District. This electronic information includes:

1. Confidential information that is protected by FERPA;
2. Personnel records; and
3. Other materials commonly recognized or considered as sensitive or confidential.

Adequate power regulators and surge suppressors will be used.

**Ownership of
College Data**

Collin College owns all data created and stored in college-owned and college-leased equipment, including cloud-based applications. Videos captured through cameras on campus are owned and managed by the Information Technology Department in compliance with college policies and records retention requirements.

See CHA(Local) for Vehicle Dash Camera and Police Body Camera video requirements.

**College District
Property**

Technology and information resources that are the property of the College District will not be copied, altered, manipulated, transferred, retained, or removed from campus without written authorization from the appropriate administrator. The location of each physical resource will be entered in the College District's capital equipment inventory system and updated as necessary.

**Personal Use of
College District
Technological
Resources**

Authorization for the personal use of College District technological resources by employees will be determined on an individual basis by, and at the discretion of, the appropriate administrator. The use of the College District's technological resources, including the network, for a revenue-generating activity that benefits an individual employee will be strictly prohibited. Personal telephones and data connections in student housing are considered to be part of the private residence. Student use of these and other College District technological resources that intrudes on general College District use or that uses significant resources is prohibited.

**Misuse of
Technological and
Information
Resources**

The use of College District technological and information resources and the resources themselves will not be abused in any way. Users will not attempt to alter the restrictions associated with their accounts or to attempt to breach internal or external security systems. Moreover, users will not impersonate other individuals or misrepresent themselves in any way when using College District technological resources.

Users of network resources are prohibited from engaging in any activity that is proscribed by federal and/or state law. In addition, the network will not be used for criminal purposes such as posting another individual's credit card numbers or personal access codes. External networks, for example, NEXUS, the internet, and bulletin boards will also be used in an ethical, responsible, and courteous manner, and all users will adhere to the policies of these services.

College District technological and information resources will not be used in a manner that is invasive or that diminishes their efficiency. One example of such use involves the broadcast function. Although current technology enables users to broadcast messages to

all members of the College District community simultaneously, the use of this technology is restricted to official College District activities. Notices involving monetary transactions or those that are inappropriate or illegal will not be posted using College District technological or information resources as defined in this policy.

Inappropriate Material

Users are to comply with the College District's Core Values and exercise caution and good judgment in accessing material using College District network resources. Material that includes language and actions that would constitute a hate crime (such as language that is racist or anti-Semitic, and the like), fighting language, or visual material that creates a hostile working environment will be accessed only for legitimate academic and administrative purposes. This material will not be accessed in an environment and in a manner that will negatively affect third parties (including printing such information on public printers or forwarding it to others without their consent).

Communications from users of College District technology resources will reflect civility and the College District's Core Values, which include a passion for learning, service and involvement, creativity and innovation, academic excellence, dignity and respect, and integrity. Therefore, the use of College District technological resources for creating or sending nuisance, harassing, or pornographic materials or messages is prohibited. For the purpose of applying the College District's disciplinary policy, the determination of what is pornographic or what constitutes a hate crime, fighting words, or visual material that creates a hostile working environment is within the sole discretion of the College District.

Reporting Violations

Violations of this policy, including any violations of the DMCA, will be reported to the appropriate supervisor, director, dean, DMCA-designated agent, or other responsible person. DMCA notices or claims of infringements will be immediately sent to the DMCA-designated agent listed in this policy.

Depending on the nature of the violation, the appropriate administrator may include the responsible vice president, chief information officer, human resources officer, or internal auditor.

Alleged violations will be investigated and, if substantiated, addressed in accordance with appropriate College District disciplinary processes for students and employees.

The College District will consider the intent, effect, and seriousness of the incident in levying sanctions for violations of this policy. Any person who engages in any kind of computer or systems misuse as described in this policy may be subject to disciplinary action, in-

cluding the loss of computer privileges, suspension, and/or termination from the College District, and appropriate criminal prosecution, if warranted, under the applicable state and/or federal laws. Whenever the College District deems it appropriate, restitution may be sought for any financial losses sustained by the College District or by others as a direct result of the misuse.

**HEOA / Digital
Copyright
Compliance**

The Higher Education Opportunity Act of 2008 (HEOA) addresses, in part, unauthorized file-sharing, including, but not limited to, music, streaming, video, images, and other electronic data, using College District networks. To deter unauthorized file-sharing on its networks, the College District will:

1. Disclose annually to all users information that explains unauthorized distribution, including file-sharing, of copyrighted materials may subject the individual to civil and criminal liabilities; an explanation of federal copyright law, including a summary of penalties for related violations; and the College District's policies and procedures regarding unauthorized file-sharing, including disciplinary actions that may be taken against students who engage in unauthorized distribution or illegal downloading using the College District's information technology systems.
2. Follow a plan to effectively combat unauthorized distribution using a variety of technology-based deterrents.
3. Offer and provide access to alternatives to illegal file-sharing and downloading.

**Copyright
Compliance Annual
Disclosure**

The College District will require each user of its technology resources to annually read the copyright disclosure [see CR(EX-HIBIT)] and submit an online affirmation that he or she has reviewed the disclosure and is aware of and familiar with the College District's policies and procedures regarding illegal distribution of copyrighted materials.

Additionally, during orientation activities, the College District will provide all students a copy of the copyright disclosure [see CR(EX-HIBIT)] and information regarding the legalities associated with peer-to-peer file-sharing.

**Plan to Combat
Unauthorized
Distribution**

The College District will use a variety of capabilities and products from commercial vendors in order to:

1. Perform bandwidth shaping;
2. Conduct traffic monitoring to identify the largest bandwidth users; and

3. Reduce or block illegal file-sharing.

The College District will investigate and respond to all submitted complaints of violations of the DMCA according to the reporting procedures noted above.

Alternatives to Illegal File-Sharing and Downloading

The College District encourages all users of its technology resources to utilize free or commercial services that provide the user with a legal way to copy and use various types of digital content and ensures the use of electronic media is in compliance with federal copyright law.

EDUCAUSE, an information technology consortium in higher education, maintains a [website of links](#)¹ to legal sources of online content.

Access by Individuals with Disabilities

The District President or designee will develop procedures to ensure that individuals with disabilities have access to the College District's electronic and information resources similar to individuals without disabilities.

Drones

The flying of drones over or from sites on College District property or as part of the College District's administrative, academic, or research program is permitted only in accordance with law and College District regulations.

¹ EDUCAUSE: <http://www.educause.edu/legalcontent>

Information Security Program

The District President ~~or designee shall~~will approve an information security program designed to address the security of the College District's information resources against unauthorized or accidental modification, destruction, or disclosure. This program ~~shall~~will also address accessibility, privacy, and security of the College District's website.

Security Breach Notification

Upon discovering or receiving notification of a breach of system security, the College District ~~shall~~will disclose the breach to affected persons or entities in accordance with the time frames established by law.

The College District ~~will~~shall give notice by using one or more of the following methods:

1. Written notice
2. Electronic mail, if the College District has electronic mail addresses for the affected persons
3. Conspicuous posting on the College District's website
4. Publication through broadcast media

The College District may also work with **United States Computer Emergency Readiness Team (US-CERT), Information Sharing and Analysis Center (ISAC)** or other trusted third party broker to help research and resolve the issue.

Insurance Benefits

The rules and regulations of the Employees Retirement System Benefits (ERS) of Texas, the Group Benefits Program, and the Affordable Care Act (ACA) ~~shall~~will be followed in providing basic group life, accident, health, and dental insurance coverage for all active full-time employees.

ACA Summary

The ACA is federal legislation passed in 2010. The employer-mandate provisions of the ACA became effective in 2015. The ACA rules are complex and multi-faceted, and impact both employers and individual employees.

Employee Impact

The ACA requires most Americans to have medical insurance by January 1, 2014, and attempts to ensure that Americans have access to medical insurance they can afford, whether they get it from an employer, directly from an insurance company, or from an insurance company offering coverage through a government-sponsored exchange (i.e., a state exchange or, in states that don't have their own exchanges, like Texas, the Healthcare.gov website). ~~Persons not having medical insurance in 2014 may have to pay a tax penalty called an "individual shared responsibility payment."~~

Employer Impact

In general, the ACA requires that any employer that has 50 or more full-time equivalent employees offer to at least 95 percent of its full-time employees and their dependents up to age 26 medical insurance coverage meeting certain minimum standards. Employers that do not offer such coverage must pay a monetary penalty each year to the federal government, known as the "shared responsibility payment." The ACA's definition of a full-time employee is an employee whose actual average monthly hours of service are 130 or more.

Measurement
Periods

*Standard
Measurement
Period*

The Standard Measurement Period is the "look back" period during which the College District must measure the hours of service of its ongoing employees in order to determine who qualifies as full-time under the ACA. Ongoing employees are those who joined the College District before the beginning of the Standard Measurement Period, so that they are employed for all 12 months of the Standard Measurement Period. The College District has selected the period of July 1 of each year through June 30 of the following year as the 12-month period for its Standard Measurement Period.

*Standard
Administrative
Period*

The Standard Administrative Period is the period after the end of the Standard Measurement Period during which the College District must evaluate each ongoing employee's work record to determine whether he or she averaged 130 hours or more of service per month during the Standard Measurement Period. During the Standard Administrative Period, the College District will make an offer of health insurance coverage to those ongoing employees de-

terminated to be full-time based on their hours worked during the immediately preceding Standard Measurement Period. The College District has selected July 1 through August 31 of each year as the two-month Standard Administrative Period, which coincides with the College District's existing open enrollment period.

Standard Stability Period

The Standard Stability Period is the period during which ongoing employees who were determined to be full-time based on their hours worked during the Standard Measurement Period must continue to be treated as full-time and therefore eligible for coverage during the Standard Stability Period, regardless of their actual hours worked. [See Rehired Employees, below, for employees treated as having been terminated and rehired] The College District's Standard Stability Period coincides with the plan year of its medical plan and is the 12-month period from September 1 of each year through August 31 of the next year.

New Employees

The ACA does not permit an employer to wait until a new employee has completed a Standard Measurement Period to determine whether the employee is full-time. Thus, procedures are required to determine the full-time status of new employees under the ACA. These rules are similar to, but separate from, the rules for determining the full-time status of ongoing employees.

Full-Time

A new employee who, at commencement of employment, is reasonably expected to be full-time (i.e., averaging 30 or more hours per week), and who is not a seasonal employee, must be considered full-time for purposes of the ACA, beginning on his or her employment commencement date. (Note that for purposes of determining whether a new employee is full-time based on work expectation, the standard is 30 or more hours per week, not 130 per month.)

Once a new full-time employee has been employed for an entire Standard Measurement Period, the employee becomes an ongoing employee, and his or her status as full-time for purposes of the ACA is governed by the provisions of this policy regarding ongoing employees.

Non-Full-Time

A new employee who is hired as a part-time, seasonal, or variable-hour (i.e., who may reasonably be expected to sometimes work 30 or more hours per week and sometimes less) employee is not initially considered full-time, but his or her hours of service must be tracked during an Initial Measurement Period, as follows:

- New employees who are part-time, seasonal, or variable hour (hereinafter, "new non-full-time employees") are tested for ACA full-time status based on an Initial Measurement Period that begins on the first day of the first month following their

hire date and ends a year later. Immediately following the end of a new non-full-time employees' Initial Measurement Period, there is a one-calendar-month Initial Administrative Period during which the new non-full-time employees' status as full-time or part-time is determined and during which any new non-full-time employees who are determined to have averaged 130 or more hours per month are offered coverage.

- A new non-full-time employee who averages 130 hours or more of service per month during his or her Initial Measurement Period and who is therefore determined to be full-time under the ACA will continue to be full-time for purposes of the ACA during his or her 12-month Initial Stability Period, which is the 12-month period immediately following his or her Initial Administrative Period, regardless of his or her actual hours of service during the Initial Stability Period. [See Rehired Employees, below, for employees treated as having been terminated and rehired]

Note that unless a new non-full-time employee is hired in June (other than June 1st) or on July 1st, his or her Initial Measurement Period will partially overlap his or her first Standard Measurement Period. A new non-full-time employee who does not average 130 hours or more of service per month during his or her Initial Measurement Period, but who does average 130 hours or more of service per month during the Standard Measurement Period that starts during his or her Initial Measurement Period, will be considered full-time under the ACA during the Standard Stability Period following such Standard Measurement Period, even though the first months of such Standard Measurement Period would otherwise include the last months of the employee's Initial Stability Period. In such a case, the employee's Initial Stability Period is effectively cut short.

Change of Status to Full-Time

If a new employee who is a non-full-time employee experiences a change in employment status before the end of his or her Initial Measurement Period, such that if the employee had begun employment in that new status, he or she would reasonably have been expected to be full-time under the 30-hour week standard [see New Employees – Full-Time, above], the employee will be considered full-time, and thus eligible for the College District's medical insurance plan, beginning on the first day of the calendar month after the change in employment status to full-time.

Rehired Employees

An employee who is terminated and rehired will be treated as a new employee upon rehire only if he or she was not credited with an hour of service with the College District for a period of at least 13 consecutive weeks immediately preceding the date of rehire.

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	<p>For purposes of applying this rule, whether an employee has an hour of service is determined after application of the rules for special unpaid leave. [See Rules for Special Unpaid Leave, below]</p>
Definition of Hours or Service	<p>Under the ACA, “hours of service” is a term that generally includes actual hours worked, determined from payroll records, and hours for which the employee is paid, but does not work, such as paid vacation, holiday, illness, or disability.</p>
Rules for Special Unpaid Leave	<p>Under a special ACA rule, adjunct faculty members must be treated as having 2.25 hours for each contact hour, plus their hours performing other required duties, such as attendance at meetings.</p>
Employee / Retiree Benefits Reserve Fund	<p>The College District’s Employee/Retiree’s Benefits Reserve Fund is established with the general intent to provide funding toward employee/retiree health insurance in the event of a reduction or elimination of state funding that would lower the benefit to less than 100 percent funded for employee-only coverage, and less than 50 percent funding for eligible-dependent coverage. Should the state impose a reduction in health insurance funding, the District President shall<u>will</u> present a plan to the Board for utilizing the fund to help offset the cost of health insurance formerly paid by the state for benefits-eligible employees and retirees of the College District.</p>
Tax-Sheltered Annuity	<p>Tax-sheltered annuities are available to all benefits-eligible employees.</p>
Supplemental Retirement Account	<p>Full-time, benefits-eligible employees may elect to participate in a College District-sponsored supplemental tax-sheltered retirement plan that includes a dollar-for-dollar match of an employee’s contributions to an individual tax-sheltered retirement account (up to a maximum of three percent of the employee’s full-time salary).</p> <p>Employer contributions are subject to budget availability.</p> <p>Contributions to a State of Texas sponsored retirement plan (e.g., the Teacher Retirement System or the Optional Retirement Plan) do not qualify for the employer match. [See the plan document for the “Collin Invests” Enhanced Retirement Savings Plan for requirements and terms]</p>
Educational Benefits	<p>The Board shall<u>will</u> provide educational benefits for full-time College District employees through a tuition reimbursement program described in the College District’s procedures and guidelines for faculty and staff.</p>
Tuition Waiver Policy	<p>A full-time employee who reside(s) outside Collin County shall<u>will</u>, upon submission of a written request and appropriate documentation to the College District’s financial aid office, receive a waiver of</p>

COMPENSATION AND BENEFITS
FRINGE BENEFITS

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the difference between the out-of-county or out-of-state and in-county resident tuition.

Relocation

Full-time employees who must relocate to accept a position with the College District may be eligible for a relocation allowance. In no case ~~shall~~will the relocation allowance exceed actual documented expenses. Employees who received a relocation allowance reimbursement and who voluntarily terminate prior to completion of one year of employment ~~shall~~will reimburse the College District for all relocation monies received, in accordance with the relocation agreement signed by the employee. The amount ~~shall~~will be deducted from the final payroll check.

Wellness

Full-time faculty and staff may participate in any of the College District's wellness programs and receive matched time for their exercise efforts to a maximum of 30 minutes of paid time per day to a maximum of one and one-half hours per week. Employees ~~shall~~will request approval from their supervisor prior to participation in a wellness program.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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Comprehensive Leave Program	The Board provides a comprehensive program of leave benefits for full-time employees of the College District.
Accrual of Leave	Leave hours accrue on the last day of each month. An employee who is in a paid status (at work or on paid leave) on the last day of the month earns leave hours for that month.
Reporting Absences	Employee absences are reported through a time and attendance reporting system. Supervisors ensure appropriate documentation and use of leave and take action, as needed, if an employee does not accurately report his or her absences. [See DMAA(LOCAL)]
Family and Medical Leave	<p>For purposes of the Family and Medical Leave Act (FMLA), the following eligible conditions apply:</p> <ol style="list-style-type: none">1. For the birth of a son or daughter, and to care for the newborn child;2. For placement with the employee of a son or daughter for adoption or foster care [For the rules regarding leave for “adoption” and “foster care,” see 29 C.F.R. 825.121];3. To care for the employee's spouse, son, daughter, or parent with a serious health condition;4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status); and6. To care for a covered servicemember with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.
Immediate Family	For purposes of this policy, “immediate family” is defined as a dependent son or daughter, including a biological, adopted, or foster child; a stepchild; a legal ward, or a child for whom the employee stands <i>in loco parentis</i> who is under the age of 18, or someone 18 years or older who is incapable of self-care because of a mental or physical disability; and a spouse.
Family Emergency	The term “family emergency” shall <u>will</u> be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

Leave Day	A “leave day” for purposes of earning, use, or recording of leave shall <u>will</u> mean the number of hours per day equivalent to the employee’s usual assignment.
Catastrophic Illness or Injury	A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family. <u>A catastrophic illness or injury is one that is expected to incapacitate the employee for an extended period of time (usually longer than 5 days) and that requires inpatient care in a hospital, hospice, or residential medical facility, or a regimen of continuing treatment of the employee by a health care provider that requires absences from work for treatment. Catastrophic leave is only available for those employees who have exhausted all that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all</u> leave time earned by that employee, and to lose compensation from the College District. Such conditions typically require prolonged <u>inpatient</u> hospitalization or recovery, or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall <u>will</u> be considered catastrophic if they meet the requirements of this paragraph. <u>The College District may require a second or third medical opinion, at its cost, to confirm that the illness or injury qualifies for catastrophic leave.</u>
Earning Leave	An employee shall <u>will</u> not earn any form of paid leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall <u>will</u> be considered to be in paid status.
Deductions	The College District shall <u>will</u> not approve paid leave for more leave days than have been carried over from prior years plus leave currently available. Any unapproved absences or absences beyond available paid leave shall <u>will</u> result in deductions from the employee’s pay. An employee’s final paycheck shall <u>will</u> be reduced for paid leave the employee used, but had not earned, as of the date of separation.
Leave Without Pay	
Leave Proration	Paid leave shall <u>will</u> be prorated based on the actual time employed within an academic year.
Order of Use	Earned compensatory time shall <u>will</u> be used before any available paid leave. [See DEA]
	Use of the sick leave bank shall <u>will</u> be permitted only after all available local leave has been exhausted.
Concurrent Use of Leave	When an absent employee is eligible for FMLA leave, the College District shall <u>will</u> designate the absence as FMLA leave. The College District shall <u>will</u> require the employee to use paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall will be designated as FMLA leave.

Sick Leave

Full-time employees shall will earn eight hours of paid sick leave per month in accordance with administrative regulations.

Sick leave shall will accumulate to a maximum of 720 hours.

Sick leave shall will only be used for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family [see Immediate Family, above].
3. Up to three days (24 hours) of accrued sick leave each fiscal year for medical or dental appointments or to help care for an extended family member who is ill. Extended family members include parents, grandparents, adult children, grandchildren, siblings and in-laws, and step and foster relationships of the preceding.
4. Family emergency.
5. Birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.
6. Contribution to the sick leave bank.

Sick Leave Bank

The College District shall will establish a sick leave bank to which all full-time employees may contribute up to 24 hours of earned but unused sick leave per year.

A full-time employee may request leave from the bank if the employee experiences a catastrophic illness or injury as defined in this policy and has exhausted all paid leave.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

Eligibility

Only full-time benefits-eligible employees may apply for use of the Sick Leave Bank.

Adjunct faculty and part time employees are not eligible to apply for Sick Leave Bank benefits.

Eligible employees may only draw from the Sick Leave Bank for a single diagnosis code for a period not to exceed the maximum allowable hours consistent with plan operating procedures.

The District President or designee shall/will develop regulations procedures for the operation of the sick leave bank that address the following:

1. Procedures to request leave from the sick leave bank;
2. The maximum number of days per academic year a member employee may receive from the sick leave bank;
3. The administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
4. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL).

Family and Medical Leave

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall/will be measured forward from the date an individual employee's first FMLA leave begins.

Combined Leave for Spouses

If both spouses are employed by the College District, the College District provides a combined total of 12 weeks (in any combination) of FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition. The College District shall/will limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

Intermittent or Reduced Schedule Leave

The College District shall/will permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

Certification of Leave

If an employee requests leave, the employee shall/will provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

Fitness-For-Duty Certification

If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall/will provide, before resuming work, a fitness-for-duty certification. If the College District will require certification of the employee's ability to perform essential job functions, the College District shall/will provide a list of essential job functions to the employee with the FMLA designation notice.

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Failure to Return If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the College District may require reimbursement of premiums paid by the College District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]

Parental Leave Employees who have been employed in a benefits-eligible position for at least twelve months are eligible to use ten (10) days of paid parental leave at the time of the birth or adoption of a child. Parental leave must be coordinated with the employee's concurrent leave under the Family Medical Leave Act (FMLA) and is available for use from the time of birth or placement of the child only. Parental leave must be used while the employee is on the related FMLA leave and does not accrue or remain available for use at a later date. Adjunct faculty, part-time employees, and employees on leave without pay status, are not eligible for paid Parental Leave as outlined in this policy, but may be eligible for unpaid FMLA leave.

Personal Leave Full-time employees ~~shall~~will earn 24 hours of paid leave each fiscal year to conduct personal business in accordance with administrative regulations. Personal leave ~~shall~~will be noncumulative.

Request for Personal Leave The employee ~~shall~~will submit a request for use of personal leave in advance in accordance with leave of absence procedures and guidelines. In deciding whether to approve or deny personal leave, the supervisor or designee ~~shall~~will not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee ~~shall~~will, however, consider the effect of the employee's absence on the educational program or College District operations.

Vacation Leave All full-time, 12-month staff and administrative employees ~~shall~~will earn paid vacation in accordance with the schedule published in administrative regulations.

Upon successful completion of the new employee 90-day (calendar day) probationary period, eligible employees ~~shall~~will receive vacation credit retroactive to the original service date, in accordance with the published vacation plan. Employees who terminate employment prior to completion of the new employee probationary period ~~shall~~will have no accrued vacation credit.

Use of vacation leave ~~shall~~will not exceed 15 consecutive work-days.

Carryover of earned but unused vacation hours ~~shall~~will be permitted within the guidelines established by the District President or designee.

Employees beyond the initial 90-day probationary period, who terminate eligible employment with the College District, ~~shall~~will be paid for the current fiscal year's earned but unused vacation hours and up to a maximum of 80 hours of earned but unused carryover vacation hours from prior fiscal years.

Request for
Vacation Leave

The employee ~~shall~~will submit a request for use of vacation leave in advance in accordance with leave of absence procedures and guidelines. In deciding whether to approve or deny vacation leave, the supervisor or designee ~~shall~~will consider the effect of the employee's absence on the educational program or College District operations.

Sabbatical Leave

Sabbatical leaves are available to provide College District employees with a significant opportunity for professional growth. Sabbatical leaves are granted based on a review and recommendation by the sabbatical committee in response to the published priorities for the year, with subsequent review, recommendation, and consideration by the executive vice president, District President, and the Board. Sabbatical leaves are not granted on the basis of longevity and are not an entitlement.

Sabbatical leave may be granted, upon application, for study, research, writing, field observations, or other suitable purposes such as completing a degree, improving skills, and maintaining currency in the employee's discipline or field.

Eligible employees [see definition at DEC(LEGAL) Development Leaves of Absence] may apply for a sabbatical upon completion of five years of continuous full-time service. Six years of continuous full-time service must be completed before a sabbatical can commence.

The leave ~~shall~~will be for one academic year at one-half of the faculty member's regular salary or for one-half academic year at full regular salary. Failure to return for all or part of the one-year period will make the person liable for the return of all, or part, of the sabbatical stipend in proportion to the percent of time not completed.

An otherwise eligible employee who has received a sabbatical leave within the past five years, whose position is funded by an external grant or contract, or who is in his or her last year of full-time employment with the College District is ineligible for sabbatical leave.

The chief human resources officer and the chair of the sabbatical leave committee are available to answer questions concerning the sabbatical leave policy and procedures.

Bereavement Leave

A full-time benefits-eligible employee ~~shall~~will be granted up to 40 hours of paid bereavement leave upon the death of an employee's spouse, child, parent, or other person who occupies a position of similar importance in the employee's family in accordance with administrative regulations.

A full-time benefits-eligible employee ~~shall~~will be granted up to 24 hours of paid bereavement leave upon the death of other family members of the employee to include siblings, grandparents, grandchildren, parents-in-law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family in accordance with administrative regulations, including an employee's step and foster relationships of the above.

Bereavement leave ~~shall~~will be noncumulative.

Critical Illness Leave

Definition

"Critical illness" is defined as a life-threatening condition.

Benefit

A full-time employee ~~shall~~will be granted up to 24 hours of paid critical illness leave for absences associated with the critical illness of an immediate family member or other family members of the employee to include siblings, grandparents, grandchildren, parents-in-law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family, in accordance with administrative regulations.

Critical illness leave ~~shall~~will be noncumulative.

**Workers'
Compensation**

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the College District's contribution to health insurance. [See CKD(LOCAL) regarding payment of insurance contribution during employee absences.]

An absence due to a work-related injury or illness ~~shall~~will be designated as FMLA leave.

An employee eligible for workers' compensation income benefits may elect in writing to use paid leave.

**Extraordinary
Circumstances**

Up to 40 hours of leave without pay may be granted to an employee for extraordinary circumstances that cannot be addressed within the paid leave benefits provided by the College District, in accordance with administrative procedures and guidelines for faculty and staff. An employee who has been employed more than 12 months may request leave without pay of up to 720 hours after he or she has exhausted all eligible leave, including paid, unpaid, and

COMPENSATION AND BENEFITS
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FMLA leave for his or her own serious health condition or that of an immediate family member, to include the spouse or dependent child(ren) of the employee. Upon return from the leave of absence, the employee will be eligible for the same or similar position, upon release from his or her physician, if applicable, consistent with the College District's procedures and guidelines for faculty and staff.

Employees not Eligible for FMLA Leave

A full-time employee who has not yet worked the required 12 months and 1250 hours to qualify for FMLA leave may take a maximum of 160 hours of leave without pay for his or her own serious health condition or for the serious health condition of the employee's spouse and dependent children of the employee.

Expiration of Available Leave and Attendance Policy

When an employee is close to using all earned paid and unpaid approved leave, the College District will send a letter to the employee at the home address on file explaining that his or her leave is almost exhausted and the notification requirements for returning to work. If the employee's absence is due to his or her own medical condition, the employee must present a written medical clearance form, a health-care professional who verifies the employee is able to perform the essential functions of his or her position, and a description of any requested job-related accommodations provided by the deadline to the College District.

[See DMAA]

If an employee is not medically released to return to work, with or without reasonable accommodations, when all available paid and unpaid leave has been exhausted, the employee's employment with the College District will end, absent a request by the employee for a reasonable accommodation. Communications with the employee ~~shall~~will be consistent with administrative procedures and guidelines.

Voting in Public Elections

An employee is expected to vote before or after his or her scheduled working hours unless voting at a polling location on a College District campus. In the rare instance that this is not possible, the employee may request prior approval from his or her supervisor for time off, not to exceed two hours, to vote.

Court Appearances

Absences due to compliance with a valid subpoena for College District-related business or for jury duty ~~shall~~will be fully compensated by the College District and ~~shall~~will not be deducted from the employee's pay or leave balance.

Absences due to compliance with a valid subpoena for personal business ~~shall~~will be deducted from the employee's personal leave or vacation leave or result in loss of pay at the employee's daily rate for each day of work missed.

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**Other Absences and
Leave Without Pay**

Any other absences or granted leaves of absence will result in an appropriate deduction from pay or deduction from eligible leave balances, consistent with the College District's procedures and guidelines for faculty and staff.

COMPENSATION AND BENEFITS
EXPENSE REIMBURSEMENT

DEE
(LOCAL)

Employees are encouraged to keep abreast of the latest trends in education, to grow professionally, and to work cooperatively with other professionals both inside and outside the College. To this end, employees may make professional trips from time to time. Reimbursement for such trips will be made within established guidelines and budget constraints.

Employees whose duties require travel within the College will also be entitled to reimbursement consistent with the College's procedures and guidelines for faculty and staff.

**Professional
Trips**

Employees will be allowed to attend professional meetings that pertain to their respective areas of responsibility, subject to the following criteria:

1. The money to be expended falls within the budget amounts previously approved by the Board. Funds will be provided in the budget for the purpose of underwriting the cost of travel and per diem expenses on a departmental basis.
2. The trip is approved by the immediate supervisor, appropriate vice president, provost, or the District President.

Reimbursement

Employees will be reimbursed for reasonable travel expenses in accordance with the College's business procedures.

In-District Travel

For purposes of the in-College travel policy, the following definitions will apply:

1. Employees will be defined as full-time employees of the College.
2. Multiple assignments will be defined as assignments that in any one day require the employee to start the workday at one location and travel to a subsequent location(s) to meet the College's needs. The concept of multiple assignments refers to a full-time assignment only and specifically excludes the part-time overload or extra service assignment that may be worked by full-time employees.
3. Committee and special assignments will be defined as being integral to the operation of the College. These assignments are established by the vice president, provost, or District President; examples are curriculum advisory board, all College council meetings, and search committees.

Employees who serve on College committees or serve on special College assignments will be reimbursed at the standard approved rate per mile in accordance with the College's business procedures.

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EXPENSE REIMBURSEMENT

DEE
(LOCAL)

Travel for employees for specially funded programs will be governed by the terms of that program contract but will not exceed the approved travel rate for the College.

International Travel

Purpose

International travel will be authorized for the primary purpose of increasing the academic and/or civic experience offered to College students and enhancing the value of the faculty and staff's contribution to the College's strategic goals.

Definition

International travel must have a College benefit. International travel is defined as any approved College-related trip during or outside of usual working hours taking place anywhere outside of North America. College employees may be approved to travel with the College for a variety of reasons provided they are effectively tied to the strategic goals of the College. International travel will be an authorized expenditure under the College's annual operating budget. [See CC(LEGAL)]

Behavior

All employees will adhere to the Employee Standards of Conduct. [See DH(LOCAL)]

Conflicts of Interest

All College employees will adhere to the conflicts of interest provisions found in Board policies. [See DBD]

Eligibility

For the purposes of international travel, only full-time employees will be eligible. An otherwise eligible employee, whose position is funded by an external grant or contract, will be ineligible for international travel unless such travel is required and funded by the grant or contract.

International travel will not be considered as an individual professional development right or deferred compensation.

Frequency

With the exception of travel for performance, competition, or in support of student activities, international travel will be restricted to once every three years for an individual.

Funding

Any employee who voluntarily terminates full-time employment with the College prior to 12 months following the completion of the international travel will have a prorated portion of the travel expenses (including registration fees, hotel, meals, and transportation costs) deducted from his or her final payroll check to the extent permitted by law. If insufficient funds exist to repay the amount due through payroll deduction, the prorated amount due to the College must be repaid through a personal check or equivalent.

Risk Assessments

Country risk assessment reports are required for all countries to be visited regardless of security ratings. A State Department risk assessment must be provided with the application and resubmitted within 30 days of departure.

COMPENSATION AND BENEFITS
EXPENSE REIMBURSEMENT

DEE
(LOCAL)

Employees or any other individuals authorized to travel, including students, will not be allowed to travel to countries for which a travel advisory has been issued by the State Department of the United States of America. Information regarding current State Department advisories can be found at: <http://travel.state.gov/travel/warnings.html>.

Release	In consideration of the College authorizing international travel for a College employee and other consideration, the College employee will execute a written release prior to beginning the travel, releasing the College and its trustees, officers, employees, and agents from any liability, claims, causes of action, and damages, known or unknown, in connection with or related to the international travel authorized by the College. The form of the release will be approved by the College.
Limitations	Requests for international travel will be within budget and will reflect a direct benefit to the College's students.
Application	<p>Applications will be submitted a minimum of three months prior to the planned travel dates; exceptions to the application period will require approval from the appropriate leadership team member.</p> <p>All proposals will be submitted to the appropriate dean, director, or immediate supervisor, using the International Travel form. Applications recommended for approval will be submitted by the appropriate dean, director or immediate supervisor to be evaluated by a review committee consisting of one academic dean on each campus and at least two other administrators within the College. Applications recommended for approval by the review committee will be submitted to the appropriate leadership team member.</p>
Approval	Subject to the limitations specified in this policy, and upon the recommendation of the review committee and the appropriate leadership team member, the District President <u>or designee</u> may authorize international travel. The decision of the District President <u>or designee</u> is final.

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Note: For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA and FLAA. For use of the College District's internal mail system, see CHE.

Academic Freedom

All faculty members (full-time and associate) shall be entitled to academic freedom and bear a concomitant dedication to academic responsibility. (The faculty subscribes to the principles expressed in the Statement of Academic Freedom and Responsibility adopted February 19, 1982, by the Texas Junior College Teachers' Association, the text of which is appended to and made an integral part of this document.) [See STATEMENT OF PURPOSE, below]

All faculty members enjoy the constitutional freedoms guaranteed to all citizens by the United States' Constitution and the Constitution of the State of Texas. In the classroom, teaching faculty members have the freedom to discuss any controversial matter and to voice opinions within areas of their professional competence. At the same time, they have an obligation to acquaint students with other scholarly opinions on the subject. Outside the classroom, faculty members are free from institutional censorship or discipline for exercising their rights as private citizens to express themselves freely on matters of public concern, to associate with persons or groups as they so choose, and to participate in political or other kinds of activities. When faculty and support staff speak or write as private citizens, however, they must bear in mind that their actions will inevitably be judged by the public and reflect upon their profession and institution. Therefore, faculty and support staff shall strive for accuracy, exercise appropriate restraint, exhibit tolerance for differing opinions, and indicate clearly that they are not an official spokesperson for the College District.

The College District accepts the responsibility to foster and to encourage faculty and support staff to exercise their freedoms and to protect against acts that deny freedom of speech and the related freedoms to be heard, to study, to teach, to administer and to pursue scholarly activity.

Faculty members acknowledge their responsibility to maintain professional competence in their fields of specialization and to be committed to effective teaching and student service.

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**Statement of
Purpose on
Academic Freedom
and Responsibility**

The Board believes that it is essential that the faculty have freedom in teaching, research, and publication. Faculty members ~~shall~~ must be free from the fear that others might threaten their professional careers because of differences of opinion regarding such scholarly matters. To this end, the College District has adopted the following statement of purpose on academic freedom and responsibility.

The College District, like all other institutions of higher education, serves the common good, which depends upon uninhibited search for truth and its open expression. The points enumerated below constitute its position on academic freedom:

1. Faculty members are appointed to impart to their students and to their communities the truth as they see it in their respective disciplines. The teacher's right to teach preserves the student's right to learn.
2. The mastery of a subject makes a faculty member a qualified authority in that discipline and competent to choose how to present its information and conclusions to students. The following are among the freedoms and responsibilities that should reside primarily with the faculty, with the advice and consent of the appropriate dean of instruction: planning and revising curricula, selecting textbooks and readings, selecting classroom films and other teaching materials, choosing instructional methodologies, assigning grades, and maintaining classroom discipline.
3. Faculty members are citizens, and, therefore, possess the rights of citizens to speak freely outside the classroom on matters of public concern and to participate in lawful political activities.
4. Prior restraint or sanctions ~~shall~~ will not be imposed upon faculty members in the exercise of their rights as citizens or duties as teachers. Nor ~~shall~~ will faculty members fear reprisals for exercising their civic rights and academic freedom.
5. Faculty members have a right to expect the Board and the College District's administrators to uphold vigorously the principles of academic freedom and to protect the faculty from harassment, censorship, or interference from outside groups and individuals.

The academic freedom of the College District faculty members ~~shall~~ will be accompanied by equally compelling obligations and responsibilities to their profession, their students, the College District, and their community. Faculty members ~~shall~~ will defend the rights of

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academic freedom while accepting willingly the responsibilities enumerated below:

1. Faculty members shall/will be judicious in the introduction of material in the classroom without forfeiting the instructional benefits of controversy.
2. Faculty members are entitled to all rights and privileges of academic freedom in the classroom while discussing the subjects they teach. No faculty member, however, shall/will attempt to force on his or her students a personal viewpoint intolerant of the rights of others to hold or express diverse opinions. Faculty members shall/will not act in a manner that is perceived as being abusive, either physically or verbally, by their students.
3. Faculty members shall/will recognize their responsibility to maintain competence in their disciplines through continued professional development and to demonstrate that competence through consistently adequate preparation and performance.
4. Faculty members shall/will recognize that the public will judge their institution and their profession by their public conduct. Therefore, faculty members shall/will always make clear that the views they express are their own and shall/will avoid creating the impression that they speak or act on behalf of the College District or of their profession.
5. Faculty members shall/will recognize their responsibility to adhere to the policies and procedures of the institution. Therefore, faculty members who have differences of opinion with existing or proposed policies or procedures shall/will express these views through the standing committee structure of the College District or their supervising administrators.

Expressive Activities
by Employees in
Common Outdoor
Areas

Common outdoor areas are designated by state law as traditional public forums.

For purposes of this policy, the terms "expressive activities" and "common outdoor areas" are defined in GD(LOCAL).

All College District employees may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;

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2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Employees do not need a College District permit or a prior reservation for the exercise of expressive activities in common outdoor areas of the College District. Expressive activity may occur in those common outdoor areas of the College District that are not in use by others.

However, employees may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time.

In addition, when outdoor space is being used, even on a temporary basis, for College District business, operations, events, an educational function or a research function, it is not part of the common outdoor area available for use for others' expressive activities.

Reservations for assembly or expressive activities in the common outdoor areas of the College District may be made through the Conference Services Department on a form prescribed by them or through a request sent to reserveCOA@collin.edu. If the expected attendance at an assembly or expressive activity is fifteen or more people, advance notice and a reservation of no less than two weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

Time, Place, and Manner Rules for Common Outdoor Areas

In addition to the specific rules addressed in this policy and in DGD, expressive activities by employees in common outdoor areas are subject to the time, place, and manner rules listed in GD(LOCAL).

Identification

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Employees distributing materials on campus or using College District facilities will provide identification when requested to do so by a College District representative or College District police officer.

Violations of Policy

Failure to comply with this policy and procedures regarding use of College District common outdoor areas, College District facilities, or distribution of literature will result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities and/or the confiscation or discarding of nonconforming materials. An employee who fails to comply with or violates this policy may be disciplined under applicable procedures provided by other College District policies and rules, and may referred to a supervisor, dean, or the Human Resources Department for disciplinary action. Community members or off-campus organizations who violate the rules in this policy may also be subject to criminal trespass charges, or other lawful measures.

Interference with Expressive Activities in Common Outdoor Areas

Employees that interfere with the expressive activities permitted by this policy will be subject to disciplinary action in accordance with the College District's discipline policies and procedures [See DH, FM, and FMA].

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.

Publication

This policy and associated procedures must be posted on the College District's website and distributed to employees in appropriate publications.

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DGD
(LOCAL)

~~Other than the use of common outdoor areas, The grounds and the~~ facilities of the College District ~~shall~~will be made available to employees or employee organizations, when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization ~~shall~~will pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the District President or designee.

An "employee organization" is an organization composed only of College District faculty and staff or an employee professional organization.

The distribution of materials by employees or employee organizations in College District common outdoor areas is subject to the same policies set out in GD.

Requests

To request permission to meet ~~on~~ in College District ~~premises~~facilities, interested employees or employee organizations ~~shall~~will file a written request with the Facilities Scheduling Coordinator in accordance with administrative procedures.

The employees or the employee organization making the request ~~shall~~will indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Employees may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time. See GD.

Approval

~~Other than the use of common outdoor areas, The Vice President/Provost of each campus~~vice president of administrative services and CEO shall will approve or reject the request for use of College District facilities in accordance with provisions and deadlines set out in this policy, GF(LOCAL), and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees' or employee organization's use of the facility.

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Approval ~~shall~~will not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The ~~Vice President/Provost, Facilities Scheduling Coordinator~~Director of Auxiliary Services, or a designee shall will provide the applicant a written statement of the grounds for rejection if a request for use of the facilities is denied.

**Announcements and
Publicity**

In accordance with administrative procedures, all employees and employee organizations ~~shall~~will be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative or College District police officer.

Violations

Failure to comply with the policy and procedures regarding employee use of College District facilities ~~shall~~will result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's policies and procedures. ~~and the employee handbook.~~

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Appeals

Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL).

STUDENT ACTIVITIES
COLLEGE-SPONSORED PUBLICATIONS

FKA
(LOCAL)

Student Publications	<p>All College District-published and -financed student publications are required to conform explicitly to the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, harassment, and innuendo.</p> <p>The College District reserves the right to ensure and maintain free and responsible media operations through the educational process.</p>
Use of College District Name or Symbol	<p>The name of the College District, emblem/logo of the College District, or other recognizable symbol representing the College District shall<u>will</u> not be used as a part of the name or masthead of any publication without the express written approval of the College President <u>or designee</u>.</p>
Identification of Funding Source	<p>Any publication, developed wholly or in part from funds received from a grant, shall<u>will</u> have the funding source clearly identified on the document.</p>

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(LOCAL)

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District ~~shall~~will not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District ~~shall~~will not be responsible for, nor ~~shall~~will the College District endorse, the contents of any ~~nonschool literature materials or literature~~ distributed by students or registered student organizations that are not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities ~~shall not be considered nonschool literature and shall~~will not be governed by this policy.

[For distribution of ~~nonschool literature materials in College District facilities and common outdoor areas~~ by nonstudents and organizations that are not registered student organizations, see GD]

Limitations on Content

Nonschool materials or literature ~~shall~~will not be distributed by students or registered student organizations on College District property if:

1. The materials are obscene.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB]
5. The materials constitute nonpermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and Manner ~~Restrictions~~
Rules

The ~~vice president for student development vice president for student and enrollment services or designee~~ shall~~will~~ designate times, locations, and means by which ~~nonschool literature materials or literature~~ that is appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others at College District facilities.

Distribution of the nonschool literature ~~shall~~will be conducted in a manner that:

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1. Is not disruptive; [See FLB]
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor will clean the area around which the literature was distributed of any materials that were discarded or leftover.

Petitions, Handbills,
and Literature

This section is covered in the provost's office at each campus.

Each petition, handbill, or piece of literature submitted for approval for distribution shall will include the name of the person or organization wanting to distribute it.

A person or organization shall will be prohibited from publicly distributing on College District property any nonschool literature that is obscene or libelous or that contains nonpermissible solicitation. Distribution of nonschool literature shall will be conducted so as not to interfere with the free and unimpeded flow of pedestrian and vehicular traffic or disturb or interfere with academic or institutional activities.

A person or organization shall will not distribute nonschool literature by accosting individuals or by hawking or shouting. The distributor shall will ensure the area around which the nonschool literature was distributed is clean and free of discarded or leftover materials.

Signs

For the purposes of this policy, "sign" shall will be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall will be defined as any means used for displaying a sign.

"Nonpermissible sign" shall will mean a sign that contains material that is obscene, libelous, or includes nonpermissible solicitation and/or is larger than 11 inches by 17 inches, unless authorized by the director of student life.

A person or organization shall will not post a nonpermissible sign. [See FI and GD]

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A student, registered student organization, department, or community member may publicly post a sign on College District property in areas or locations designated by the assistant director of student engagement~~life~~ in conjunction with the campus provost/vice president and the campus manager of facilities~~director of plant operations or in common outdoor areas as allowed by policy GD~~. No object other than a sign may be posted on College District property.

Before publicly posting a sign on College facilities (outside of common outdoor areas), a student or registered student organization ~~shall~~will:

1. Deliver a copy, photograph, or description of the sign to be posted.
2. Provide pertinent information including:
 - a. The name and phone number of the student, registered student organization, department, or community member;
 - b. The proposed general location for posting the sign;
 - c. The length of time the sign will be posted; and
 - d. The signature of the student, authorized representative, and/or adviser.

Restrictions
Rules

Upon receipt, the appropriate student ~~life engagement~~ office staff ~~shall~~will ensure that the pertinent information listed above is included and that the following guidelines are applied:

1. Approved items, with a maximum size of 11 inches by 17 inches ~~shall~~will be posted neatly on appropriate bulletin boards by student engagement ~~life~~ office personnel, subject to space availability;
2. Each item to be posted ~~shall~~will receive an approval stamp dated and signed by student engagement~~life~~ office personnel;
3. Materials ~~shall~~will generally be approved for a maximum period of four weeks; and
4. Materials that do not conform to these posting guidelines ~~shall~~will be subject to immediate removal.

A sign ~~shall~~will not be:

1. Attached to:
 - a. A shrub or plant;
 - b. A tree, except by string to its trunk;

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- c. A permanent sign installed for another purpose;
 - d. A fence or chain or its supporting structure;
 - e. A brick, concrete, or masonry structure; or
 - f. A statue, monument, or similar structure.
2. Posted:
- a. On or adjacent to a fire hydrant;
 - b. Outside of a common outdoor area ~~On or between a curb and sidewalk;~~ or
 - c. In a College District building, except on a bulletin board designated for that purpose.

Removal

The student life office ~~shall~~will remove all signs no later than one week after the expired approval stamp date. A sign posted or attached in accordance with the provisions of this policy ~~shall~~will not be removed by anyone without permission from the director of student life.

Classroom Bulletin Boards

Bulletin boards located inside and directly outside each classroom ~~shall~~will be under the jurisdiction of the provost on each individual campus or designee.

Expressive Activities by Students or Student Organizations in Common Outdoor Areas

Common outdoor areas are designated by state law as traditional public forums.

For purposes of this policy, the terms “expressive activities” and “common outdoor areas” are defined in GD(LOCAL).

Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person’s conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

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Students or student organizations do not need a College District permit or reservation for the exercise of expressive activities in common outdoor areas of the College District. Expressive activity may occur in those common outdoor areas of the College District that are not in use by others.

However, students and student organizations may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time.

In addition, when outdoor space is being used, even on a temporary basis, for College District business, operations, events, an educational function or a research function, it is not part of the common outdoor area available for use for others' expressive activities.

Reservations for assembly or expressive activities in the common outdoor areas of the College District may be made through the Conference Services Department on a form prescribed by them or through a request sent to reserveCOA@collin.edu. If the expected attendance at an assembly or expressive activity is fifteen or more people, advance notice and a reservation of no less than two weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

Time, Place, and Manner Rules for Common Outdoor Areas

In addition to the specific rules addressed in this policy for Distribution of Literature, expressive activities by students or student organizations in common outdoor areas are subject to the time, place, and manner rules listed in GD(LOCAL).

Identification

Students or registered student organizations distributing materials on campus or using College District facilities will provide identification when requested to do so by a College District representative or College District police officer.

Violations of Policy

Failure to comply with this policy and procedures regarding use of College District common outdoor areas, College District facilities, or distribution of literature will result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities and/or the

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confiscation or discarding of nonconforming materials. A student or student organization who fails to comply with or violates this policy may be disciplined under applicable procedures provided by other College District policies and rules, including the Student Handbook, and may referred to the Dean of Students Office for disciplinary action.

Interference with Expressive Activities in Common Outdoor Areas

Students or student organizations that interfere with the expressive activities permitted by this policy will be subject to disciplinary action in accordance with the College District's discipline policies and procedures [See DH, FM, and FMA].

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.

Publication

This policy and associated procedures must be posted on the College District's website and distributed in the student handbook. They must also be distributed to students at orientation.

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(LOCAL)

~~Other than the use of common outdoor areas, The grounds and the~~ facilities of the College District ~~shall~~will be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting students or student organization ~~shall~~will pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

~~The use of and the distribution of materials in College District common outdoor areas are subject to the policies set out in GD.~~

Requests

To request permission to meet ~~in~~ College District ~~premises~~facilities, interested students or registered student organizations ~~shall~~will submit a request through ~~OrgSync~~ Cougar Connect with the Office of Student Engagement in accordance with administrative procedures.

The students or the registered student organization making the request ~~shall~~will indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

~~Students and student organizations may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time. See FLA.~~

Approval

The assistant director of student engagement ~~shall~~will approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval ~~shall~~will not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;

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2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes non-permissible solicitation [see FI];
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The assistant director of student engagement shall will provide the applicant a written statement of the grounds for rejection if a request is denied.

Announcements and Publicity

In accordance with administrative procedures, all students and registered student organizations shall will be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Students or registered student organizations using College District facilities shall will provide identification when requested to do so by a College District representative or College District police officer.

Violations

Failure to comply with the policy and procedures regarding student use of College District facilities shall will result in appropriate administrative action, including but not limited to, suspension of a student's or a registered student organization's use of College District facilities and/or other disciplinary action in accordance with the College District's discipline policies and procedures [see FM and FMA] and student handbook.

Appeals

Decisions made by the administration under this policy may be appealed in accordance with FLD(LOCAL).

[For distribution of literature, see FLA]

**Student Code of
Conduct**

College District students are both citizens and members of the academic community. As citizens and students, they enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy. As members of the academic community, they are subject to the obligations that are theirs by virtue of this membership.

The College District expects its students to conduct themselves in a manner that reflects credit upon the institution they represent. There are two basic standards of behavior required of all students:

1. They will adhere to College District policies and municipal, county, state, and federal laws; and
2. They will not interfere with or disrupt the orderly educational processes of the College District.

Students are entitled to only those immunities or privileges by law as enjoyed by other citizens. In the event any provision of this policy conflicts with the laws of the State of Texas or the United States of America, the state or federal law will prevail.

**Scholastic
Dishonesty**

Every member of the College District community is expected to maintain the highest standards of academic integrity. All work submitted for credit is expected to be the student's own work. The College District may initiate disciplinary proceedings against a student or program applicants accused of scholastic dishonesty. While specific examples are listed below, this is not an exhaustive list, and scholastic dishonesty may encompass other conduct, including any misconduct through electronic or computerized means. Scholastic dishonesty ~~will include~~s, but is not limited to, one or more of the following acts:

1. Cheating;
2. Collusion;
- ~~3. General Scholastic Dishonesty;~~ and/or
- ~~4.3.~~ Plagiarism.

Definitions of the scholastic dishonesty terms listed above are located in the current *Student Code of Conduct*.

In cases where an incident report has been filed for an alleged violation of scholastic dishonesty, the faculty member will delay posting a grade for the academic work in question until the case is final. A student found responsible for a scholastic dishonesty offense(s) will receive an appropriate disciplinary penalty or penalties from the Dean of Students Office. The student may also receive an academic penalty in the course where the scholastic dishonesty took

place. The faculty member will determine the appropriate academic penalty, which may range from a grade of zero (0) on the assignment to failing the course.

**Other
Offenses Student
Code of Conduct
Violations**

The College District may initiate disciplinary proceedings for a student or program applicants who commits an offense as provided below. This list is not exhaustive but provides examples of the types of violations that may result in discipline:

1. Committing an act of scholastic dishonesty including, but not limited to, cheating, collusion, and/or plagiarism.
2. Conducting himself or herself in a manner that interferes with or disrupts the educational environment, orderly process of the College District, or lawful rights of others.
3. Committing any offense that violates the College District's Core Values.
- ~~1. Forging, altering, or misusing College District documents or records.~~
- ~~2. Disrupting the orderly process of the College District (e.g., classes, events, or meetings) or interfering with the lawful rights of others.~~
- ~~3. Conducting himself or herself in a manner that interferes with College District teaching, research, administration, disciplinary procedures, or other activities and public service functions.~~
4. Damaging, stealing, defacing, or destroying College District property, property belonging to a third party on a College District-sponsored trip, or property belonging to a College District student, faculty or staff member, or a campus visitor.
5. Theft, sabotage, destruction, distribution, or other use of the intellectual property of the College District or third parties without permission.
6. Knowingly giving false information in response to reasonable requests from College District officials.
7. Assaulting, threatening, abusing (physically, verbally, and/or sexually), or endangering in any manner the health or safety of a person at the College District, on College District property, or at a College District-sponsored event.
8. Violating the College District Student Code of Conduct; Board policies; laws; or administrative rules, regulations, and procedures (e.g., parking, guidelines for student events, registration

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- of meetings and activities, use of College District facilities or the time, place, and manner of public expression).
9. Failing to comply with directions of College District officials and/or police acting in the performance of their duties.
 10. Failing to notify College District officials of a change in residency status or current address.
 11. Being convicted of an indictable offense under either municipal, state, or federal law that occurred on College District property or at an off-campus, College District-sponsored event.
 12. Attempting to, or possessing, manufacturing, delivering, distributing, selling, purchasing, using, or being under the influence of, alcoholic beverages, illegal controlled substances (as defined in the Texas Controlled Substance Act), steroids, substances referred to as “designer drugs,” and inappropriately or illegally using over-the-counter medications, prescription medications, inhalants, herbal/“natural” euphoriant, and/or look-alike products (i.e., what is represented to be any of the above-listed substances) at the College District, on College District property, or while attending College District-sponsored activities on- or off-campus. [See FLBE]
 13. Retaliating against another student, campus visitor, or staff or faculty member.
 14. Discriminating against, harassing, committing sexual assault, committing dating violence, committing domestic violence, engaging in bullying, and/or stalking another student, campus visitor, or staff or faculty member, including, but not limited to, sexual, racial, and disability discrimination or harassment; ~~and/or creating an intimidating, hostile, or offensive educational environment.~~
 - ~~14-15.~~ Creating an intimidating, hostile, or offensive educational environment.
 - ~~15-16.~~ Using, possessing, or displaying any location-restricted knife, club, brass knuckles, or prohibited weapon, in violation of the law or College District policies and procedures, on College District property or at a College District-sponsored or -related activity, unless written authorization is granted in advance by the District President or designee. [See CHF]
 - ~~16-17.~~ Engaging in gang-related activity and/or organized criminal activity at any College District facility or grounds. Such actions will subject a student to disciplinary penalties, while a student

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involved in illegal acts may be arrested and face criminal prosecution.

- ~~17. Releasing restricted course call numbers to other students.~~
18. Failing to secure, mMisusing or sharing College-Wide Identification (CWID) numbers (~~CWID~~), CougarMail e-mail Collin Email accounts, restricted course registration numbers (CRNs), or other restricted access codes or passwords.
19. Repeatedly violating College District policies, procedures, or guidelines and/or repeating less serious breaches of conduct.
20. Misusing College District technology and/or using computing systems to harass others (including, but not limited to, sending, distributing, posting, or displaying offensive or threatening material, and forging mail messages, ~~sending chain letters, and the like~~), and/or any violation of digital copyright laws resulting in demonstrable harm to the College District's network or disruption of classroom activities. These violations may result in the suspension of College District technology resource privileges and will be addressed as a formal disciplinary matter.
21. Gambling illegally in any form, at the College District, on College District property, or at any College District-sponsored activity.
22. Engaging in the disruptive use of electronic, digital media, or telecommunications, and/or wearable devices (e.g., phones, smart watches, Fitbits, Bluetooth devices, tablets, etc.) during classes, labs, or other College District learning environments. In addition, all electronic, digital media, ~~or~~ telecommunication and/or wearable devices must be completely turned off (not in silent or vibrate mode) while taking examinations and prior to entering the College District's Testing Centers.
23. Failing to demonstrate respect for the privacy rights of employees, other students, and visitors, not complying with all regulations and laws regarding the protection of confidential information, and not complying with all College District regulations regarding the use of cameras and recording devices.
24. Engaging in hazing at the College District, on College District property, or at any College District-sponsored activity.
- ~~25.~~ Smoking or using any tobacco product or other electronic smoking device (including personal vaporizers) on ~~all~~ College District property. [See ~~FLBE~~]

~~26. Forging, altering, or misusing College District documents or records.~~

~~25-27. Unlawfully interfering with the exercise of expressive activities in common outdoor areas by others as permitted by Board policies.~~

~~26. Committing any other offense that violates the College District's core values or that disrupts the educational processes of the College District.~~

Hazing

Section 51.936 of the Texas Higher Education Code and Texas Education Code Chapter 37, Subchapter F, prohibits hazing at the College District, on College District property, or while attending College District-sponsored activities on- or off-campus. [See FLBC(LEGAL)] The ~~office of the dean of students at the~~ College District Dean of Students Office will publish or distribute a list of organizations that have been disciplined for hazing or convicted for hazing on- or off-campus during the previous three years.

Note: For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA and FLAA. For expression and use of College District facilities by employees and employee organizations, see DGC and DGD. For use of the College District's internal mail system, see CHE.

**Use of College
District Facilities**

The College District's facilities and property are intended primarily for the support of the instructional programs of the College District and for the support of programs conducted or sponsored by the College District's academic and administrative departments or organizations affiliated with those departments.

~~[For use of the College District's facilities by employees or employee organizations, see DGD. For use by students and registered student organizations, see FLAA.]~~

Definitions

As used within this policy, the terms "disrupt," "disruptive," "disturb," and "disturbances" are defined as activities or actions that cause disorder or turmoil in the College District's classes, programs and services or that interfere with or interrupt planned activities, or other operations of the College District by noise or movement.

As used within this policy, the term "expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and which includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech such as advertisements for products or services.

As used within this policy, the term "amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means, such as by a megaphone. The use of a single microphone for a guest speaker, shouting, chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound, but are subject to the general rules on disruption.

As used within this policy, the term "guest speaker" means an individual speaker or performer who is not a student, faculty member, employee, or Board member of the College District.

**Limited Public
Forum and Public
Assembly Use**

The buildings, classrooms, libraries, facilities, grounds, and property owned or controlled by the College District are not a traditional public forum open for assembly, debate, demonstrations, or similar

activities by members of the general public, subject to some exceptions, and applicable state law concerning common outdoor areas.
[See GD(LEGAL)]

For-Profit Use

The College District does not permit individuals or for-profit organizations to use its facilities for their own financial gain, including for marketing, promotional, course instruction, or other profit-generating activities, activities; ~~The College District does not nor does the College District~~ permit third-party private academic instruction, courses, or student recruitment by individuals or by for-profit organizations at its facilities. This does not exclude institutions of higher education or third-party organizations from participating in College District-approved or -sponsored transfer and recruitment fairs.

The College District does permit the rental of College District facilities for third-party corporate or employee training programs and educational testing, as well as for public meetings, performances, and presentations so long as no admission fee is charged, when these activities do not conflict with College District use or with this policy.

Nonprofit Use

The College District may permit 501(c)(3) nonprofit organizations to rent space and host events on College District property when these activities do not conflict with College District use or with this policy.

Private Use

College District facilities are not available for use or for rental to individuals for private gatherings sponsored by private individuals.

Fundraising Use

Only civic, educational, and student organizations and individuals authorized by the College District are allowed to sponsor and engage in fundraising activities using College District facilities. All external requests must be submitted for approval to Conference Services.

Campaign-Related Use

The College District permits open forums and town hall events scheduled through Conference Services or hosted by the College District for elected officials and those who have filed to run for elected office, based on space availability and adherence to the College District's standard room reservation approval process. However, except to the extent a College District facility is used as an official polling place, College District facilities are not available for use by individuals or groups for political advertising, campaign communications, or electioneering, as those terms are used in state law. [See Election/Campaign Signs and Tents, below]

In accordance with the Texas Election Code, the following definitions will apply:

1. "Political Advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:
 - a. In return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or
 - b. Appears:
 - (1) In a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
 - (2) On an internet website.
2. "Campaign communication" means a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure.
3. "Electioneering" includes the posting, using, or distributing political signs or literature:
 - a. During the time an early voting polling place is open for the conduct of early voting, a person may not electioneer for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located.
 - b. The entity that owns or controls a public building being used as an early voting polling place may not, at any time during the early voting period, prohibit electioneering on the building's premises outside of the area described in 1.b, above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

The College District does not permit external individuals or groups to use College District facilities to access students, faculty, or staff for private purposes, including gathering signatures for petitions. Limited public forum areas are designated at each campus for this purpose. [See GD(LEGAL)]

Recreational Use

Approval from the Conference Services Department is required for use of the College District's indoor and outdoor recreational facilities, such as the gym, tennis courts, and the like when the facilities

are not in use by the College District or for another scheduled purpose.

Emergency Use

In case of emergencies or disasters, the District President or designee may authorize the use of College District facilities by civil defense, health, or emergency service authorities.

**Expressive Activities
in Common
Outdoor Areas**

Community members may only engage in expressive activities in common outdoor areas (as defined in this policy) of the College District, as long as the conduct is not unlawful and does not materially and substantially disrupt the functioning and operations of the College District. Common outdoor areas are designated by state law as traditional public forums.

To preserve the functions and operations of the College District, expressive activities in common outdoor areas are subject to the time, place, and manner rules listed in this policy.

The “common outdoor areas” of the College District mean outdoor space that is not used, on either a permanent or temporary basis, for the College District’s: (1) business or operations; (2) a sponsored event; (3) an educational function; (4) a research function; and that is at least 75 feet from any College District building entrance or window. Common outdoor areas do not include the buildings, classrooms, libraries, facilities, student housing or residential outdoor spaces managed by the College District, outdoor surfaces of college buildings, surfaces associated with or connected to a college building, a college structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the College District’s limited public forum.

**Requests for Use of
Facilities**

To request permission to meet ~~ei~~ in College District ~~facilities, premises, or limited public forums~~, interested community members or organizations will file a written application with the Conference Services Department in accordance with administrative procedures.

The community members or organization making the request will indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules. The application will be submitted at least ten business days prior to the proposed use but not more than four months prior to the proposed use for all spaces other than conference centers. Conference centers may be booked no more than 12 months in advance. Requests for exceptions to the timeline may be approved by the Conference Services Department. Use of College District facilities may not commence until it is approved, in writing, by the Conference Services Department.

Requests for community use of College District facilities will be considered on a first-come, first-served basis. However, requests received on the same day will be prioritized as follows:

1. Classroom instruction and other official College District functions and programs;
2. Requests by recognized student organizations and employee organizations;
3. Activities sponsored by non-College District, nonprofit organizations that are open to the public; and
4. Authorized activities that do not fall within the above categories.

Organizations from within the College District's service area will be given priority over requests from organizations located outside the College District's service area.

Events that directly benefit the citizens of the College District will be given priority over events that specifically target larger groups or groups from outside the College District.

Programs offered through the facilities rental program [see items 3 and 4, above] will be made through a signed facilities use agreement between the College District and the renter. The College District name and its trademarked logo may not be used by the requestor or approved user. The College District's name is only authorized for use in marketing materials as it relates to providing the location and directional information for the event.

The College District reserves the right to modify these priorities without notice as deemed necessary to accomplish its objectives.

Approval

The Conference Services Department will approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with use of the facility by community members or organizations. The request will be approved or denied in writing within ten business days of receiving the application.

Approval of requests for the use of facilities will not be based upon the applicant's race, religion, age, disability, color, sex, national origin, veteran status, or other legally protected class.

College District facilities will not be available for long-term use. Long-term use will be defined as use of the facility for more than five days per month or for more than three weekends per month.

Facilities use requests will be considered for a time period not to exceed four calendar months, coinciding with the fall, spring, and summer College District semesters.

Failure to comply with the conditions outlined in this policy and the facilities use agreement may result in penalties, including but not limited to, restrictions on future rental of College District facilities and/or an additional damage/cleaning fee as provided for in the facilities use agreement. The amount should be included in the contract and/or in procedures.

Approval will not be granted when the Conference Services Department has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is subject to a prior sanction [see Violations of Policy, below];
3. The proposed use would constitute an immediate and actual danger to the peace or security of the College District as determined by the College District, including the sole discretion of the District President or designee;
4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
5. The proposed activity would disrupt or disturb the regular academic program, other planned activities, or other operations of the College District;
6. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property at an event;
7. The applicant failed to supply the requested information on the application;
8. The application contains a material misrepresentation of fact as determined at the sole discretion of the College District; or
9. The proposed use is not at a suitable location because the design or dimensions of the event will substantially interfere with pedestrian access, traffic flow, or public safety in or near the same area as the proposed event.

**Written Notice If
Request
Rejected**

The Associate Vice President of Financial Services and Reporting or designee will review any recommendations to deny the use of

College District facilities to an external group and communicate with the requestor if a request to rent facilities is denied.

Use of Common
Outdoor Areas by
Community
Members

A community member does not need a College District permit or reservation for the exercise of expressive activities in common outdoor areas. Expressive activity may occur in those common outdoor areas of the College District that are not in use by others. Community members may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

However, community members may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time.

In addition, when outdoor space is being used, even on a temporary basis, for College District business, operations, events, an educational function or a research function, it is not part of the common outdoor area available for use for others' expressive activities.

Reservations for assembly or expressive activities in the common outdoor areas of the College District may be made through the Conference Services Department on a form prescribed by them or through a request sent to reserveCOA@collin.edu. If the expected attendance at an assembly or expressive activity is fifteen or more people, advance notice and a reservation of no less than two weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

Time, Place, and Manner Rules for Common Outdoor Areas

In addition to the specific rules addressed in this policy for Required Conduct, Distribution of Literature, and Permissible Solicitation, the following rules will also apply to the use of common outdoor areas:

1. Expressive activities may not be disruptive.
2. Expressive activities may not include statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law, including but not limited to, violence or threats of violence.
3. Literature may be distributed, but not sold.
4. Any person who uses common outdoor areas or distributes literature or materials in common outdoor areas, is responsible for cleaning up any literature, materials, or other trash that was discarded or leftover.
5. Signs may not be larger than 24" x 24". Signs may be held or carried by hand. However, signs may not be attached to sticks, poles, wooden or metal handles, or other similar assembled items.
6. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
7. Any person holding or carrying a sign will exercise due care to avoid bumping, hitting, or injuring any other person.
8. Banners on poles may not be carried by individuals.
9. Hand-held banners carried by two or more individuals (without poles) are permitted in temporary banner spaces designated by the College District.
10. Tables may not be set up in common outdoor areas, unless it is requested by a student or student organization in advance through a request submitted to the Conference Services Department. Otherwise, community members may not set up any tables in common outdoor areas of the College District.

11. Amplified sound may not be used in common outdoor areas, particularly when it disrupts College District business, operations, meetings, events, an educational function or a research function.
12. Guest speakers are allowed in common outdoor areas.
13. Guest speakers may not distribute literature that violates the rules in this policy.
14. Guest speakers may not accost bystanders or others who have chosen not to attend the speech or discussion.
15. Guest speakers may not set up exhibits or tables outside of the common outdoor areas, or inside College District buildings or facilities.
16. For any assembly, with or without a guest speaker, that has an expected attendance of fifteen or more participants (including counter-demonstrators), advance notice and a reservation are encouraged to help the Conference Services Department improve the safety and success of expressive activity.

If there is uncertainty about applicable rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the dean of students. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly

**Written Agreement
Required for Use of
Facilities**

Any community member or organization approved for use of College District facilities not related to the College District will be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations prior to a facilities use agreement being approved. This includes an acknowledgment that the College District is not liable for any personal injury or damages to personal property occurring during the use by the community member or organization.

Fees for Use

A community member or organization authorized to use College District facilities will be charged a fee for the use of designated facilities.

COMMUNITY EXPRESSION AND USE OF COLLEGE DISTRICT FACILITIES

GD

(LOCAL)

The Board delegates to the District President or designee the responsibility to establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, media, and technology services. All fees must be paid in advance (or an authorized purchase order) in accordance with the College District's facilities use agreement.

Fees will not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies.

The Board delegates to the District President or designee the authority to waive the facility use rental fee if the requested use serves an appropriate College District or public purpose.

On-Site Personnel

When a College District facility is being used, an employee of the College District will be on the premises and will be fully in charge of the facility being used.

The College District's representative is responsible for ensuring compliance with the requirements of this policy during the event.

Required Conduct

Community members and organizations using College District facilities will:

1. Conduct business in an orderly manner;
2. Abide by all laws, policies, and procedures, including, but not limited to, those regulating the use, sale, or possession of alcoholic beverages, illegal drugs, tobacco products, and firearms on College District property, and the requirements in the facilities use agreement; [See CHF and GDA]
3. Make no alteration, temporary or permanent, to College District property without prior written consent from the District President or designee; and
4. Be responsible for the cost of repairing any damages incurred during use and will be required to indemnify the College District for the cost of any such repairs.

Additionally, community members and organizations using College District facilities (outside of common outdoor areas) may request table space for students to visit and learn about the table sponsor's activities and may distribute literature, subject to the reasonable time, place, and manner restrictions designated by the College District.

Distribution of literature not published by the College District and activities of the organizations and individuals using College District facilities will be conducted in a manner that:

1. Is not disruptive;
2. Does not impede reasonable access to College District facilities or deny the use of offices or other facilities to students, faculty, staff, or guests of the College District;
3. Does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress or egress to and from property, buildings, or facilities;
4. Does not threaten or endanger the safety of any person on College District premises;
5. Does not harass, badger, coerce, or intimidate another person or force material on an unwilling participant or accost or approach individuals not in the immediate vicinity of the assigned table space or use areas designated by the College District;
6. Does not involve conduct that is likely to result in damage to or destruction of property or cause disruption in utilities;
7. Does not create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate with others and/or the rights of others to listen;
8. Does not attempt to prevent a College District event or other lawful assembly by the threat or use of force or violence;
9. Does not interfere with the rights of others as determined by the College District; and
10. Does not violate local, state, or federal laws or College District policies and procedures.

Location and placement of assigned tables and chairs will be made at the discretion of the Conference Services Department, based on availability, and the Conference Services Department will ensure that such external events do not interfere with the conduct of any student or College District event.

The consumption of food and beverages will be restricted in accordance with the facilities use agreement.

Groups or organizations using College District facilities will conform to all federal and state statutes, county and municipal ordinances, and fire regulations.

Decorations must be flame retardant and will be erected and taken down in a manner not destructive to College District property or facilities. The use of any material or device that constitutes a hazard to people, equipment, property, and/or facilities is expressly prohibited.

The renter is responsible for clean-up of the space and for clearing the area of discarded or leftover literature.

In addition to the rental fee for use of the facility, the renter will be billed for any cleanup expenses that may result if materials are not removed in a timely manner or if storage of renter-owned materials is required.

Events that include attendance of or participation by minors will require adult supervision by the sponsoring organization.

College District apparatus, furniture, or equipment will not be removed, altered, or displaced without permission from an authorized College District official. Renters are not authorized to bring in their own furniture or fixtures.

The renter is liable for the care and protection of College District property and/or facilities and will be charged for any damages sustained by the premises, furniture, or equipment because of the occupancy.

At the sole discretion of the Conference Services Department, rental agreements for use of any College District facility will be revoked when facilities are misused or when the foregoing rules are violated. Facilities use agreements may not be renewed when revoked for misuse.

The renter is responsible for any and all loss, accidents, neglect, injury, or damage to person, life, property, or facilities that may be the result of, or caused by, the renter's occupancy of the facilities or premises for which the College District might be held liable. The renter will protect and indemnify the College District, the Board, and any officer, agent, or employee of the College District and save them harmless in every way from all suits or actions at law for damage or injury to person, life, property, or facilities that may arise, or be occasioned in any way, because of the occupancy of the facilities or premises, regardless of responsibility or negligence.

The College District may require each renter to provide a valid certificate of insurance in a type and in an amount specified by the College District.

Identification

A community member or organization leasing campus facilities and/or distributing materials on campus will provide identification when requested to do so by a College District representative.

Any student who refuses to identify himself or herself fully may be subject to College District discipline, which may include suspension.

Distribution of Literature

Any written or printed materials, handbills, photographs, pictures, films, tapes, giveaways, handouts, or other visual or auditory materials not sponsored by the College District must comply with this policy. Such materials will not be sold, circulated, distributed, or posted on any College District ~~premises~~ facilities or common outdoor areas by any community member or organization, including a College District-support organization, except in accordance with this policy.

Approved individuals renting or using College District facilities may distribute handouts associated with the event to its members and guests.

The College District is not responsible for, nor does the College District endorse, the contents of any materials or literature distributed by a community member or organization.

[See CHE regarding use of the College District's internal mail system and FLA regarding distribution of literature by students and registered student organizations]

Materials or ~~L~~iterature will not be distributed by a community member or organization on College District property if, in the sole discretion of the College District:

1. The materials are obscene;
2. The materials contain defamatory statements;
3. The materials advocate illegal conduct, imminent lawless or disruptive action and are likely to incite or produce such action;
4. The materials are considered prohibited harassment [see DIA series and FFD series];
5. The materials constitute unauthorized solicitation [see Solicitation Requirements, below]; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

**Time, Place, and
Manner
Restrictions for
Distribution of
Literature**

A community member or organization that has been approved to rent a campus facility, has signed the required written facilities use agreement, and has paid any required fees may distribute literature to its members and guests during the time period covered by the written agreement and in the location covered in the written agreement.

**Permissible
Solicitation**

As used in this policy, the word “solicitation” will mean the sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of or request for any gift or contribution by an entity.

The only solicitation permitted in or on any property or facilities either owned or controlled by the College District will be in accordance with the following:

1. The sale or offer for sale of any food or drink item by authorized student organizations in an area designated in advance by the appropriate College District representative.
2. The collection of membership fees or dues by approved student organizations at meetings of such organizations scheduled in accordance with College District regulations on the use of facilities.
3. The collection of admission fees for the exhibition of movies or other programs scheduled in accordance with College District policies and procedures.

**Solicitation
Requirements**

Such approved solicitation made pursuant to the terms of this policy must be conducted according to the following:

1. The solicitation will not disturb or interfere with the regular academic or institutional programs and activities being conducted in buildings or on property owned or controlled by the College District.
2. The solicitation will not interfere with the free or unimpeded flow of pedestrian and vehicular traffic on sidewalks and streets and at places of ingress and egress to and from buildings owned or controlled by the College District.
3. The solicitation will not harass, embarrass, or intimidate the person or persons being solicited.
4. Violations will be addressed through the appropriate College District policy and may result in the organization being prohibited from further solicitation for a designated period of time.
[See FKC(LOCAL)]

For the purposes of this policy, “sign” will be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; “posting” will be defined as any means used for displaying a sign. Requirements for election signs are described below at Election/Campaign Signs and Tents.

No person or organization may post a sign that is obscene, incites illegal activity, is libelous, or contains nonpermissible solicitation. [See FI(LOCAL) or FKA(LOCAL)]

Except for nonpermissible signs, as defined herein, an entity may publicly post a sign on College District property or facilities only in designated areas or display a sign in common outdoor areas subject to the procedures in this policy. No object other than a sign may be posted on College District property or facilities.

Before publicly posting a sign, an entity will:

1. Submit the proposed sign to the student engagement office staff or a designated representative for review and consideration.
2. Provide pertinent information including the:
 - a. Name and phone number of the student, approved student organization, department, or community member, which must be included on all items to be posted;
 - b. Proposed general location for posting the sign; and
 - c. Length of time the sign will be posted.

Upon receipt, the student engagement office staff or designated representative will ensure that the pertinent information listed above is included and that the following guidelines are applied:

1. Approved items, with a maximum size of 24” x 24”, will be posted neatly on appropriate bulletin boards by student engagement office personnel or a designated representative, subject to space availability.
2. Items will receive an approval stamp dated and signed by student engagement office personnel or a designated representative for each item to be posted.
3. Materials generally will be approved for a maximum period of four weeks.
4. Materials that do not conform to these posting procedures and guidelines will be subject to immediate removal.

A sign may not be:

1. Attached to:
 - a. A shrub or plant.
 - b. A College District vehicle.
 - c. A permanent sign installed for another purpose.
 - d. A fence or chain or its supporting structure.
 - e. A brick, concrete, or masonry structure.
 - f. A statue, monument, or similar structure.
2. Posted:
 - a. On or adjacent to a fire hydrant.
 - b. On or between a curb and sidewalk.
 - c. In a College District building or facility except on a bulletin board designated for that purpose.

The student engagement office staff or designated representative will remove all signs no later than one week after the expired approval stamp date. No person will remove a sign posted or attached in accordance with this section without permission from the student engagement office or designated representative.

Nonpermissible Signs

No entity will post or carry a sign that:

1. Involves nonpermissible solicitation;
2. Contains material that is obscene or libelous; or
3. Is larger than 24" x 24", unless authorized by the associate dean of student and enrollment services.

Election / Campaign Signs and Tents

Election campaign signs will be limited to five signs per candidate at each College District polling site, at a location designated by the appropriate campus vice president/provost, during the period of early voting and on Election Day when the campus is a voting site. Such signs will be limited to a size not to exceed 24" x 24" and must be either hand-held or staked into the ground. However, use of t-posts will not be allowed.

Signs placed outside of the designated location will be removed by the facilities/plant manager or designee and held for pick up in the plant facility for not longer than five days from removal. If not picked up within five days, the College District will dispose of the signs.

Issues-based campaign signs are limited to three signs per political action committee per issue, either supporting or opposing the issue.

Tents, awnings, and shelters will not be permitted on College District property. Megaphones-Amplified sound will not be permitted within 1,000 feet of the polling location.

All electioneering must comply with applicable election laws.

Classroom Bulletin Boards

Bulletin boards located both inside and directly outside each classroom will be under the jurisdiction of the appropriate vice president/provost or designated representative.

Violations of Policy

Failure to comply with the policy and procedures regarding community use of College District common outdoor areas, College District facilities, or distribution of literature will result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities and the confiscation or discarding of nonconforming materials. Community members or off-campus organizations who violate the rules in this policy may also be subject to criminal trespass charges, or other lawful measures.

Publication

This policy and associated procedures must be posted on the College District's website and will also be distributed to students and employees. [See DGC and FLA]

Alcohol and Drug Use Prohibited

The use of alcohol and intoxicating beverages is prohibited in classroom buildings, laboratories, auditoriums, library buildings, faculty and administrative offices, intercollegiate and intramural athletic facilities, and all other public campus areas.

Any person who appears to be under the influence of intoxicating liquor or drugs will be denied access to and/or the use of College District property or facilities.

Alcohol and Drug Use Exception

With the prior consent and approval of the District President or designee, the provisions herein may be waived for specified culinary instructional programs or with respect to any specific event that is sponsored by the College District and/or the Collin College Foundation. State law will be strictly enforced at all times on all property or facilities controlled by the College District in regard to the possession and consumption of alcoholic beverages.

Children on Campus

Unattended children will not be allowed in College District facilities at any time. For the purpose of this policy, children are defined as minors who are not currently enrolled in College District classes, meeting with College District personnel, or participating in approved programs with the College District.

Students may not bring children to orientations, classes, labs, testing centers, or other academic programs. The parent or guardian who violates this policy will be interrupted from his or her campus activity and be required to supervise the child or make other suitable arrangements.

College District employees are prohibited from bringing children to work other than for approved programs with the College District.

Animals on Campus

The College District will allow certain animals to accompany a student or visitor on campus, in accordance with the following:

1. Instructional animals required for use in teaching or research. Prior to bringing an animal on campus for instructional purposes, written permission will be obtained from the appropriate academic dean. The permission statement will clearly designate the date, location, and purpose for the animal's presence on campus. Each animal will be on a leash or equivalent and fully under the control of the handler. The handler will have documentation of current vaccinations for the animal. The care and supervision of the animal will be the sole responsibility of the handler.
2. Service animals as defined by the Americans with Disabilities Act (ADA) and used as guide dogs or signal dogs or other dogs individually trained to provide assistance to an individual with a disability. Service animals are working animals, not pets. Animals that meet this definition will be considered service animals regardless of whether they have been licensed or certified by a state or local government. Service animals will be on a leash at all times and/or under the control of the individual with a disability. The care and supervision of the animal will be the sole responsibility of the handler. Students with allergies to a service animal may request reasonable accommodations under the ADA.

All other animals will not be permitted on any College District campus or in any College District facility.

Collin County Community College District Board of Trustees

2020-06-X

June 23, 2020

Resource: Kim Davison
Chief of Staff

AGENDA ITEM:

Report Out of the Organization, Education, and Policy Committee, Second Reading and Consideration of Approval of Local Board Policies

- **BE(Local)** Policy and Bylaw Development
- **CAA(Local)** Appropriations and Revenue Sources (Grants and Awards)
- **CHA(Local)** Site Management-Security
- **CR (Local)** Technology Resources
- **CS (Local)** Information Security
- **DEB(Local)** Compensation and Benefits
- **DEC(Local)** Compensation and Benefits – Leaves of Absence
- **DEE(Local)** Expense Reimbursement (International Travel)
- **DGC (Local)** Employee Rights and Privileges – Employee Expression and Use of College Facilities
- **DGD (Local)** – Employee Rights and Privileges – Employee Expression and Employee Use of College District Facilities
- **FKA(Local)** – College-Sponsored Publications
- **FLA (Local)** Student Rights and Responsibilities – Student Expression and Use of College District Facilities
- **FLAA (Local)** Student Expression – Student Use of College District Facilities
- **FLB (Local)** Student Rights and Responsibilities – Student Conduct
- **GD (Local)** Community Expression and Use of College District Facilities

DISCUSSION:

The Organization, Education, and Policy Committee reviewed all policies presented in this item. The Committee Chair will report out a recommendation at the June 2020 regular meeting of the Board of Trustees.

PROPOSED CHANGES:

As a part of the college's comprehensive review of all policies and with input from the Texas Association of School Boards' Legal and Policy Service, the local policies outlined below are being presented for your approval.

- **BE(Local) Policy and Bylaw Development** - Adds language providing for a designee to act on perfunctory policy changes, as defined in the policy, in the absence of the District President.
- **CAA(Local) Appropriations and Revenue Sources (Grants and Awards)** – Adds language providing for a designee to take action related to grants in the absence of the District President.
- **CHA(Local) Site Management-Security** – Adds language that requires an original copy of all dash cam and body camera recordings be archived by the IT Department as outlined.
- **CR (Local) Technology Resources** – Adds language providing for a designee to approve the college's information security program in the absence of the District President and defines ownership of data created and stored in college-owned and leased equipment and videos captured through cameras on campus.
- **CS (Local) Information Security** – Establishes that the College may work with third parties to research and resolve security breaches.
- **DEB(Local) Compensation and Benefits** – Deletes outdated language related to penalties under the ACA.
- **DEC(Local) Compensation and Benefits – Leaves of Absence** – Adds a definition of catastrophic illness and eligibility for using the college's sick leave bank.
- **DEE(Local) Expense Reimbursement (International Travel)** - Adds language providing for a designee to approve international travel requests in the absence of the District President.
- **DGC (Local) Employee Rights and Privileges – Employee Expression and Use of College Facilities**

– Updates will address an employee’s use of college common outdoor areas for expressive activities.

- **DGD (Local) – Employee Rights and Privileges – Employee Expression and Employee Use of College District Facilities** – Updates will provide additional guidance related to an employee’s use of college facilities for expressive activities.
- **FKA(Local) – College-Sponsored Publications** – Adds language providing for a designee to approve usage of the college’s name or logo for publications.
- **FLA (Local) Student Rights and Responsibilities – Student Expression and Use of College Facilities** – Updates will address a student’s use of college common outdoor areas for expressive activities.
- **FLAA (Local) Student Expression – Student Use of College District Facilities** - Updates will provide additional guidance related to a student’s use of college facilities for expressive activities.
- **FLB (Local) Student Rights and Responsibilities – Student Conduct** – Adds required language prohibiting sexual assault, committing dating violence, engaging in bullying; adds a restriction against using brass knuckles; and prohibits interfering with expressive activities in common outdoor areas.
- **GD (Local) Community Expression and Use of College District Facilities** – Updates will address the general public’s use of the College’s common outdoor areas for expressive activities. Adds language providing for a designee to act in the absence of the District President on issues related to the use of college facilities by the community.

DISTRICT PRESIDENT’S RECOMMENDATION:

The District President recommends approval of the fifteen (15) Local Board Policies as outlined above.

SUGGESTED MOTION:

This item may come as a motion and second out of committee. A suggested motion would be, “Mr. Chairman, I make the motion that the Board of Trustees of Collin County Community College District approves the Local Board Policies.”