



**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 (Menon, Orr, and Arias) at 4:30 p.m. on Tuesday, September 28, 2021, in the President's Conference Room 407 at the Collin Higher Education Center, 3452 Spur 399, McKinney, Texas 75069.**

**Locations**

Celina Campus

Collin Higher Education Center  
McKinney, Texas

Courtyard Center  
Plano, Texas

Farmersville Campus

Frisco Campus

McKinney Campus

Plano Campus

Public Safety Training Center  
McKinney, Texas

Rockwall Center

Technical Campus  
Allen, Texas

Wylie Campus

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**PUBLIC COMMENT**

**REVIEW AND DISCUSSION ITEMS**

**1. First Reading of Local Board Policies**

- BBE (Local) Board Members - Authority
- CHE (Local) Site Management - Mail and Delivery - ADD
- DEC (Local) Compensation and Benefits – Leaves and Absences
- DM (Local) Termination of Employment
- FAA (Local) Equal Educational Opportunity – Service Animals - ADD
- FFDA (Local) Freedom from Discrimination, Harassment, and Retaliation – Sex and Sexual Violence
- GD (Local) Community Expression and Use of College Facilities

**2. Second Reading and Consideration of Approval of Local Board Policies**

- BD (Local) Board Meetings
- BGC (Local) Administrative Organization Plan – Councils and Faculty Senates
- CHA (Local) Site Management – Security
- EGAA (Local) Academic Achievement – Prior Learning Assessment – ADD

**3. Discussion on Board of Trustee Procedures**

**Collin County Community College District Board of Trustees**

1. Organization, Education, and Policy Committee

September 28, 2021

Resource: Kim Davison  
Chief of Staff

**DISCUSSION ITEM:** First Reading of Local Board Policies

- **BBE (Local)** Board Members - Authority
- **CHE (Local)** Site Management - Mail and Delivery - ADD
- **DEC (Local)** Compensation and Benefits – Leaves and Absences
- **DM (Local)** Termination of Employment
- **FAA (Local)** Equal Educational Opportunity – Service Animals - ADD
- **FFDA (Local)** Freedom from Discrimination, Harassment, and Retaliation – Sex and Sexual Violence
- **GD (Local)** Community Expression and Use of College 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 first reading.

- **BBE (Local) Board Members Authority –** Incorporates clarifications regarding requests of Trustees to staff, with a vote of the Board required when significant staff time is required to prepare the response.
- **CHE (Local) Site Management – Mail and Delivery – ADD –** New policy recommended to establish requirements for use of internal mail delivery systems and for delivery of mail to student housing.
- **DEC (Local) Compensation and Benefits – Leaves and Absences –** Codifies the one week of adjunct faculty sick leave benefit that was piloted in FY2021 and other changes to our FMLA and leave policy as recommended by TASB.

- **DM (Local) Termination of Employment –** Incorporates a reference to Board Policy DMAA(Local) in the policy addressing discipline of at-will employees.
- **FAA (Local) Equal Educational Opportunity – Service Animals – ADD –** New policy to outline the requirements for service animals on campus and for service animals and emotional support animals in student housing.
- **FFDA (Local) – Freedom from Discrimination, Harassment, and Retaliation – Sex and Sexual Violence –** Updates Title IX requirements when a party or witness does not submit to cross-examinations during a live hearing.
- **GD (Local) – Community Expression and Use of College Facilities –** Removes most of the text in the Animals on Campus section of the policy and references the new FAA(Local) Animals on Campus policy.

**Board Authority**

The Board has final authority to determine and interpret the policies that govern the College District and, within the limits imposed by other legal authorities, has complete and full control of the College District.

**Transacting Business**

Official Board action will be taken only in meetings that comply with the Open Meetings Act. When a proposal is presented to the Board, the Board will hold a discussion and reach a decision. The affirmative vote of a majority of all Board members will be required to transact business. [See BD] Although there may be dissenting votes, which are a matter of public record, each action of the Board supported by the majority is binding on the whole Board.

**Individual Authority for Committing the Board**

Board members as individuals will not exercise authority over the College District, its property, or its employees. Except for appropriate duties and functions of the Board President, an individual member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue. [See BCAB]

**Individual Access to Information**

An individual Board member, acting in the member's official capacity, will have the right to seek information pertaining to College District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the general public in accordance with the Public Information Act. [See GCA]

Limitations

If a Board member is not acting in the member's official capacity, the Board member has no greater right to College District records than a member of the public.

An individual member will not have access to confidential student records unless the member is acting in the member's official capacity and has a legitimate educational interest in the records in accordance with policies FJ(LEGAL) and (LOCAL).

Requests for Records

Individual members will seek access to records or request copies of records from the District President or other designated custodian of records. When a custodian of records other than the District President provides access to records or copies of records to individual Board members, the provider will inform the District President of the records provided.

A Board member who is denied access to a record under this policy may ask the Board to determine whether the record should be provided or may request it as a member of the public. [See GCA]

BOARD MEMBERS  
AUTHORITY

BBE  
(LOCAL)

Requests for  
Reports

No individual Board member will direct or require College District employees to prepare reports derived from an analysis of information in existing College District records or to create a new record compiled from information in existing College District records.

Directives to the District President or other College District staff by one or more Board members regarding the preparation of reports that will, in the opinion of the District President, require significant excessive staff time or expense will require authorization by action-a vote of the Board.

Confidentiality

At the time Board members are provided access to confidential records or to reports compiled from such records, the District President or other College District employee will advise them of their responsibility to comply with confidentiality requirements and the College District's information security controls.

**Referring  
Complaints**

If employees, students, or citizens bring a concern or complaint to an individual Board member, the Board member will refer them to the District President or designee, who will proceed according to appropriate Board policy. {See DGBA, FLD, and GB}

When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda, following appropriate Board policy. See BD.

**Staff Authority**

Except as authorized by these policies, no employee or agent will have the authority to bind the College District contractually.

## NEW POLICY

### Use of Internal Mail System

The College District mail system for delivering items between College District buildings shall not be available for use other than for official College District business or, with approval, for use for College District-sponsored mailings or College District-approved groups and College District-sponsored or College District-support groups affiliated with the College District. [See also GD]

### Distribution of Mail to On-Campus Residents

The College District shall distribute mail addressed to residents of on-campus housing after the designated College District representative receives the mail from the U.S. Postal Service or other common carrier. Mail may be distributed through internal assigned mailboxes or by other means that maintains the mail in a secure location and requires sufficient personal identification of the addressees for pickup.

Mail may be distributed to a person other than the resident to whom it is addressed if the resident has provided written authorization for such distribution and the person provides sufficient personal identification.

The College District shall provide to each resident information regarding mail forwarding and addressing mail properly.

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**Note:** For College District contribution to employee insurance during leave, see CKD(LOCAL). For additional provisions addressing the Family and Medical Leave Act (FMLA), see DECA(LEGAL).

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**Leave Administration**

The District President or designee will develop procedures associated with employee leaves and absences and ensure the procedures are used to implement the provisions of this policy.

**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**

For purposes of the Family and Medical Leave Act (FMLA), the following eligible conditions apply:

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); and
6. 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 service member.

**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

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stands *in loco parentis* 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” will 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 will mean the number of hours per day equivalent to the employee’s usual assignment.

**Academic Year**

An “academic year” as used in this policy will mean the term of the employee’s assignment during the College District’s Academic Calendar adopted by the Board each year. For purposes of an employee’s entitlement to FMLA leave, the 12-month period will be measured forward from the date an individual employee’s first FMLA leave begins, regardless of the academic year.

**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. A catastrophic illness or injury is one that is expected to incapacitate the employee for an extended period of time (usually longer than five 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 leave time earned by those employees. Such conditions typically require prolonged inpatient hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth will be considered catastrophic if they meet the requirements of this paragraph. 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.

**Earning Leave**

An employee will not earn any form of paid leave when ~~the employee~~ he or she is in unpaid status. An employee using full or proportionate paid leave will be considered to be in paid status.

**Deductions**

Leave Without Pay

The College District will 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 will result in deductions from the employee’s pay. An employee’s final paycheck will be reduced for paid leave the employee used, but had not earned, as of the date of separation.



Leave Proration                      Paid leave will be prorated based on the actual time employed within an academic year.

**Medical Certification**                      An employee will submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive work-days because of personal illness or illness in the immediate family; or
2. The College District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or District President; or
3. The employee requests FMLA leave for the employee's serious health condition; for a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification will be made by a healthcare provider as defined by the FMLA. [See DECA(LEGAL)]

**Order of Use**                                      For leave approved under this policy, the College District adopts the following order of use:

1. Earned compensatory time will be used before any available paid leave. [See DEA]
2. Use of leave under the sick leave bank will be permitted only after all available local or other leave has been exhausted.

Concurrent Use of Leave                      3. When an employee is approved for FMLA leave, the College District will require the employee to use available paid leave, including, but not limited to, sick time, vacation time, or compensatory time.

~~When an absent employee is eligible for FMLA leave, the College District will designate the absence as FMLA leave.~~

~~The College District will 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 will be designated as FMLA leave.~~

### **Sick Leave**

~~Each full-time employee full. Full-time employeeemployees~~ will earn eight hours of paid sick leave per month in accordance with administrative ~~procedures~~ regulations.

Sick leave will accumulate to a maximum of 720 hours.

Sick leave will only be used after any applicable compensatory time has been exhausted 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 for Adjunct Faculty**

The College District will offer paid sick leave to adjunct faculty members under this policy to provide pay continuity as a result of illness-related absences of the adjunct faculty member.

Adjunct faculty are eligible to receive the equivalent of one week of paid sick leave per course each semester they are employed. Adjunct faculty who have been diagnosed with COVID-19 are eligible for one additional week under this policy. Paid sick leave for adjunct faculty members is granted on a per-semester basis and does not accrue.

### **Sick Leave Bank**

The College District 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 and any applicable compensatory time.

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	<p>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.</p>
Eligibility	<p>Only full-time benefits-eligible employees may apply for use of the sick leave bank.</p> <p>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.</p> <p>The District President or designee will develop procedures for the operation of the sick leave bank that address the following:</p> <ol style="list-style-type: none"><li>1. Procedures to request leave from the sick leave bank;</li><li>2. The maximum number of days per academic year a member employee may receive from the sick leave bank;</li><li>3. The administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and</li><li>4. Other procedures deemed necessary for the operation of the sick leave bank.</li></ol>
Appeal	<p><u>An employee may appeal a decision</u><del>All decisions</del> regarding the sick leave bank <del>may be appealed</del> in accordance with DGBA(LOCAL).</p>
<b>Family and Medical Leave</b>	
Twelve-Month Period	<p>For purposes of an employee's entitlement to FMLA leave, the 12-month period will be measured forward from the date an individual employee's first FMLA leave begins.</p>
Combined Leave for Spouses	<p><u>When</u>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 will limit military caregiver leave to a combined total of 26 weeks. <del>{See DECA(LEGAL)}</del></p>
Intermittent or Reduced Schedule Leave	<p>The College District 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. <del>{See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.}</del></p>
Certification of Leave	<p><u>When</u>if an employee requests leave, the employee will provide certification, <u>in accordance with</u><del>as required by</del> FMLA regulations, of the need for leave. <del>{See DECA(LEGAL)}</del></p>

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Fitness-For-Duty Certification	<p><u>In accordance with administrative procedures, when</u> <del>If</del> an employee takes FMLA leave due to the employee's own serious health condition, the employee 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 will provide a list of essential job functions to the employee, <del>with the FMLA designation notice.</del></p>
Failure to Return	<p>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. <del>[See DECA(LEGAL), Recovery of Benefit Cost]</del></p>
<b>Parental Leave</b>	<p><u>Each employee</u><del>Employees</del> who <del>has</del><del>have</del> been employed in a benefits-eligible position for at least 12 months <del>is</del><del>are</del> eligible to use ten 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 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.</p>
<b>Personal Leave</b>	<p><u>Each full</u><del>Full-time</del> <del>employee</del><del>employees</del> will earn 24 hours of paid leave each fiscal year to conduct personal business in accordance with administrative <del>regulations</del><u>procedures</u>. Personal leave will be noncumulative.</p>
<b>Request for Personal Leave</b>	<p>The employee 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 will not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee will, however, consider the effect of the employee's absence on the educational program or College District operations.</p>
<b>Vacation Leave</b>	<p><u>Each</u><del>All</del> full-time, 12-month staff and administrative <del>employee</del><del>em-</del><del>ployees</del> will earn paid vacation in accordance with the schedule published in administrative <del>procedures</del><u>regulations</u>.</p> <p>Upon successful completion of the new employee 90-day (calendar day) probationary period, <u>each</u> eligible <del>employee</del><del>employees</del> 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 will have no accrued vacation credit.</p>

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Use of vacation leave will not exceed 15 consecutive workdays.

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

Payment of  
Vacation Leave in  
Lieu of Time Off

If sufficient funds are available in the Board-approved budget or from other appropriate funding sources, the District President may authorize a payment of up to 160 hours of an employee's earned but unused vacation leave hours. This payment would be in lieu of time off when an employee is not permitted or able to take requested vacation leave due to workload, special projects, or critical needs of the college, as designated by the District President.

If sufficient funds are not available, the request must be submitted to the Board for consideration to allocate the needed funds from appropriate reserve accounts.

An annual report of any authorized payments to employees under this sub-section of the policy will be presented to the Board as an information item following the fiscal year end.

Payment of  
Vacation Leave at  
Termination

Employees beyond the initial 90-day probationary period, who terminate eligible employment with the College District, 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 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 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 seniority 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 or otherwise as specified in administrative procedures.

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 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 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-procedures.~~

A full-time benefits-eligible employee 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 will be noncumulative.

### **Critical Illness Leave**

**Definition**

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

**Benefit**

A full-time employee 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 ~~procedures~~regulations.

Critical illness leave will be noncumulative.

**Workers'  
Compensation**

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**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.]~~

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

No Paid Leave  
Offset

~~The College District will not permit the option An employee eligible for paid leave offset in conjunction with 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 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]

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(LOCAL)

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 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 will be fully compensated by the College District and will not be deducted from the employee's pay or leave balance.

Absences due to compliance with a valid subpoena for personal business 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.

**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.



TERMINATION OF EMPLOYMENT

DM  
(LOCAL)

**At-Will Employees** At-will employees may be dismissed at any time for any reason not prohibited by law, including, but not limited to, reasons for disciplinary action set out in Board policy or for no reason, as determined by the needs of the College District. For example, at-will employees may be dismissed at any time for the grounds for disciplinary action specifically listed in DMAA. At-will employees who are dismissed may request review of that decision through DGBA(LOCAL) and will receive pay through the end of the last day worked.

**Severance Benefits** The College District must continually assess its operations, evaluate personnel, and allocate staffing wisely to operate efficiently and effectively. When a position(s) or an individual's employment with the College District is no longer supportable, the College District will take appropriate action.

In the case of an organizational change or position elimination, reasonable effort will be made to reassign displaced employees to available positions. If these efforts are not successful, severance benefits may be provided to ease the transition from employment. Exceptions to this severance benefits policy may be granted by the District President.

**Eligibility** Under this policy, regular full-time noncontract staff who have completed their 90-day probationary period are eligible for severance benefits if:

1. The position they hold is eliminated and reassignment to a comparable or available position is not offered;
2. They are part of an early exit incentive program; or
3. Their employment is otherwise involuntarily terminated.

Employees within their 90-day probationary period, temporary employees, adjunct faculty, part-time employees, grant employees (unless allowed under the applicable grant), and contract employees are not eligible for severance benefits under this policy.

In the event of a position elimination or other organizational change, the College District will attempt to provide reasonable advance notice to these employees, when feasible.

**Severance Pay** Eligible employees will be provided all benefits and compensation normally due to separating employees and COBRA or other insurance continuation options, if applicable.

Subject to receipt by the College District of a fully executed release of all claims in a form acceptable to the College District, severance-eligible employees may also be provided:

TERMINATION OF EMPLOYMENT

DM  
(LOCAL)

1. Two calendar weeks of pay at the final base salary rate as notice or pay in-lieu-of notice;
2. One week of base pay as severance for each year of full-time service with the College District, generally to a maximum of six calendar weeks, which will be provided at the final base salary rate (excluding any other forms of final or additional pay due to the employee under applicable law); and
3. Outplacement assistance and career counseling services of the Human Resources department, if available.

Severance pay will not exceed the District President's contracting authority as set by Board policy CF.

**Distribution of  
Severance  
Benefits**

If pay-in-lieu of notice is provided, the employee will remain on the payroll on administrative leave until that period is exhausted. Severance pay will be distributed as a lump sum payment that will be issued after the employee signs the release and any required notice period is exhausted.

**Reemployment**

Employees who have received severance pay benefits are not eligible for reemployment with the College District until the notice period and severance pay distribution period have been fully exhausted or an agreement to reimburse severance pay for future weeks has been executed.

**Resignation**

The District President or designee is authorized to accept the resignation of an at-will employee at any time. The College District has the sole discretion to designate a resigning employee's earlier final day at work, whether or not the intended notice period has been fully satisfied. Once submitted and accepted, the resignation of an at-will employee may not be withdrawn without the consent of the District President or designee. [See DMD]

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Collin College is committed to providing a healthy and safe environment for students, faculty, staff and visitors by managing the presence of animals on property and in its facilities, while providing individuals with disabilities who use service or other animals the opportunity to receive the benefit of the tasks these animals perform in accordance with the requirements of applicable law.

The College District will allow animals to accompany an employee, student, or visitor on campus as provided in this policy. This policy does not apply to animals used by law enforcement officers in the carrying out of their duties. Animals not specifically allowed under this policy will not be permitted on any College District campus or in any College District facility.

### Service Animals

The College District allows the use of service animals as defined by the Americans with Disabilities Act, as amended, or state law. Currently, a service animal means a dog (such as a signal or guide dog), or in rare situations, another animal designated by federal law regulations, that has been individually trained to do work or perform tasks for the benefit of an individual with a disability including a physical, sensory, psychiatric, intellectual, or other disability. The work or task that the service animal performs must be directly related to the individual's disability. Service animals are working animals, not pets. Animals that meet this definition are considered service animals regardless of whether they have been licensed or certified by a state or local government.

The College District allows service animals on campus, in its facilities, or at activities and events when accompanied by a person with a disability and the service animal is trained to provide, and does provide, a specific service to that person that is directly related to the person's disability.

Service animals, however, may not be permitted if the animal poses a substantial and direct threat to health or safety or when the animal constitutes a fundamental alteration to the nature of a college program or service.

A service animal must be under the control of its handler. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether

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would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). The care and supervision of the animal is the sole responsibility of the owner or handler.

Students with allergies to a service animal may request reasonable accommodations under the ADA through the ACCESS office.

The accompaniment of a person with a disability by a service animal in a location with health and safety restrictions are reviewed on a case-by-case basis by the appropriate department representative(s) in collaboration with the Human Resources Department or the ACCESS Office.

A person with a disability will be limited to one service animal unless an additional animal is necessary to provide a reasonable accommodation.

Service animals in training that are accompanied by an approved trainer are allowed the same access to campus as fully trained service dogs, except, animals in training are not permitted to reside in Student Housing. A student with a service animal who intends to reside on campus with the animal must notify the Student Housing Director of the need for a service animal's presence in advance of beginning residency following procedures outlined by Student Housing Department employees. Such prior notification allows the college to make appropriate arrangements and offer assistance prior to the student's arrival on campus.

### Responsibilities of Service Animal Owner or Handler

Service animal owners are financially responsible for damage or injury to others caused by their animal, including clean-up and disposal of animal waste and replacement or repair of property, and must take appropriate precautions to prevent property damage and/or injury to others while on college property.

If a service animal is disruptive in the classroom, an employee may ask the owner and their animal to leave the premises immediately.

Service animals must be under the control of the owner at all times and under the following circumstances:

- a. A service animal should be on a leash when not providing needed service.

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- b. To the extent possible the service animal should be unobtrusive to other individuals and the learning, living, working environment.
- c. A service animal may not be left tied or tethered out of the presence of its owner.
- d. Service animals are not permitted to block aisles, passageways, or fire egress.
- e. To the extent possible, the owner should ensure that the animal does not sniff or lick people, dining tables or the personal belongings of others.

The cost of care, arrangements, and well-being of a service animal are the sole responsibility of the owner, including keeping the animal free from fleas and ticks or other pests that may cause infestation.

Cleaning up after a service animal is the sole responsibility of the owner. In the event that the owner is not physically able to clean up after a service animal, the owner must delegate this responsibility to another individual who is capable of meeting this requirement at the owner's expense.

The service animal owner is responsible for complying with any relevant city, county, and/or state license and leash laws while the service animal is on college premises.

Any service animal found unattended on college property may be seized by authorized persons or animal control officers. Owners are responsible for any impound and/or license fees required to secure the release of their animals.

### *Inquiries Regarding Service Animals*

Individuals who are accompanied by a service animal must not be asked to identify the nature or extent of their disability. In regard to a service animal:

1. Employees will not inquire about the qualifications of a service animal when it is readily apparent that an animal is trained to do work or to perform a task for a person with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to a person with an observable mobility disability).

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2. If it is not readily apparent that an animal is performing work or a task on behalf of an individual with a disability, employees may only inquire:

a. Whether the animal is required because of a disability; and,

b. What work or task the animal has been trained to perform.

3. Individuals are not required to have an accommodation letter from the ACCESS Office to use a service animal on campus.

4. Employees will not require documentation of a service animal's certification, training, registration, or license as a service animal.

### Animals in Student Housing

Pets are not allowed in on-campus Student Housing. Service animals and Emotional Support Animals (ESA), as defined below, are permitted in on-campus Student Housing. ESAs are permitted in on-campus Student Housing when the ESA is approved by the ACCESS Office and is necessary for the resident with a documented disability to have equal access to housing.

An ESA or comfort animal means an animal that provides emotional support, well-being, comfort, or companionship and that a health care provider has recommended as an accommodation for a student with a disability. The comfort provided by these animals does not constitute work or tasks and ESAs are not service animals for purposes of this policy.

### Access

1. ESAs are not permitted in Collin College Student Housing until approved by the ACCESS Office through the appropriate process.

2. Approved ESAs must be contained within the Collin College Student Housing unit of the owner/handler, except when transported outside the residential area in an animal carrier or controlled leash/harness.

3. ESAs are not permitted on any Collin College campus or in any Collin College facility other than Collin College Student Housing.

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4. An ESA is considered an unreasonable accommodation if the ESA presents an undue financial or administrative burden on Collin College, poses a substantial and/or direct threat to personal or public safety, or constitutes a fundamental alteration of the nature of Collin College's educational programs or activities

### Requests for ESAs

Requests for an accommodation to have an ESA must be submitted with the ACCESS Office. ESAs will not be permitted in Student Housing without the written prior approval from the ACCESS Office. Collin College Student Housing will provide students with procedures for students to follow for ESAs in Student Housing.

### Required Documentation for Approval

The approval process for ESAs will require, in addition to other information, submission of the following to the ACCESS Office:

- a. current and appropriate documentation from a physician or licensed mental health professional that verifies the student is a person with a disability; describes how the animal assists the individual; and shows the relationship between the individual's disability and the need for the assistance provided by the ESA.
- b. Veterinary records or other evidence acceptable to the ACCESS Office verifying that the animal is in good health and is current with respect to all vaccinations, medications, or other items required or recommended by veterinarians regarding the breed or type of animal in question.
- c. ESA owners of dogs or cats must provide proof of current rabies vaccinations and wear rabies vaccination tags.

Completion and submission of forms with accompanying records to verify current subscription for ESA and vaccination and good health of the ESA must be provided to the ACCESS Office each time a lease is renewed. No ESA will be permitted in Student Housing without annual submission of the above-described information.

Collin College reserves the right to require updated veterinary records or other evidence of the health of the animal at any time.

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### Procedures

Student Housing procedures, as outlined in the Collin College Resident Handbook, will provide all requirements and expectations, including, but not limited to, the following:

1. Students living in Student Housing are permitted only one ESA at a time.
2. The approved ESA is allowed in Student Housing only as long as it is necessary for the resident's disability.
3. ESA approval is for a specific animal; therefore, a student must request approval for a replacement animal if necessary.
4. ESAs must be at least six months of age.
5. Generally, dogs and cats are commonly requested as ESAs although other animals (such as fish, turtles, or small birds) may serve in this capacity. For the health and safety of residents, the college is not required to grant non-domesticated, wild, or unique animals (such as snakes, reptiles, barnyards animals, monkeys, spiders, insects, or other animals) as reasonable accommodations.
6. If an animal begins residence in Student Housing prior to approval of the ACCESS Office and Student Housing, the college may request the owner remove the animal from Student Housing within 48 hours of notification. If the animal is not removed as requested, college officials may consider the animal a trespasser and contact the appropriate City of Plano authorities to remove the animal from Student Housing. Any costs associated with removal of the animal from college property is the responsibility of the animal's owner.
7. The owner of the approved ESA is responsible for ensuring all Collin College and Collin College Student Housing procedures and requirements for ESAs are followed.

### **Conflicting Disabilities**

In circumstances where the presence of a service animal or ESA in Student Housing may substantially impair another individual's physical or mental wellbeing, such as but not limited to allergies or



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phobias, the College District will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Conflicting disabilities involving students should be referred to the ACCESS Office. Conflicts involving employees should be referred to Human Resources.

### Animals for Instructional Purposes

The College District allows the use of instructional animals required for use in teaching or research. Prior to bringing an animal on campus for instructional purposes, written permission must be obtained from the appropriate academic dean and/or Campus Provost. The permission statement must clearly designate the date, location, and purpose for the animal's presence on campus. Each animal must 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 is the sole responsibility of the handler.

### Removal of Animals from Campus

The College District may request an owner or handler remove service animals or other animals from campus for reasons that include but are not limited to the following:

1. Failure to properly control the animal: The owner does not or cannot take effective action to control the animal. Improper animal behaviors that should be controlled include but are not limited to barking, growling, nipping, snapping, biting, lunging or jumping at people or other animals. The owner of an animal deemed to be out of control may be prohibited from bringing the service animal onto college property. ESA animals meeting these criteria may be excluded from Student Housing until the owner can demonstrate that they have taken significant steps to mitigate the behavior.
2. Non-Housebroken Animal: The animal is not housebroken (i.e., trained so that it controls its waste elimination) as determined by Student Housing employees.
3. Animal Care: It is determined by designated college officials that the animal's owner has failed to properly care for the animal. An owner must ensure that the animal, and its environment, are maintained in a healthy, clean

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manner. Instances of suspected abuse of an animal are referred to the Dean of Students, the Human Resources Department, or other appropriate authority.

4. Direct Threat: The animal is determined to be a substantial and direct threat to the health and safety of individuals. A direct threat may be based upon the poor health or hygiene of the animal, the behavior of the animal, or the presence of an animal in a sensitive area such as certain laboratories or mechanical or industrial areas.
5. Fundamental Alteration: The presence of an animal fundamentally alters a college program by requiring a significant alteration to the essential nature of the services, facilities, privileges, advantages, or accommodations offered.
6. Damage or Harm: The animal causes damage or harm to persons or property.
7. Responsibilities: The owner violates any of the responsibilities outlined in this policy or applicable procedures.

### Appeals and Grievances

Any individual who wishes to file a complaint for violation of this policy may file a complaint with the College District. See DGBA (for employee), FLD (for students), and GB (for community members).

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**Note:** This policy addresses complaints of dating violence, domestic violence, gender-based harassment, sex discrimination, sexual violence, sexual harassment, and stalking, 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 violence, and retaliation targeting employees, see DIAA.

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**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, 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 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);
2. It is based on unwelcome conduct that a reasonable person would determine is so severe, persistent, pervasive, and objectively offensive that it limits or denies the student's educational access and/or ability to participate in or benefit from the College District's educational program; 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.

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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, and 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

Sexual violence is a form of sexual harassment. Sexual violence 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.

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 violence.
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 violence.
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.

### **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, pervasive, and objectively offensive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

#### **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. Examples may also include forms of dating violence, domestic violence, or stalking. Specific examples may be found in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

### **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 Justice: <https://www.justice.gov/ovw/dating-violence>)

### **Domestic Violence**

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- Any other member of the victim's family as defined by state law;
- Any other current or former member of the victim's household as defined by state law;
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

### **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.

For the purposes of this definition:

1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

**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 violence, 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 violence, stalking, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**College District's  
Mandatory Response  
Obligations**

Deliberate  
Indifference  
Standard

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:

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 supportive measures available with or without filing of a formal 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 actions 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 allegations of prohibited conduct 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 prohibited conduct, 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 incidents of prohibited conduct 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 which are listed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

#### *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 prohibited conduct against a respondent and requests that the College District investigate the allegation of prohibited conduct, 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**

In accordance with applicable federal Title IX regulations, the College District utilizes a consistent, transparent grievance process for resolving formal complaints of prohibited conduct.

#### **Student Report**

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, another employee, or, alternatively, submit the report electronically through the College District's website.

#### **Employee Report**

Any College District employee who suspects or 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 take any other steps required by this policy. Additionally, an employee may submit the report electronically via the College District's website or report it to the District President or designee.

### **Mandatory Reporting Under State Law for Incidents of Dating Violence, Sexual Violence, Sexual Harassment, and Stalking**

In accordance with 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, sexual violence, dating violence, or stalking 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 the College District'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, sexual violence, dating violence, or stalking 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 violence, sexual harassment, or stalking; or
2. An incident in which the employee received information due to a disclosure made at a dating violence, sexual violence, 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.

**Designated Title IX  
Coordinators**

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

Title IX  
Coordinators

Reports of dating violence, domestic violence, sex discrimination, sexual violence, 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*

Title IX Coordinator: Terrence Brennan, District Dean of Students

Address: 3452 Spur 399, McKinney, TX 75069

Telephone: (972) 881-5734

Email: [Title IX Coordinator email<sup>1</sup>](#)

Webpage: [Title IX/Sexual Misconduct webpage<sup>2</sup>](#)

*Deputy Title IX  
Coordinator for  
Students*

Name: Amy Throop

Position: Associate Dean of Students

Address: 2200 W University Drive, McKinney, TX 75071

Telephone: (972) 881-5667

	Email	<a href="#">Deputy Title IX Coordinator for Students</a> <sup>3</sup>
<i>Title IX Coordinator for Employees</i>	Name:	Floyd Nickerson
	Position:	Chief Human Resources Officer
	Address:	3452 Spur 399, McKinney, TX 75069
	Telephone:	(972) 599-3159
<i>Deputy Title IX Coordinator for Employees</i>	Name:	Tonya Jacobson
	Position:	Manager, HR/Employee Relations
	Address:	3452 Spur 399, McKinney, TX 75069
	Telephone:	(972) 758-3856
<b>Alternative Reporting Procedures</b>	<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 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.</p>	
<b>Timely Reporting</b>	<p>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.</p>	
<b>Amnesty</b>	<p>In accordance with 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 his or her own commission or assistance in the commission of prohibited conduct as defined by this policy.</p>	
<b>Consolidation of Reports and Other Requirements</b>	<p>When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may consolidate the complaints.</p> <p>The College District will also provide other measures required by Title IX and applicable law, including, but not limited to, assistance by advisors, supportive measures, and notices to parties. Such re-</p>	

quired measures are described in detail in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

**Notice of Rights and Options**

In accordance with requirements under federal law, the College District will provide victims with written notification of their rights and options, which will outline appropriate on- and off-campus resources 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 report of prohibited conduct. If a report is made orally, the College District official will reduce 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 prohibited conduct as defined by this policy. If so, the College District official will immediately notify the parties to the complaint of the allegations and the formal and informal options for resolution of the complaint in writing.

*Request Not to Investigate*

A complainant may request that the College District not investigate allegations or prohibited conduct. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District will promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District will take reasonable steps to protect the health and safety of the College District community.

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 investigation regarding the alleged conduct is pending, the College District will promptly take interim action calculated to address prohibited conduct prior to the completion of the College District's investigation.

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

College District  
Investigation

allegation of prohibited conduct, justifies the removal of the respondent, 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. Investigation and resolution procedures and guidelines are also detailed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

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 ten days for the parties to inspect, review, and respond to the evidence.
7. The College District must dismiss allegations of conduct that do not meet the federal Title IX definition of prohibited conduct 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.

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 or  
Regulatory  
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. Any delay under this provision will constitute good cause for an extension of timelines established by this policy and associated procedures.

### **Concluding the Investigation and Hearing**

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation and hearing 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 ten College District business days prior to the hearing. Access to this report must be given so that the complainant, respondent, and their respective advisors 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 ten College District business days 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 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 may ~~refuses~~ to submit to cross-examination during a live hearing. ~~If a party or witness does not submit to cross-examination during a live hearing, that individual's statements may be relied on by the decision-makers(s) in reaching a determination regarding responsibility. 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 standard (i.e., more likely than not to have occurred). The written determination must include the following elements:
  - 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 Section 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 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:

1. Implementing the disciplinary measures or penalties described in FM(Local) for students;
2. Providing a training program for those involved in the complaint;
3. Providing a comprehensive education program for the College District community;
4. Providing counseling for the complainant and respondent;
5. Permitting the complainant or respondent to drop a course in which they both are enrolled without penalty;
6. Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
7. Involving students in efforts to identify problems and improve the College District climate;

8. Increasing staff monitoring of areas where prohibited conduct has occurred;
9. Reaffirming the College District's policy against dating violence, domestic violence, gender-based harassment, sex discrimination, sexual violence, sexual harassment, and stalking;
10. Taking other actions allowed by Board policy.

Exception

The College District will minimize attempts to require a student who complains of prohibited conduct as defined by this policy to resolve the problem directly with the person who engaged in the 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 or other corrective action calculated to address the conduct.

**Dismissal of  
Complaint**

Mandatory  
Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law. Mandatory dismissal provisions include the following:

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

Permissive  
Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

Permissive or discretionary dismissal provisions include the following:

1. The complainant would like to withdraw the complaint;
2. The respondent is no longer enrolled at or employed by the College District; or

3. Specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the designated Title IX coordinator or the deputy Title IX coordinator will provide the parties written notice of the dismissal.

**Confidentiality**

To the greatest extent possible, the College District will respect the privacy of the complainant, respondent, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

**Appeal**

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 reasonably 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 designated by the College District. The applicable appeal deadlines and guidelines detailed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees* will be followed. The College District will provide written notice of the outcome of any appeal, within the extent permitted by FERPA or other law, to the complainant and the respondent.

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

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 informal 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 informal 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 informal resolution process. The notice will include a statement that a party is permitted to withdraw from the informal 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 committing prohibited conduct against a student.

The College District will not require the parties to waive their rights to a formal process and agree to informal 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, respondents, and witnesses, except as permitted by 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 in connection with a complaint or investigation of prohibited conduct will be addressed in accordance with this policy. Complaints alleging retaliation in connection with other policies or laws may be filed in accordance with the College District's prompt and equitable grievance procedures. [See FFDB and FLD]

### **Other Appeals**

Appeals for complaints of prohibited conduct or Title IX violations will be processed as detailed in the College District's Title IX Complaint Resolution Process Handbook for Students and Employees. All other appeals outside of this policy may be submitted 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]

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 and the person against whom the complaint is filed. The parties will be given the opportunity to respond to the report.

### **Complaints Filed with OCR**

A party will also be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).

### **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 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 prohibited conduct, but a formal complaint is not filed, the institution will maintain a record of all actions taken, including supportive

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

measures, for a period of seven 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 a student or employee who makes a report.

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<sup>1</sup> Title IX Coordinator email: <mailto:tbrennan@collin.edu>

<sup>2</sup> Title IX/Sexual Misconduct webpage: <https://www.collin.edu/titleix>

<sup>3</sup> Deputy Title IX Coordinator for Students email: <mailto:athroop@collin.edu>

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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. For expression and use of College District facilities by employees and employee organizations, see DGC. For use of the College District's internal mail system, see CHE.

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**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.

**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 playing 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. The College District does not permit 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 at least 75 feet from any College District building entrance or window and that is not used, on either a permanent or temporary basis, for the College District’s:

1. Business or operations;
2. Sponsored events;
3. Educational functions; or
4. Research functions.

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 in College District facilities 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, or 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

**Use of Common  
Outdoor Areas by  
Community  
Members**

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

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's 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](mailto:reserveCOA@collin.edu). If the expected attendance at an assembly or expressive activity is 15 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 15 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.

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 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 literature 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. 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 service~~ animals to accompany a student or visitor on campus in accordance with Board policy. [See FAA]. All other animals will not be permitted on any College District campus or in any College District facility.

~~, 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**

2021-09-X

September 28, 2021

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.

- **BBE (Local) Board Members Authority –** Incorporates clarifications regarding requests of Trustees to staff, with a vote of the Board required when significant staff time is required to prepare the response.
- **CHE (Local) Site Management – Mail and Delivery – ADD –** New policy recommended to establish requirements for use of internal mail delivery systems and for delivery of mail to student housing.
- **DEC (Local) Compensation and Benefits – Leaves and Absences –** Codifies the one week of adjunct faculty sick leave benefit that was piloted in FY2021 and other changes to our FMLA and leave policy as recommended by TASB.
- **DM (Local) Termination of Employment –** Incorporates a reference to Board Policy DMAA(Local) in the policy addressing discipline of at-will employees.
- **FAA (Local) Equal Educational Opportunity – Service Animals – ADD –** New policy to outline the requirements for service animals on campus and for service animals and emotional support animals in student housing.

- **FFDA (Local) – Freedom from Discrimination, Harassment, and Retaliation – Sex and Sexual Violence** – Updates Title IX requirements when a party or witness does not submit to cross-examinations during a live hearing.
- **GD (Local) – Community Expression and Use of College Facilities** – Removes most of the text in the Animals on Campus section of the policy and references the new FAA(Local) Animals on Campus policy.

**SUGGESTED MOTION:**

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

DRAFT

**Collin County Community College District Board of Trustees**

2. Organization, Education, and Policy Committee

September 28, 2021

Resource: Kim Davison  
Chief of Staff

**DISCUSSION ITEM:** Second Reading and Consideration of Approval of Local Board Policy

- **BD (Local)** Board Meetings
- **BGC (Local)** Administrative Organization Plan – Councils and Faculty Senates
- **CHA (Local)** Site Management – Security
- **EGAA (Local)** Academic Achievement – Prior Learning Assessment – ADD

**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.

**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 review as a first reading.

- **BD (Local) Board Meetings** – Provisions addressing topics requested by the Board or Board members for Board meetings, suspension of *Robert’s Rules of Order, Newly Revised* for Board meetings, and the development of procedures for Board members to request accommodations for Board meetings are included. The recommended revisions seek to clarify existing policy language.
- **BGC (Local) Administrative Organization Plan – Councils and Faculty Senates** – Clarifies that participation in shared governance extends to staff, students, and administrators as well as faculty.
- **CHA (Local) Site Management – Security** – Updates the college’s policy consistent with SB741 that was approved in the 87<sup>th</sup> legislative session that expands the

authority for school marshals to carry a concealed weapon on their person.

- **EGAA (Local) Academic Achievement – Prior Learning Assessment (PLA) – ADD** – Establishes a college policy for the assessment of prior learning. PLA refers to all of the processes the College District uses to review and evaluate evidence of learning and to award academic credit in accordance with academic and administrative standards.

BOARD MEETINGS

BD  
(LOCAL)

**Definition**

The Board shall consist of nine members. In the event of the death or resignation of one or more members, the Board shall remain defined as a nine-member Board for the purposes of determining a majority. [See BBB]

**Meeting Place and Time**

The notice for a Board meeting shall reflect the date, time, and location of the meeting.

Regular Meetings

Regular meetings of the Board shall typically be held on the fourth Tuesday of each month as posted. When determined necessary and for the convenience of Board members, the Board Chairperson may change the date, time, or location of a regular meeting with proper notice.

Special or  
Emergency  
Meetings

The Board Chairperson shall call a special meeting at the Board Chairperson's discretion or on request by two members of the Board.

The Board Chairperson shall call an emergency meeting when it is determined by the Board Chairperson or four members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.

**Agenda**

Preparation  
Deadline

The deadline for submitting items for inclusion on the agenda is the fifth business day before regular meetings and the fifth business day before special meetings, except in an emergency in accordance with the Texas Open Meetings Act.

Submission of  
Topics

The District President shall compile for review by the Board Chairperson all topics timely submitted by Board members, topics requested by the Board, and topics suggested by the District President.

A Board Member  
May Request a  
Subject Be Included  
on the Agenda

The Board Chairperson and the District President shall confer regarding the proposed topics, and the Board Chairperson shall determine the topics for the official meeting agenda. Consistent with Board procedures, ~~the Board or two or more~~ Board members have requested in writing be addressed are either on ~~the a~~ meeting agenda or scheduled for deliberation at an appropriate time in the near future. If the item is a discussion item, it will be scheduled on the agenda for a future committee or Board meeting within 30-60 calendar days. If the item is an action item, the Board Chairperson will decide on which committee or Board agenda the item will be placed, provided the proposed action item does not exceed the Board's authority, violate other existing Board policies, or violate applicable laws. The Board Chairperson shall not refuse to assign an topic action item that complies with this policy requested by two or more Board members to an agenda and, once assigned,

shall not have the authority to remove the ~~topic~~ action item from the agenda without the requesting Board members's specific authorization.

- Consent Agenda** When the agenda is prepared, the Board Chairperson shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.
- Notice to Members** Members of the Board shall be given notice of regular and special meetings at least 72 hours prior to the scheduled time of the meeting and at least one hour prior to the time of an emergency meeting.
- Closed Meeting** Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, as provided by law. The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. See BDA
- Order of Business** The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members present.
- Rules of Order** The Board shall observe the parliamentary procedures as found in *Robert's Rules of Order, Newly Revised*, except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present so long as the suspension does not result in actions or motions that must be declared null and void under Robert's Rules of Order, Newly Revised or applicable law.
- Voting** Voting shall be by voice vote or show of hands, as directed by the Board Chairperson. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded upon that member's request.
- Minutes** Board action shall be carefully recorded by the Board Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board.
- The official minutes of the Board shall be retained on file in the office of the District President and shall be available for examination during regular office hours.

**Discussions and  
Limitation**

Discussions shall be addressed to the Board Chairperson and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board Chairperson shall halt discussion that does not apply to the business before the Board.

The Board Chairperson shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the Board Chairperson shall not interfere with debate so long as members wish to address themselves to an item under consideration.

**Trustee Requests for  
Accommodations for  
Board Meetings**

The College is committed to its compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. No qualified Trustee with a disability, as defined in board policy DAA(Legal), shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the College or be subjected to disability discrimination. The Board will adopt a set of procedures for Trustees to request reasonable and legal accommodations in writing for participation in or legal access to regularly scheduled Board meetings that conform with the existing definitions and requirements under Board policy, see GA.

The College is not obligated to provide an accommodation if it would impose an undue financial hardship or administrative burden on the College as such limits are described in Board policy, see GA and DAA, or if it would require the College to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity.

College District faculty, staff, students, and administrators ~~members~~ serve the College District and participate in shared governance through membership and involvement in College District-recognized academic, governance, and strategic planning ~~matters through membership and involvement in, but not limited to, College District-recognized~~ committees and task forces.



**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;
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 policies, 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. Subject to limitations in law, 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, rules, and regulations on College District property or at College District functions.
6. Investigate violations of College District policies, rules, and regulations as requested by the District President or designee and participate in hearings concerning 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.



	<p>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.</p>
<p>Reporting and Analysis</p>	<p>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.</p>
<p>Training</p>	<p>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.</p>
<p><b>Video Monitoring</b></p>	<p>Video equipment will be used on a College District police car for safety purposes whenever the flashing lights on a car are in use.</p>
<p>Access to Recordings</p>	<p>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]</p>
<p><b>Training</b></p>	<p>All College District officers will receive at least the minimum amount of education and training as required by law.</p>
<p><b>Racial Profiling</b></p>	<p>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.</p>

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 [see Complaint Against Peace Officer at CHA(LEGAL)], 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 or on their person 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.

SITE MANAGEMENT  
SECURITY

CHA  
(LOCAL)

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.

## NEW POLICY

Currently enrolled students may earn credit for relevant non-traditional learning experiences. A student who believes that he or she already possesses the knowledge and/or skills taught in certain courses or programs offered by the College District may challenge certain courses for credit using Prior Learning Assessment (PLA).

PLA refers to all of the processes the College District uses to review and evaluate evidence of learning and to award academic credit in accordance with academic and administrative standards. The College District shall develop procedures to implement this policy. The guidelines implementing this EGAA(LOCAL) policy are published on the College District's website.

### Prior Learning Assessment

Students are required to complete a minimum of 25 percent of the semester credit hours for any degree or certificate in residence at Collin College. [See EGC(LOCAL)]

In order to petition for credit earned by PLA to be posted to the student's transcript the student:

- a) must be currently enrolled in credit coursework at Collin College (or have been enrolled in credit coursework at Collin College within the last five years),
- b) must meet the admission requirements of the declared program for which the student intends to petition for credit for non-traditional (or prior) learning experience, and
- c) must earn at least three semester credit hours of college credit-level (i.e. non-developmental education) coursework at Collin College.

Credit earned through PLA shall not count toward the residency requirement, and credit earned by PLA is not guaranteed to transfer to a university.

A student shall earn credit for a course through PLA in accordance with the following methods:

1. Testing instruments prepared by appropriate faculty members to challenge courses;
2. Various educational testing service providers, or other College District-approved testing services [see EGA(LEGAL)];
3. Articulated college credit for select high school career and technical education courses;

## NEW POLICY

4. Evidence of an appropriate valid certification and/or license in the field;
5. Evidence of successful completion in a College District non-credit, cross-listed (i.e. "mirror") course for conversion to a college-credit academic course; and
6. Evidence of training and service for military and veteran students. [See EGA(LEGAL)]

Upon successful completion of any PLA method, credit shall be awarded for the indicated course with a "CR" grade, and as a result, the credit shall not impact the student's grade point average (GPA).

Fees for the processing and posting of PLA shall be set by the Board upon recommendation from the District President.

A student who is dissatisfied with the outcome of the approval process may appeal to the Campus Provost. The decision of the Campus Provost is final and may not be further appealed. The Campus Provost shall notify the student of the final decision.

**Collin County Community College District Board of Trustees**

2021-09-X

September 28, 2021

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

- **BD (Local)** Board Meetings
- **BGC (Local)** Administrative Organization Plan – Councils and Faculty Senates
- **CHA (Local)** Site Management – Security
- **EGAA (Local)** Academic Achievement – Prior Learning Assessment - ADD

**DISCUSSION:** The Organization, Education, and Policy Committee reviewed all policies presented in this item. The Organization, Education, and Policy Committee Chair will report out a recommendation at the September 28, 2021 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 is being presented for your approval.

- **BD (Local) Board Meetings** – Provisions addressing topics requested by the Board or Board members for Board meetings, suspension of *Robert's Rules of Order, Newly Revised* for Board meetings, and the development of procedures for Board members to request accommodations for Board meetings are included. The recommended revisions seek to clarify existing policy language.
- **BGC (Local) Administrative Organization Plan – Councils and Faculty Senates** – Clarifies that participation in shared governance extends to staff, students, and administrators as well as faculty.
- **CHA (Local) Site Management – Security** – Updates the college's policy consistent with SB741 that was approved in the 87<sup>th</sup> legislative session that expands the



authority for school marshals to carry a concealed weapon on their person.

- **EGAA (Local) Academic Achievement – Prior Learning Assessment (PLA) – ADD** – Establishes a college policy for the assessment of prior learning. PLA refers to all of the processes the College District uses to review and evaluate evidence of learning and to award academic credit in accordance with academic and administrative standards.

**DISTRICT PRESIDENT’S  
RECOMMENDATION:**

The District President recommends approval of the 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.”

DRAFT

***Collin County Community College District Board of Trustees***

3. Organization, Education, and Policy Committee

September 28, 2021

Resource: Kim Davison

Chief of Staff

**DISCUSSION ITEM:** Discussion on Board of Trustee Procedures

**DISCUSSION:** In follow-up to a question raised at the August 24, 2021 meeting of the Organization, Education, and Policy Committee, the following overview of Collin College Local Governance Board policies and peer Board procedures is provided for discussion by the OEP Committee.

**Organization, Education, and Policy Committee**  
**September 28, 2021**

**TASB defines the following terms:**

- LEGAL policies compile federal law, state law, and court decisions, providing the statutory context in which all other policies should be read.
- LOCAL policies reflect decisions made by the board of trustees.
- REGULATION documents are administrative procedures that implement board policies.

**Collin College’s Local Board Governance Policies**

BA [BOARD LEGAL STATUS](#)

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BBB [BOARD MEMBERS - ELECTIONS](#)

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BBC [BOARD MEMBERS - VACANCIES AND REMOVAL FROM OFFICE](#)

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BBD [BOARD MEMBERS - ORIENTATION AND TRAINING](#)

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BBE [BOARD MEMBERS - AUTHORITY](#)

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BBF [BOARD MEMBERS - ETHICS](#)

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BBG [BOARD MEMBERS - COMPENSATION AND EXPENSES](#)

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BCB [BOARD INTERNAL ORGANIZATION - BOARD COMMITTEES](#)

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BD [BOARD MEETINGS](#)

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BDB [BOARD MEETINGS - PUBLIC PARTICIPATION](#)

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BE [POLICY AND BYLAW DEVELOPMENT](#)

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**PEER BOARD GOVERNANCE PROCEDURE NOTES:**

- **Alamo Community College:**  
Publishes three procedures as a part of its board policies, including
  - **B.8.1.1 Administrative Remedies Before Resort to Citizens to be Heard**

- **B.10.1.1 Environmental Sustainability** (Not applicable to our Local Board Governance policies. Collin covers Environmental Standards in CH(Local))
- **B.11.1.1 Student Trustee** (not relevant to Collin)
- **Austin Community College:**  
Does not use regulations with its TASB Board Policies, but has Administrative Rules, with one related to Board Operations.
  - **2.04.001 Posting of Board of Trustee Meetings** (posting procedures are outlined in state statutes and are in Collin's BD(Legal) and BD(Local))
- **Dallas College:**
  - **BBG(Reg) Board Compensation and Expenses** (Travel procedures already included in Collin's BBG(Local))
  - **BD(Reg) Board Meetings**
  - **BE(Reg) Policy and Bylaw Development**
- **El Paso Community College:**
  - **BBG-1 Expense and Compensation** (Travel procedures already included in BBG(Local))
- **Houston Community College:**
  - **BD(Reg) Agenda Preparation and Board Meeting Participation**
  - **BE2(Reg) Policy and Bylaw Development - Compliance Attestation**
  - **BH(Reg) Creation, Modification, and Deletion of Regulations**
- **Lone Star College System:**  
Does not have any Board procedures or regulations posted
- **San Jacinto College District:**  
Includes the following procedures as a part of its Board of Trustees and Local Governance policies, including
  - **Procedure II.2000.A.a. Policy and Procedure Development, Review, Revision, and Rescission** (Collin covers this in BE(Local))
  - **Procedures II.2001.A.a. and b. Monitoring and Reporting Substantive Change** (not relevant to our Local Board Governance policies. Collin covers substantive change in GK(Local))
  - **Procedure IV-C-14(3-14) College Officials Serving on Committees, Commissions, Boards, and Agencies** (Covered in Collin's BCB(Local))
- **South Texas College:**  
Does not have any Board procedures or regulations posted
- **Tarrant County College District:**  
Does not use regulations with its TASB Board Policies or have procedures posted

**Expense  
Reimbursement**

Board members will be reimbursed for reasonable expenses incurred in carrying out Board business at the Board's request and for reasonable expenses incurred while attending meetings and conventions as official representatives approved by the Board for that purpose.

An amount for Board member travel expense reimbursement will be approved in the budget each year.

Reimbursement will be made for the use of a personal car at the mileage rate currently approved by the Board or the actual cost of commercial transportation, parking and taxi fares, training and registration fees, lodging, meals, and other incidental expenses. Board members will file a statement and attach receipts or other documentation of actual expenses for which reimbursement is requested.

Board members will also submit a conference summary report for inclusion in the next month's Board report. An information item will be included in the Board report at the end of each fiscal year with a summary of Board member expenditures.

Collin College  
043500

BOARD LEGAL STATUS

BA  
(LOCAL)

The official title of the governing body of the College District shall be the Collin County Community College District Board of Trustees, herein referred to as "the Board."

Collin College  
043500

BOARD MEMBERS  
ELECTIONS

BBB  
(LOCAL)

**Election Dates**

The election of Board members shall be on the first Saturday in May or as otherwise designated by any changes to the uniform election date.

**Membership**

The Board shall consist of nine members.

**Method of Election**

Board members shall be elected at large.

**Accreditation Principles**

Institutional integrity is essential to the purpose of higher education. Integrity functions as the basic covenant defining the relationship between the College District and the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), The College District's accreditation body requires that the governing board of the institution adopt appropriate and fair processes for the dismissal of a Board member. Therefore, Board members may be removed from office or sanctioned as provided in this policy. [See Southern Association of Colleges and Schools Commission on Colleges, Principle 4.2.e]

**Resignation by Board Member or Member-Elect**

A Board member may resign by providing written notice to the Chair or to the Secretary of the Board of Trustees.

A Board member-elect may submit a declination of office by submitting written notice to the Chair or to the Secretary of the Board of Trustees.

The Board may not refuse to accept a resignation or declination submitted under this policy.

**Effective Date**

If a Board member or member-elect submits a resignation or declination, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation or declination is accepted by the Board, or on the eighth calendar day after the date of its receipt by the Board Chair or Secretary, whichever date is earlier.

**Holdover Doctrine**

All public officers will continue to perform the duties of their offices until their successors will be duly qualified and sworn in. Until the vacancy created by a public officer's resignation is filled by a successor, the public officer continues to serve and have the duties and powers of office and continues to be subject to the nepotism rules and all Board policies. A holdover public officer may not vote on the appointment of the officer's successor. [See DBE]

**Immediate Removal for Lack of Residency**

A Board member is required to remain a resident of the College District throughout the term of elected office. A Board member who ceases to reside in the College District vacates his or her office immediately.

**Immediate Removal for Conviction**

A Board member who is convicted of official misconduct, including a purchasing offense under Education Code 44.032 [see CF(LEGAL), Impermissible Practices], is subject to immediate removal from office. *Local Gov't Code 87.031.*



BOARD MEMBERS  
VACANCIES AND REMOVAL FROM OFFICE

BBC  
(LOCAL)

**Involuntary Removal  
from Office under  
Quo Warranto**

A Board member who usurps, intrudes into, or unlawfully holds or executes a public office may be involuntarily removed by a quo warranto action as described in BBC(LEGAL). *Civ. Prac. and Rem. Code 66.001–.002.*

A Board member who engages in an act, or allows an action, that by law causes forfeiture of office may also be involuntarily removed by a quo warranto action as described in BBC(LEGAL). *Civ. Prac. and Rem. Code 66.001–.002.*

**Involuntary Removal  
from Office by  
Petition and Trial**

A Board member may be removed from office by a petition filed by any resident of this state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county, under Local Government Code 87.015. [See BBC(LEGAL)]

Reasons for  
Removal from  
Office

A Board member may be removed by a quo warranto action or by petition and trial for:

1. Incompetency. "Incompetency" means:
  - a. Gross ignorance of official duties;
  - b. Gross carelessness in the discharge of those duties; or
  - c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the officer's election.
2. Official misconduct. "Official misconduct" means intentional, unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law.
3. Intoxication on or off duty caused by drinking an alcoholic beverage. Intoxication is not grounds for removal if it appears at the trial that the intoxication was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician practicing in this state.
4. The conviction of a Board member by a jury for any felony or for misdemeanor official misconduct, including a purchasing offense under Education Code 44.032.
5. Nonattendance of Board meetings if the member is absent from more than half of the regularly scheduled and posted

Board meetings, including committee meetings, that the member is eligible to attend during a calendar year, not counting an absence for which the member is excused by a majority vote of the Board. An annual report of Trustee meeting attendance for the prior year will be included as an information item each February.

*Tex. Const. Art. V, Sec. 24; Local Gov't Code 87.011(2)–(3), .013, .031; Education Code 44.032, 130.0845*

**Other Sanctions**

The Board has an interest in directly addressing ethical and other misconduct by a Board member. Board members will not engage in misconduct as defined in this policy.

**Misconduct Defined**

Under this policy, “misconduct” means:

1. Violating the Code of Ethics in BBF(LOCAL);
2. Failing to uphold Board member responsibilities as listed in BBF(LOCAL);
3. Violating applicable Board policies, including, but not limited to, conduct constituting criminal offenses and nepotism [see BBFB(LEGAL)] and conflicts of interest [see BBFA(LEGAL)];
4. Failing to file required conflict of interest disclosures [see BBFA(EXHIBIT)]; and/or
5. Engaging in other unethical or dishonest conduct, in fraud, or in making false or misleading representations during a term of office.

Each Board member has a duty to report misconduct. The Board may investigate misconduct reports and issue sanctions in accordance with this policy and applicable law.

**Reporting  
Misconduct**

Any community member or any Board member may file a written misconduct report with the Board Chair or with the Board Secretary if the report regards the Board Chair.

The report recipient must advise the Board in writing that a misconduct report was received. The recipient may request an investigation of the misconduct report. Upon a majority vote of the Board, an investigation of the misconduct report may be initiated.

**Investigating  
Misconduct**

An independent third party will conduct the investigation. Under this policy, “independent third party” means any person appointed by a majority vote of the Board to conduct this investigation.

During the investigation, the respondent Board member will be provided by the independent third party a list of the allegations lodged

in the misconduct report. The respondent Board member has the opportunity to respond to the specific allegations, either in writing or by meeting with the independent third party.

The independent third party will prepare investigative findings or an investigative report for the Board's review.

**Sanctions Upon a Finding of Misconduct**

The Board will have the authority to sanction a Board member for misconduct. The Board may find that misconduct has occurred by a majority vote of the Board.

Upon such finding, the Board may sanction the Board member found to have engaged in misconduct. Sanctions may include, but are not limited to:

1. Removing the Board member from serving on any Board committee;
2. Limiting travel and fee reimbursement for the Board member;
3. Requiring the Board member to attend additional training at the Board member's expense to be completed within a specified period of time;
4. Censuring the Board member; and/or
5. Any other sanction or action allowed by applicable law.

For purposes of this policy, "censure" means a public reprimand by the Board of a person through means of a written order or resolution for specified conduct. Sanctions imposed are to be read at the next scheduled Board meeting.

**Filling a Vacancy**

Any vacancy occurring on the Board through death, resignation, or otherwise, will be filled by a special election ordered by the Board or by appointment by resolution or order of the Board.

**By Special Election**

A special election to fill a Board vacancy is conducted in the same manner as the College District's general election except as provided by the applicable provisions of the Election Code. [See BBB]

If a vacancy in an office is to be filled by special election, the election will be ordered as soon as practicable after the vacancy occurs. A special election to fill a vacancy will be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered. For a vacancy to be filled by a special election to be held on the date of the general election for state and county officers (November of even-numbered years), the election will be ordered not later than the 78th day before the election day.

In all elections to fill vacancies of office in this state, it will be to fill the unexpired term only.

By Appointment

An appointment to the governing body of a local government will be made as required by the law applicable to that local government and may be made with the intent to ensure that the governing body is representative of the constituency served by the governing body. A local government that chooses to implement this provision will adopt procedures for the implementation. *Local Gov't Code 180.005(b)-(c)*

A vacancy on the Board may be filled by appointment through a resolution adopted by a majority of the remaining Board members. The Board may adopt procedures on a case-by-case basis, which may include an application process, or the Board may appoint a person who has expressed an interest in serving with or without an application process. Any person appointed must meet the qualifications set forth at Election Code 141.001(a) and Education Code 130.082(d).

The person appointed to fill the unexpired term will serve until the next regular election of members to the Board, at which time the position will be filled by election for a term appropriately shortened to conform with what regularly would have been the length of the term for that position. *Tex. Const. Art. XVI, Sec. 27; Education Code 130.082(d)*

**Temporary  
Replacement of  
Board Member on  
Military Active Duty**

An elected or appointed Board member who enters active duty in the Armed Forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held. In that case, the Board may, but is not required to, appoint a replacement to serve as a temporary active Board member as provided by Texas Constitution Article XVI, Section 72 if the elected or appointed Board member will be on active duty for longer than 30 days.

The Board member who is temporarily replaced may recommend to the Board the name of a person to temporarily fill the office. The Board will appoint the temporary acting Board member to begin service on the date specified in writing by the Board member being temporarily replaced as the date the Board member will enter active military service.

A temporary acting Board member under this policy has all the powers, privileges, and duties of the office. A temporary acting Board member will perform the duties of office for the shorter period of either:

BOARD MEMBERS  
VACANCIES AND REMOVAL FROM OFFICE

BBC  
(LOCAL)

1. The term of the active military service of the Board member who is temporarily replaced; or
2. The term of office of the Board member who is temporarily replaced.

“Armed Forces of the United States” means the U.S. Army, the U.S. Navy, the U.S. Air Force, the U.S. Marine Corps, the U.S. Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

**Board Orientation**

The Board and the District President shall provide an orientation for new Board members within the calendar year of their election to assist them in understanding the Board's function, policies, and procedures. Assistance given in the orientation of new Board members may include the following, as appropriate or available:

1. Selected materials on the responsibilities of being a contributing member of the Board.
2. Material pertinent to meetings and an explanation of its use.
3. Invitations to meet with the District President and other administrative personnel designated by the District President to discuss services the administration performs for the Board.
4. Access to a copy of the Board's policies and administrative regulations and other documents and information currently in use by other Board members.
5. Information regarding appropriate meetings and workshops.
6. A formal orientation on legal and budgetary oversight responsibilities of the Board.
7. Other information and activities as the Board or the District President deems useful in fulfilling the role of Board member.

The District President shall work with the Board to address the training needs of Trustees.

**Public Information  
Coordinator**

The Chief Public Relations Officer or designee shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012.

<b>Board Authority</b>	The Board has final authority to determine and interpret the policies that govern the College District and, within the limits imposed by other legal authorities, has complete and full control of the College District.
<b>Transacting Business</b>	Official Board action will be taken only in meetings that comply with the Open Meetings Act. When a proposal is presented to the Board, the Board will hold a discussion and reach a decision. The affirmative vote of a majority of all Board members will be required to transact business. [See BD] Although there may be dissenting votes, which are a matter of public record, each action of the Board supported by the majority is binding on the whole Board.
<b>Individual Authority for Committing the Board</b>	Board members as individuals will not exercise authority over the College District, its property, or its employees. Except for appropriate duties and functions of the Board President, an individual member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue. [See BCAB]
<b>Individual Access to Information</b>	An individual Board member, acting in the member's official capacity, will have the right to seek information pertaining to College District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the general public in accordance with the Public Information Act. [See GCA]
Limitations	<p>If a Board member is not acting in the member's official capacity, the Board member has no greater right to College District records than a member of the public.</p> <p>An individual member will not have access to confidential student records unless the member is acting in the member's official capacity and has a legitimate educational interest in the records in accordance with policies FJ(LEGAL) and (LOCAL).</p>
Requests for Records	<p>Individual members will seek access to records or request copies of records from the District President or other designated custodian of records. When a custodian of records other than the District President provides access to records or copies of records to individual Board members, the provider will inform the District President of the records provided.</p> <p>A Board member who is denied access to a record under this policy may ask the Board to determine whether the record should be provided or may request it as a member of the public. [See GCA]</p>

Requests for Reports	<p>No individual Board member will direct or require College District employees to prepare reports derived from an analysis of information in existing College District records or to create a new record compiled from information in existing College District records.</p> <p>Directives to the District President or other College District staff regarding the preparation of reports that will, in the opinion of the District President, require excessive staff time or expense will be authorized by action of the Board.</p>
Confidentiality	<p>At the time Board members are provided access to confidential records or to reports compiled from such records, the District President or other College District employee will advise them of their responsibility to comply with confidentiality requirements and the College District's information security controls.</p>
<b>Referring Complaints</b>	<p>If employees, students, or citizens bring a concern or complaint to an individual Board member, the Board member will refer them to the District President or designee, who will proceed according to appropriate Board policy. [See DGBA, FLD, and GB]</p> <p>When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda.</p>
<b>Staff Authority</b>	<p>Except as authorized by these policies, no employee or agent will have the authority to bind the College District contractually.</p>



**Code of Ethics**

As a member of the Board, I will strive to improve community college education, and to that end I shall adhere to all state and federal laws, College District policies, and the following code of ethical standards:

1. Attend all regularly scheduled Board meetings insofar as possible and become informed concerning issues to be considered at those meetings.
2. Bring about desired changes through legal and ethical procedures, upholding and enforcing all applicable statutes, regulations, and court decisions pertaining to community colleges.
3. Work with other Board members to establish effective Board policies and to delegate authority for the administration of the College District to the District President, and act on behalf of the Board only with the official authorization of a majority of the members of the Board.
4. Work with other Board members to establish and adhere to policies and practices prohibiting unlawful discrimination, including harassment on any basis prohibited by law.
5. Make policy decisions only after consideration of agenda items presented at publicly held Board meetings.
6. Render all decisions based on the available facts and my own independent judgment, while avoiding undue influence from individuals outside of the College District community.
7. Encourage the free expression of opinion by Board members and seek transparency in communications between Board members and students, staff, and community members.
8. Communicate to other Board members and the District President expressions of public reaction to Board policies and College District programs.
9. Stay informed about current educational issues by individual study and through participation in programs providing information necessary in the performance of my Board member role, such as those sponsored by the Texas Association of Community Colleges, the American Association of Community Colleges, the Association of Governing Boards, and the Association of Community College Trustees. I will not seek and will not accept appointments or leadership positions with such organizations in a representative capacity as a Board member of the College District without the express written authority of the Board.

10. Support the employment of those persons best qualified to serve as College District staff, insist on a regular and impartial evaluation of all staff, and respect the role and responsibilities of College District employees and contractors to empower them to work without my interference.
11. Act with integrity, avoid being placed in a position of conflict of interest, and refrain from using my Board position for actual or apparent personal or partisan gain.
12. Take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law, including all deliberations of the Board in closed/executive session.
13. Regularly conduct a Board of Trustees' self-assessment to give individual Board members an opportunity to assess how effectively they fulfill their responsibilities as Trustees and how effectively the full Board fulfills its duties.
14. Remember always that my first and greatest concern must be the educational welfare of the students attending the College District.
15. Refrain from any attempt to influence any operational decision of the College District, including but not limited to individual admissions, personnel, management, or purchasing decisions except when such an issue is being presented for consideration at a legally posted Board meeting; and do not engage in any communications about a specific grievance with any person with a pending grievance before the College District.

[Referenced in part from the National School Boards Association and Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)]

**Leadership  
Responsibilities**

The Board of Trustees sets a constructive tone for the entire College District. The Board strives to create a positive, future-oriented climate of integrity, innovation, and excellence and works to build effective relationships with all stakeholders. The Board understands and adheres to its governance roles and responsibilities under Board policies and applicable laws.

Trustees treat one another with respect and work as a team to accomplish the Board's work. Trustees prepare for Board meetings, avoid real or apparent conflicts of interest, adhere to ethical conduct, and vote on behalf of the entire community. The Board accommodates differing opinions when debating issues and bases decisions on information relevant to agenda items presented at

**Policymaking and  
Advocacy  
Responsibilities**

each Board meeting. The Board considers the political ramifications of its actions and stands up for what it believes is right for students, employees, and the community. A member of the Board of Trustees is responsible to the entire College District rather than to any individual part or constituency within the College District or community. Trustees do not request or demand action that violates any law, Board policy, or College District procedure.

The Board adopts policies to direct and guide the College District. Board policies define and uphold a vision and mission reflecting student and community expectations. Trustees act strategically, focus on priority items and on the community's future learning needs. Trustees engage in creative, thoughtful discussions as they plan for the future and envision what is best for the College District and community. Policies set standards for quality, ethics, and prudence in College District operations.

The Board balances and integrates the community's interests and needs into policies benefitting the common good and the College District's continuing operations. Trustees are aware of the community they serve by learning issues affecting the community and its demographic, economic, and social trends. Because the Board protects the public interest and represents the community's voice, Trustees understand what benefits the College District confers on the community, learn about community and regional needs and expectations, purposefully involve community discussion on issues that impact the community, and maintain good relationships with other community leaders.

Trustees advocate for and protect the College District. They promote the College District in the community and seek support for the College District from local, state, and national policymakers. They protect the College District's ability to fulfill its mission and promise to its communities. Trustees:

1. Know the College District's history, mission, and core values;
2. Recognize the College District's accomplishments;
3. Actively support the College District's mission and strategic plans;
4. Positively represent the College District in the community;
5. Serve as leaders in the community;
6. Participate in community activities as College District representatives, where permissible;
7. Adhere to ethical and SACSCOC accreditation standards;

8. Educate the community about the College District's needs and issues;
9. Remain informed of relevant state laws and regulations;
10. Understand state and national educational policy issues;
11. Advocate for College District interests to state and national personnel and legislators;
12. Actively seek political and civic support for the College District;
13. Work to secure adequate public funding for the College District;
14. Actively support the College District's foundation and fundraising efforts; and
15. Understand and protect the faculty's academic freedom.

BOARD INTERNAL ORGANIZATION  
BOARD COMMITTEES

BCB  
(LOCAL)

**Finance and Audit  
Committee**

The finance and audit committee receives and reviews staff recommendations prior to making a recommendation to the Board of Trustees on matters involving budget development and amendment; ad valorem property tax analyses, truth in taxation calculations and locally authorized exemptions; changes in investment policy and authorized brokers/dealers; the annual comprehensive annual financial report; debt analyses; revenue and expense analyses, procurement recommendations and other fiscal strategies and impacts.

The finance and audit committee receives periodic updates on operational analyses and reviews the annual operational review plan.

**Campus Facilities  
and Construction**

The campus facilities and construction committee receives and reviews staff recommendations prior to making a recommendation to the Board of Trustees on matters involving master planning; major building modifications; significant construction change orders that involve changes in scope or budget increases; recommendations on construction delivery methods; Requests for Qualifications (RFQ) to solicit architectural or construction services; contracts to engage architectural or construction firms; contracts to acquire land or to authorize capital improvement projects; acceptance of completed projects; and other facility-related matters.

**Organization,  
Education, and  
Policy**

The organization, education, and policy committee reviews recommendations from the District President related to organization, education, and College policies and makes recommendations to the Board for action.

**Representation on  
Other Boards**

Members of the Board may also be appointed to represent the College on external boards, including but not limited to, economic development boards, Tax Increment Financing (TIF) boards, tax abatement boards, and the Collin County Community College District Foundation, Inc. Board.

**Texas Open  
Meetings Act**

All committees of the Board shall meet in compliance with the Texas Open Meetings Act, as applicable. [See BCB(LEGAL)]

<b>Definition</b>	The Board shall consist of nine members. In the event of the death or resignation of one or more members, the Board shall remain defined as a nine-member Board for the purposes of determining a majority. [See BBB]
<b>Meeting Place and Time</b>	The notice for a Board meeting shall reflect the date, time, and location of the meeting.
Regular Meetings	Regular meetings of the Board shall typically be held on the fourth Tuesday of each month as posted. When determined necessary and for the convenience of Board members, the Board Chairperson may change the date, time, or location of a regular meeting with proper notice.
Special or Emergency Meetings	<p>The Board Chairperson shall call a special meeting at the Board Chairperson's discretion or on request by two members of the Board.</p> <p>The Board Chairperson shall call an emergency meeting when it is determined by the Board Chairperson or four members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.</p>
<b>Agenda</b>	The deadline for submitting items for inclusion on the agenda is the fifth business day before regular meetings and the fifth business day before special meetings, except in an emergency in accordance with the Texas Open Meetings Act.
Preparation Deadline	
Submission of Topics	The District President shall compile for review by the Board Chairperson all topics timely submitted by Board members, topics requested by the Board, and topics suggested by the District President.
A Board Member May Request a Subject Be Included on the Agenda	The Board Chairperson and the District President shall confer regarding the proposed topics, and the Board Chairperson shall determine the topics for the official meeting agenda. The Board Chairperson shall ensure that any topic the Board or two Board members have requested be addressed are either on the meeting agenda or scheduled for deliberation at an appropriate time in the near future. The Board Chairperson shall not refuse to assign a topic requested by two Board members to an agenda and, once assigned, shall not have the authority to remove the topic from the agenda without that Board member's specific authorization.
Consent Agenda	When the agenda is prepared, the Board Chairperson shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by

one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.

**Notice to Members** Members of the Board shall be given notice of regular and special meetings at least 72 hours prior to the scheduled time of the meeting and at least one hour prior to the time of an emergency meeting.

**Closed Meeting** Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, as provided by law. The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. [See BDA]

**Order of Business** The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members present.

**Rules of Order** The Board shall observe the parliamentary procedures as found in *Robert's Rules of Order, Newly Revised*, except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.

Voting Voting shall be by voice vote or show of hands, as directed by the Board Chairperson. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded upon that member's request.

**Minutes** Board action shall be carefully recorded by the Board Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board.

The official minutes of the Board shall be retained on file in the office of the District President and shall be available for examination during regular office hours.

**Discussions and Limitation** Discussions shall be addressed to the Board Chairperson and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board Chairperson shall halt discussion that does not apply to the business before the Board.

The Board Chairperson shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the Board Chairperson shall not interfere with debate so long as members wish to address themselves to an item under consideration.

**Limit on  
Participation**

Audience participation at a Board meeting is limited to the portion of the meeting designated to receive public comment in accordance with this policy. At all other times during the Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the Board Chair or presiding officer.

**Public Comment at  
Posted Meetings**

At posted meetings, the Board will allot time within the meeting to hear persons who desire to make public comments to the Board. Persons who wish to participate in the portion of the meeting designated for public comment will sign up before the meeting begins and indicate the topic or agenda item(s) about which they wish to speak.

At regular Board meetings, citizens may address agenda or non-agenda items in their public comments.

At all other Board meetings, public comment shall be limited to items on the agenda posted with notice of the meeting.

**Procedures**

Public comment cards are available from and accepted by the Executive Assistant to the District President and Secretary to the Board of Trustees or designee for one hour prior to the start of the meeting. Citizens who wish to speak must complete the public comment cards and indicate the agenda item or topic on which they wish to address the Board.

Comment cards are not transferable to other speakers.

No comments by an individual citizen will exceed three minutes, except when a speaker uses a translator, in which case, the comments cannot exceed six minutes. The Board encourages, but does not require, delegations of more than five persons to appoint one person to present their views before the Board.

Comments addressing agenda items will be heard at the beginning of the Board meeting, in order of the corresponding agenda item, for the allotted total of 30 minutes or until all agenda-related comments have been heard.

If time remains within the comment period allotted by the Board, comments addressing non-agenda items will then be heard.

All comments related to non-agenda items that are not heard during the comment period allotted by the Board will be heard at the end of the regular Board meeting.

**Meeting  
Management**

When necessary for effective meeting management or to accommodate large numbers of individuals wishing to address the Board,



the Board Chair or presiding officer may make adjustments to public comment procedures, including:

- Adjusting when public comment will occur during the meeting;
- Reordering agenda items;
- Deferring public comment on non-agenda items; and
- Continuing agenda items to a later meeting.

However, public comment on agenda items shall not be moved after the agenda items have been heard. The Board Chair or presiding officer may also provide expanded opportunity for public comment, establish an overall time limit for public comment, and adjust the time allotted to each speaker. However, no individual shall be given less than three minutes to make comments.

**Board's Response**

Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board will not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

**Complaints and Concerns**

The presiding officer or designee will determine whether an individual addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the individual will be referred by the Board or appropriate administrator to the applicable policy (see list below) to seek resolution:

1. Employee complaints — DGBA
2. Student complaints — FLD
3. Public complaints — GB

**Disruption**

The Board will not allow disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any individual continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the individual removed from the meeting.

Within the context of current law, the College District 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, 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 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 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 will become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

Legally referenced policies are not adopted by the Board.

**Official Policy Manual**

The Board will designate one copy of the local policy manual as the official policy manual of the College District. The official copy

will be kept in the District President's office, and the District President will be responsible for its accuracy and integrity and 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 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 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 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.

# Examples of Board Procedures

### **B.8.1.1 Administrative Remedies Before Resort to Citizens to Be Heard**

Responsible Department: Office of the Chancellor, Legal Services

Based on Board Policy: [B.8.1](#) - Board Meetings

Approved: 10-27-15

Last Amended: 5-14-18

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Policy [B.8.1](#) directs that an employee or student wishing to address the Board personally or through another person during Citizens to Be Heard should first attempt to resolve a complaint or suggest a policy revision administratively through resolution channels established by policy and procedure.

Faculty and non-faculty employee non-policy complaints should be addressed through Policy [D.3.3](#) (Employee Complaints), Policy [D.3.2](#) (Protection from Retaliation), Policy [H.1.2](#) (Civil Rights Discrimination, Harassment and Retaliation), or Policy [D.5.6](#) (Employee Suggestion Plan Incentive Program), whichever policy is applicable, and the procedures associated with each policy. Faculty and non-faculty non-policy employee complaints also should be addressed through any other policy or procedure approved by the Board, including Policy [D.10.2](#) (Separation from Employment).

Non-faculty employee policy complaints or suggestions should be first addressed to the - for presentation to the District Administration.

Faculty employee policy complaints or suggestions should be first addressed to the pertinent department head for presentation to the College Administration with recourse to the College Faculty Senate and the District United Faculty Senates.

Student non-policy complaints should be addressed through Policy [F.4.2](#) (Student Code of Conduct), Policy [F.4.6](#) (Academic Grievances), Policy [F.4.7](#) (Non-Academic Grievances), or Policy [H.1.2](#) (Civil Rights Discrimination, Harassment and Retaliation), whichever is applicable, and the procedures associated with each policy.

Student policy complaints or suggestions should be first addressed through the Student District Council.

Any other complaints by members of the general public who are not students or employees should be first addressed to the College President or District Vice-Chancellor with responsibility for the matter or, if that responsibility is not readily determinable, then to the Chancellor for appropriate internal referral.

## SECTION 6: City Council Conduct with City Staff

City Council's Governance of the City of Frisco relies on the cooperative efforts of elected officials, who set policy as a body, and City staff, who implement and administer the City Council's policies. Every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

**Treat all staff as professionals** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards City staff is not acceptable.

**Limit contact to specific City staff** Questions of City staff and/or requests for additional background information should be directed only to the City Manager, City Attorney, Deputy and Assistant City Managers, and City Secretary. The Office of the City Manager should be copied on any request. Ample time should be allowed for appropriate response.

Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, City Council Members should ask the City Manager for direction. Materials supplied to a City Council Member in response to a request will be made available to all members of the City Council so that all have equal access to information.

In recognition of the limitations of staff time and resources, the City Council will not request unnecessary information. An exceptionally time-consuming request of City Council requires a majority vote by City Council approving the request.

**Never publicly criticize an individual employee** The City Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's department manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.

**Do not get involved in administrative functions** The Frisco City Charter and Code of Ethics contain information about the prohibition of City Council interference in administrative functions. City Council Members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Council Members should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred.

**Limit requests for staff support** Routine secretarial support will be provided to all City Council Members. All mail for City Council Members is opened by the City Manager's Office, unless other arrangements are requested by a Council Member.

Requests for additional staff support are made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

**Use of Letterhead and Logo** Any and all use of City Letterhead, seal, or logo must be made part of the public record and copied to the City Manager's Office.

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## SECTION 10: City Council Conduct with the Media

Frisco's municipal government is more successful when the citizens are kept informed and educated about the issues facing their municipality. The media play an important role in the council-manager-media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents.

The Mayor, City Council, and the City Manager recognize that the news media provide an important link between the City Council, appointed Board members, and the public. It is the City Council's desire to establish a professional working relationship to help maintain a well informed and educated citizenry.

City Council Members are frequently contacted by the media for background and quotes. If an individual City Council Member is contacted by the media, ideally the City Council Member should defer to the Mayor and/or seek the assistance of the City's Communications Director. Regardless, the City Council Members must be clear about whether any comments represent the official City position or a personal viewpoint. If comments are offered they should be shared to the rest of the City Council.

City Council Members and Staff are discouraged from "going off the record." Additionally, because comments can be taken out of context can cause problems, caution is advised about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

General guidelines to help ensure fair relationships with the media include:

1. During the conduct of official business, the news media shall occupy the places designated for them or the general public.
2. Agendas are posted in advance and meeting materials are available on the City's website.
3. In order to preserve the decorum and professionalism of City Council and Board meetings, the media are requested to refrain from conversing privately with other people in the audience and to conduct any interviews with the public outside the City Council Chambers while any City Council or Board meeting is in session.
4. Since each government body conducts business differently, reporters new to the City Council or Board meetings are welcome and encouraged to meet with the City Manager, Mayor, or City Communications Director prior to covering their first meeting to be informed of policies and procedures to help ensure a professional working relationship between the reporter and the City.
5. On administrative matters, the City Manager is the spokesperson.
6. The Mayor, or his/her City Council or City Staff designee, is the primary spokesperson for the City on matters regarding policy decisions or any City Council information pertaining to issues on the agenda. Comments to the media should reflect the majority view of City Council.



7. In order to ensure fair treatment of an issue, any clarifications requested by the media on the issue should be addressed after the meeting.

When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. This lets the public know that the item was seriously debated and options discussed before a vote was taken, and helps build confidence in the democratic process.

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