ADD - NEW POLICY

Artificial Intelligence

College District employees shall be permitted to implement the use of artificial intelligence (AI) in college operations in accordance with applicable law, Board policy, academic integrity and ethical standards.

This policy applies to the use of AI on College District-issued devices and/or personal devices when used to conduct College District business or operations.

The District President or designee shall establish districtwide guidelines and operational procedures for the responsible, ethical, and compliant use of AI tools and AI systems to enhance and uphold the mission, vision, and values of the College District.

AI Adoption & Innovation Committee

The District President or designee will establish the AI Adoption & Innovation Committee to provide oversight and guidance on AI-related matters, including AI policy, procedures, interpretation, risk assessment, approval of AI systems, and compliance with ethical standards. The AI Adoption & Innovation Committee shall be a standing committee formed pursuant to the procedures of the College District's Committees and Task Forces Manual.

Definitions

For purposes of this policy only, the following terms will have the following meanings:

1. "Academic integrity" means the adherence to ethical standards in teaching, learning, academic pursuits, scholarship, or subject matter expertise. [SEE FLB and DH(LOCAL)]
2. "Artificial Intelligence" or "AI," including but not limited to generative AI ("GAI") means any machine-based device, tool or system, whether cloud-based, locally installed, or integrated into existing applications, owned, licensed or used by the College District or on College District networks and technology resources or facilities, that for any explicit or implicit objective infers from the inputs received how to generate outputs, including, but not limited to content (e.g., text, images, or video), decisions, predictions, and/or recommendations that have the ability to influence physical or virtual environments. For purposes of this policy and other related procedures, references to AI shall include GAI.

3. “Confidential Information” means information for which access, use, or disclosure is subject to restrictions under applicable law, College District policies, or contract or software terms. This includes, without limitation, student records; personnel records; personally identifiable information of College students, alumni, employees, as well as that of contractors, vendors, and affiliates of the College District; protected health information or medical records; safety-sensitive security information; College District financial information; CWID numbers; computer and/or network passwords; and any other proprietary, nonpublic College District information.

4. “Generative AI” or “GAI” means any AI or machine-based tool designed to consider user questions, prompts, and other inputs or uploads (e.g., text, images, videos) to generate a human-like or synthetic output (e.g., a response to a question, a written document, software code, or a product design). Generative AI includes both standalone offerings such as ChatGPT, Gemini, NotebookLM, and offerings that are embedded in other software, such as Copilot.

5. “Heightened scrutiny AI system” means an AI tool or system specifically intended to autonomously make, or be a substantial controlling factor in making a high-risk consequential decision such as student admissions, enrollment, or academic standing; financial aid eligibility or amounts; employee hiring, promotion, disciplinary actions or termination; access to College District courses, programs, services or accommodations that the College District is legally obligated to provide; and an individual’s constitutional rights or civil liberties, including but not limited to protections from unlawful discrimination, harassment, and retaliation. In accordance with state law, the term does not include an AI system intended to perform a narrow procedural task; improve the result of a previously completed human task or activity; perform a preparatory task to an assessment relevant to a consequential decision; or detect decision-making patterns or deviations from previous decision-making patterns.

6. “Unlawful harm” under state law means any condition in which the use of an AI system results in a consequential decision that causes harm to an individual who is a member of a state or federally protected class in violation of law. The term does not include a developer's or deployer's offer, license, or use of a heightened scrutiny AI system for the sole purpose of testing the system before deployment to

identify, mitigate, or otherwise ensure compliance with state and federal law.

Additional definitions necessary for the implementation and use of AI for the College District will be included in the guidelines and operational procedures adopted by the AI Adoption & Innovation Committee.

The AI Adoption & Innovation Committee shall also publish a list of AI tools and systems approved for general use by College District users which have been validated by security controls or are subject to privacy and security controls purchased through a specific license or contract. Only those approved AI tools or systems should be used to conduct College District business.

Permissible Uses

The College District permits the development, implementation, deployment, or use of AI, provided such is in accordance with:

1. Academic integrity standards and the student code of conduct, including, but not limited to, those standards pertaining to attribution and citation as allowed;
2. Professional and ethical standards applicable to employment with the College District or a particular course of study or program of the College District;
3. Board policies, rules, guidelines, operational procedures, and other regulations; and
4. Applicable laws, ethical codes of conduct, and applicable regulatory requirements.

Prohibited Use

The College District prohibits the development, implementation, deployment, or use of AI, for the following purposes:

1. To intentionally infringe, restrict, impair, or violate a person's constitutional rights or cause "unlawful harm" as defined above or as defined by state law;
2. To intentionally violate applicable laws and regulations;
3. To intentionally produce, assist or aid in the production or distribution of child pornography or any unlawful deepfake videos and images;
4. To, without a person's consent, uniquely identify the person via data obtained from publicly available sources if doing so

would violate any rights of the individual under applicable law;

5. To intentionally incite or encourage a person to commit self-harm, harm another person, or commit a crime or assist in the commission of a crime, including without limitation to engage in cybersecurity attacks, phishing, online impersonation as defined by applicable law or other prohibited conduct.
6. To bypass or attempt to bypass network and technology resources safety and security controls of the College District
7. To intentionally violate the College District's Code of Professional Ethics. [See DH].

Data Security and Privacy

Unless otherwise provided by College District policies, contractual terms, or operational procedures, users of College District technology resources should presume that any input submitted or used in AI tools or systems is recorded or stored; may or will be used to train AI models; may become publicly available and/or subject to unintended disclosure; and/or may be modified or stored in unsafe repositories.

AI tools or systems do not fully protect Confidential Information or preserve information which may be protected or privileged under applicable law. Therefore, there should not be any reasonable expectation of privacy or confidentiality in the use of AI tools or systems.

All AI systems, tools, or applications must be procured, evaluated, and approved in accordance with College District procurement, IT procedures and requirements, including AI risk management guidelines.

AI Disclosures

The AI Adoption & Innovation Committee shall adopt transparency standards for the use of AI tools and systems, such as required disclosures when used to conduct College-District business. At a minimum, such transparency disclosures shall be:

1. In writing;
2. Clear and conspicuous;
3. Written in plain language appropriate to the audience;

4. Free from manipulative design, forced choices, deceptive or other prohibited practices as defined by College District operational procedures; and

5. To the extent reasonably possible, provided in advance of or at the time of interaction, or in emergent cases, as soon as practicable.

Transparency disclosures are not required where it would be reasonably obvious that an individual is using AI and the use is internal to the College District and/or assistive in nature such that AI does not directly interact with the user or alter the meaning of the content received or influence decision making.

Quality Assurance

All AI-generated content used in College District operations must be reviewed by qualified personnel of the College District in advance of such content being published; shared with decision makers; used for decision making when generated by a Heightened scrutiny AI system, or otherwise used in connection with and/or incorporated into College District business. Review of AI-generated content shall be documented in accordance with College District guidelines and operational procedures.

For purposes of this policy “qualified personnel” shall refer to an individual with the requisite knowledge, qualifications, certifications, licenses, and/or training to evaluate and assess the accuracy and veracity of the content generated by AI.

College District employees are responsible for any AI generated content that is published, posted, or publicly shared which is inaccurate, misleading, or entirely fabricated (called “hallucinations”), and that was not reviewed by qualified personnel.

All decisions or actions taken with the use of a Heightened scrutiny AI system shall be subject to the guidelines and operational procedures for pre-deployment review, ongoing oversight, and appeals and remediation provided therein.

Prior to deploying AI systems for College District operations, appropriate testing shall be conducted with testing protocols and results documented to demonstrate good faith compliance efforts and to qualify for safe harbor protections under applicable law. This provision does not apply to the use or incorporation of AI-generated content in internal drafts, provided such drafts are for internal, unofficial use only.

Prohibited Data Inputs

College District users shall not input any Confidential Information into AI tools or systems, unless otherwise permitted or required by law or authorized in writing by College District personnel.

Under this policy, prohibited data inputs that may not be used for AI tools or systems without express written permission, include, but are not limited to:

1. Social security numbers, financial account information, or other related sensitive identifiers (such as personal passwords);
2. Non-directory information or student records protected under FERPA or other applicable law;
3. Confidential employee personnel records information, including personally identifiable information of employees;
4. Protected health information or medical records protected under applicable health privacy laws;
5. Confidential Information as defined herein, or protected personally identifiable information as defined by applicable privacy laws;
6. Computer and network passwords or authentication credentials, including multi-factor authentication codes;
7. College District copyrighted, trademarked, or protected intellectual property used in violation of Board policies [See CT];
8. Copyrighted, trademarked, or protected intellectual property of third parties used in violation of law;
9. Proprietary or non-public College District information; or
10. Any other data classified as confidential or sensitive under College District policies, operational procedures, or applicable law.

Compliance and Oversight

The chief innovation officer, in consultation with the Technology Services department and the various business units of the College

District, shall be responsible for reviewing and implementing procedures, guidelines and other resources to promote and ensure compliance with this policy.

The College District may access and monitor the use of AI on any College District-issued devices or to ensure ethical and compliant use of AI systems.

Risk Management

To demonstrate good faith compliance efforts and qualify for safe harbor protections under the law, the College District will adopt nationally recognized risk management frameworks for AI systems such as the National Institute of Standards and Technology (NIST) AI Risk Management Framework (NIST AI RMF 1.0 or successor versions) or others as required by law.

Districtwide Training

The College District shall provide training and educational resources to the College District community regarding:

1. Permitted and prohibited uses of AI under this policy;
2. Best practices for AI use in academic, professional, and College District operational contexts;
3. Data security and privacy safeguards;
4. Compliance obligations under applicable law; and
5. Reporting violations under applicable Board policies.

In accordance with state law, employees who use a computer to complete at least 25% of their required duties will complete annual AI training.

Violations and Reporting Complaints

Employees and students who use AI tools to deceptively harm, bully, harass others, or create unlawful deepfakes shall be disciplined in accordance with Board policy. [See DH, DIA series, FFD series, FFE, FLB, and the FM series]

Any person who becomes aware of a potential violation of this policy or applicable law, should report such concerns to their immediate supervisor, the chief innovation officer or designee, or through the College District's compliance reporting mechanisms as provided on the college website.

Alternatively, violations of this policy or applicable law can be immediately reported to ResponsibleAI@collin.edu.

Purpose

The College District is committed to providing a fair, safe, and productive work environment where employee complaints are considered with sensitivity and in a prompt manner. The purpose of the College District's complaint policy is to assist in resolving all workplace issues and problems. The College District believes the best way of maintaining employee job satisfaction and good working relationships is to follow a procedure for solving problems and complaints as they arise.

In most situations, employees should first make every effort to attempt to resolve matters informally by meeting with the person or persons involved, or if that is not feasible, with the immediate supervisor of the person involved prior to accessing the formal complaint process. Exceptions may include cases involving allegations of unlawful harassment, whistleblower allegations, and other instances where it may be impractical to do so.

Freedom from Retaliation

The College District will not tolerate any form of retaliation against an employee who brings a complaint pursuant to this policy. [See DG]

Notice

College District employees and students are informed of this policy through a variety of meetings and publications, such as orientations, the student handbook, and the human resources website.

Definitions

The complainant is the person filing the complaint.

The respondent is the person or entity that the complaint is filed against.

The Appeal Review Panel (ARP) is a group of College District employees appointed to review complaints and recommendations or responses. Each ARP is generally composed of at least two administrators and either one full-time faculty or one full-time staff member, depending on the role of the complainant.

A concern is a type of complaint regarding disagreements or issues that occur in the workplace such as departmental or office procedures, policy or procedure interpretation, and incidents or events that, while not unlawful, are contrary to the College District's core values or reasonable standards of workplace behavior, for example, bullying as defined below by another employee or any disagreement or concern not considered a violation of board policy. Concerns will be handled through the separate process outlined in this policy.

A complaint under this policy is a dispute regarding a violation of a specific board policy, administrative procedure, state or federal law, or state or federal constitution that adversely and materially impacts the employee's wages, hours, or conditions of work; that is

retaliation based upon the employee's exercise of one's constitutional rights; that is retaliation based upon the exercise of rights conferred by statute, including, but not limited to, the Title VI and Title VII of the Civil Rights Act of 1964, the Family Medical Leave Act (FMLA), the Age Discrimination in Employment Act, the Americans with Disabilities Act (ADA) as amended, the Uniformed Services Employment and Reemployment Rights Act, and Title IX of the Education Amendments of 1972; or that is retaliation because an employee filed a previous grievance or concern under this policy.

Bullying is the repeated or persistent infliction of abusive or inappropriate behaviors that a reasonable person would find threatening, intimidating, or humiliating. Bullying may be verbal (i.e., derogatory comments, insults, threats), physical (i.e., repeated or persistent instances of physical contact that a reasonable person would view as offensive, undesirable, or uncomfortable), or demonstrative (i.e., repeated or persistent use of threatening or offensive gestures, repeatedly trying to embarrass or humiliate an individual, or persistently engaging in behavior or activity to prevent an individual from being successful in their position). Not all confrontation, disagreement, or behavior perceived as unfriendly, uncivil, or rude will constitute bullying under this policy.

Process for Handling Concerns

Concerns may be brought up informally at any time to the attention of the employee's supervisor or the next-level supervisor. Otherwise, concerns may be brought up through the following formal process:

1. Within fifteen (15) College District business days of the date the employee was notified, knew or should have known of the event or decision that is the basis of a concern, the employee will present the concern and suggestions to their immediate supervisor in writing.

   If the concern is of such a nature that conferring with the supervisor is not possible, if previous discussions with the supervisor on the issue have been unproductive, or if the employee's immediate supervisor is the source of the concern, the employee may direct their written concern to the next level supervisor. Additionally, if the employee's concern is urgent and the supervisor is unavailable for an extended period of time, the employee may direct their written concern to the next level supervisor.

2. Most concerns will be resolved within fifteen (15) College District business days from the date the concern was

brought to the attention of the supervisor; however, if the supervisor needs more than fifteen (15) College District business days to consider the concern or to gather information related to the concern, the supervisor will notify the employee in writing of how much time reasonably will be needed to provide a response to the concern. The supervisor will respond in writing and address the concern(s).

3. If the employee is dissatisfied with the decision at any level of review, or if the supervisor has failed to provide a response within the timeline outlined in this policy, the employee may present the concern to the next level supervisor, the associate dean or program director, dean, campus provost, or appropriate administrator. The request for further review will be submitted in writing within ten (10) College District business days of receipt of the supervisor's response or the date the supervisor should have provided a response. The request for further review will be submitted in writing to the appropriate administrator.

4. Within ten (10) College District business days after submission, the administrator will issue a written decision to the employee.

5. The decision of the administrator pertaining to the concern is final and is non- appealable through this concern handling process.

Complaint Types

An employee may also file a complaint. Complaints covered by this policy are:

1. Concerns about an employee's pay, job duties, schedule or hours worked, overtime pay, or conditions of the employee's work area or work environment;

2. Violations of a specific Board policy;

3. Specific allegations of unlawful discrimination or unlawful harassment based on one or more legally protected classifications [see DIAA and DIAB];

4. Specific allegations of unlawful discrimination or unlawful retaliation based on the exercise of legally protected rights;

5. Specific allegations of adverse personnel actions based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the College District or a College District employee, i.e., whistleblower complaints [see DG];

6. Complaints resulting from the termination of an at-will employee [see DDC];

7. Complaints by a faculty member arising from the recommendation for nonrenewal or termination of their faculty contract or by an employee arising from the termination of their contract of employment [see DMAA and DMAB];

8. Complaints concerning the withdrawal of consent to remain on campus [see GDA]; or

9. Complaints by a faculty member who (a) disagrees with the denial of the faculty rank for which they applied; or (b) complains that the faculty rank process was not followed correctly. The faculty member may only appeal the rank process or the denial of the faculty rank for which they applied under the complaint steps outlined in this policy. However, if a faculty member was recommended for an alternative lower rank and the faculty member accepted it, that alternative rank placement is not the type of a complaint that can be grieved under this policy. Faculty rank denial complaints will list the college as the respondent or a named member of the ad-hoc rank committee if the issue involved conduct by a specific member of the committee.

Information Regarding Specific Complaints

When a complaint is submitted alleging the violation of Board policy, the employee will need to identify and specify the name of the Board policy at issue. For more information, please see the following policies:

1. Alleged discrimination/harassment/retaliation, including violations of Title IX or Section 504, see DAA.

2. Dismissal of term contract employees, see DMAA.

3. Nonrenewal of term contract employees, see DMAB.

4. A commissioned peace officer who is an employee of the College District, see CGF. Complaints against a licensed peace officer may also be brought under the Collin College Police Department's General Orders.

5. An employment preference for former foster children, see DC.

6. Alleged harassment, see DIAA and DIAB.

7. Alleged retaliation (Whistleblower), see DG and DH. Whistleblower complaints must be initially filed within the time period specified by law, regardless of the time period specified herein. Additional timelines for the employee and the College District to respond as set out in this policy may be shortened

to allow the Board to make a final decision within 60 days of the initial complaint.

8. Other policies are available at Policy Online®[1].

Time Limits and Deadline to Submit Complaint

Except in cases involving unlawful harassment, discrimination, or retaliation, the employee must submit their complaint within thirty (30) College District business days of the date: (1) the complainant was notified of the decision; (2) the complainant knew of the action that caused the complaint or concern; or (3) the complainant reasonably should have known of the action that caused the complaint or concern, whichever date is the earliest.

In cases involving unlawful harassment, discrimination, or retaliation, the employee must report the prohibited conduct as soon as possible via the complaint form outlined in this policy after the alleged act or knowledge of the alleged act so that the College District can take appropriate action at the earliest possible stage. A delay in reporting may impair the College District's ability to investigate, gather evidence, and/or take corrective action as part of the complaint process.

Consolidation of Multiple Complaints

Where it is determined that two or more submitted complaints are sufficiently similar in nature and remedy to permit resolution through one proceeding, such complaints may be consolidated at the discretion of the manager, employee relations.

Untimely Complaints

If a complaint form or appeal notice is not submitted on time, the complaint may be dismissed, and the complainant will be notified in writing. An employee may appeal the determination of timeliness. The appeal will be limited only to the question of timeliness and not the underlying merits of the complaint. The appeal procedures will be provided in the notice of dismissal.

Complaint Process Timelines and Extensions of Times

After an employee complaint has been submitted under this policy, all subsequent deadlines may be extended by the manager, employee relations for extenuating and unforeseeable circumstances.

The manager, employee relations may only unilaterally extend deadlines by ten (10) College District business days up to two times. Any other extensions may be granted on a case-by-case basis.

Recordkeeping / Confidentiality

A record of each complaint will be created and retained in accordance with this policy. The record will include documents submitted by the employee who filed the complaint, documents determined relevant by College District personnel, and the decisions reached by each level of review, along with recordings of meetings held, if any.

Employee complaints are kept separately from the employee's personnel file, in accordance with the College District's records retention policy.

Complaint records are confidential to the extent permitted by law. Limited disclosures may be necessary in order to conduct a thorough investigation. Additionally, information may be disclosed in response to a subpoena or as otherwise may be required by law.

The College District will protect the individuals' privacy in a complaint filed under this policy to the extent that it is practical and allowed by law and College District policy. However, there may be times when disclosure of information is required in order to process or investigate a complaint. In all cases, efforts will be made to protect the privacy of individuals.

Representative

The complainant may designate a representative, including an attorney at the complainant's own cost, to represent the complainant at any level of the process by notifying the manager, employee relations in writing.

If necessary, the College District may reschedule any meetings to include the College District's counsel. Each party will pay its own fees and costs incurred by representatives in the course of the complaint process.

Neutral Third Party

Depending on the complexity of a matter and at the sole discretion of the chief human resources officer or designee, a neutral third party may be designated to hear and/or investigate a complaint or review an appeal if deemed necessary by the chief human resources officer or designee.

Remand

A complaint or appeal form that is incomplete in any material aspect will be refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.

If an adequate record has not been developed, the appropriate campus provost or senior administrator may remand the complaint to a lower level. The District President or designee may remand a complaint to a lower level if at the respective level of review an adequate record has not been developed.

Investigation

If violations of law are alleged, the College District may conduct an investigation at any level in the complaint process. If the College District and the employee mutually agree, all complaint process deadlines will be suspended during such an investigation. If there is no mutual agreement, the complaint process will continue without an investigation.

Audio Recordings

As provided by law, an employee will be permitted to make an audio recording of a meeting under this policy at which the substance of the employee's complaint is discussed. The employee will notify all attendees present that an audio recording is taking place.

General Complaint Procedure

The College will implement procedures to resolve employee complaints. These procedures are not legal proceedings, but rather internal College District administrative processes to resolve workplace concerns amicably and at the earliest time period possible. The detailed procedures may be obtained from the manager, employee relations or at the Complaint Information and Forms webpage[2]. The general complaint procedures are as follows.

Informal Process

Generally, a complainant is expected to attempt to resolve matters informally by meeting with the person or persons involved to address the concerns. If that is not feasible, a complainant is encouraged to meet with the employee relations consultant and the appropriate supervisors as determined by the employee relations consultant.

Note: Attempting to resolve matters informally concerning complaints involving any form of unlawful harassment, whistleblower allegations, and cases where it is impractical to do so is not required, and employees may proceed directly to Step 1 of the formal process.

Formal Process

Step 1 Filing of the Complaint

If it is not possible to resolve a matter informally, a formal complaint will be submitted by using the College District's online complaint form.

The employee complaint form[3] can be accessed on the College District's website. Complaints not submitted via the online complaint form will not be processed and reviewed.

If the complainant needs a reasonable accommodation in order to submit their complaint online, the individual may contact the manager, employee relations for assistance.

The complaint will describe all incident(s) at issue, reference violations of specific Board policy, identify any relevant dates or witnesses, provide sufficient factual detail to support the alleged violations, and indicate the dates of informal resolution conferences, if any.

If the subject matter of the complaint is a complaint about a Board member or is a complaint about the District President, the complaint will be initiated at the Board level. A preliminary hearing to

develop a record or recommendation for the Board may be conducted by a designated administrator at the College District.

Step 2 Initial Review of the Complaint or Summary Determination

Upon an initial review of the complaint, the manager, employee relations will determine whether the allegations, if proven, could constitute prohibited conduct as defined by policy or applicable law. If the allegations do not rise to the level of prohibited or unlawful conduct, the complaint will be dismissed.

Otherwise, the complaint will be referred to Step Three under this policy.

Any appeal of the summary determination by the manager, employee relations will be limited to a determination of whether the complaint falls within the purview of Board policy or not.

The complainant may appeal the summary determination only on the basis of the following two grounds by submitting an appeal form to the manager, employee relations within ten (10) College District business days of the summary determination:

1. New evidence not reasonably available or provided to the Step 2 reviewer that affected the outcome; or
2. An issue of procedural irregularity, such as issues involved in filing the online complaint, that affected the outcome.

All appeals of a Step 2 summary determination will be handled by the chief human resource officer, whose decision is final and non-appealable.

Step 3 Review by Appropriate Administrator

At their discretion or in cases of a conflict, the designated campus provost or senior administrator (generally the vice president of the respondent party) may request to delegate the handling of the complaint under this Step 3 to the appropriate dean, or other administrator. The manager, employee relations may approve that delegation in writing.

The appropriate campus provost or senior administrator (generally the vice president of the respondent party) will schedule a meeting with the complainant.. If the complainant is a faculty member, the meeting may also include the senior vice president-campus operations or the vice president -academic affairs to expedite resolution of the complaint.

The respondent(s) will also receive a copy of the complaint and be asked to provide a written response that will be shared with the campus provost or senior administrator for review. The appropriate

campus provost or senior administrator will also schedule a meeting with the respondent(s).

In most cases, the campus provost or senior administrator, or a designee, will issue a written summary determination within ten (10) College District business days of completing all meetings related to the complaint. If an extension is necessary, the complainant and respondent will be notified in writing of the extension.

Step 4 Review by the ARP

If either the complainant or the respondent disagrees with the decision at Step 3, the complainant or respondent may appeal the determination to an ARP who will review the complaint file, documents submitted, and then will issue a determination.

An ARP is generally composed of at least two administrators and either one full-time faculty or one full-time staff member depending on the role of the complainant.

The appeal must be submitted to the manager, employee relations within ten (10) College District business days of the date listed on the Step 3 decision. The manager, employee relations will confirm receipt of the appeal. The ARP may review additional documents, and if a majority of ARP members agree that interviews are necessary, may also conduct interviews of the complainant, the respondent, or witnesses.

The standard of review at this step will be by a preponderance of the evidence.

In most cases, the ARP will issue a written summary determination within ten (10) College District business days of completing all meetings related to the complaint. If an extension is necessary, all parties will be notified in writing of the extension.

In some cases, including those involving allegations of unlawful harassment, discrimination, or retaliation, the ARP may require additional time in which to review information and prepare a determination. In such cases, the ARP will make such a request through the manager, employee relations, who will then notify the complainant and respondent in writing how much time reasonably will be needed to conclude the review and prepare a determination.

Step 5 Review by the Executive Vice President or Designee

If the complainant or the respondent disagrees with the decision of the ARP at Step 4, either party may appeal the determination to the executive vice president or designee. The appeal must be submitted to the manager, employee relations within ten (10) College District business days of the date listed on the Step 4 decision.

The statement of appeal must:

1. Identify all points of disagreement with the determination;
2. Contain sufficient detail to clarify the basis of the appeal; and
3. Explain the reasons why the appeal should be granted.

The standard of review at this step will be by a preponderance of the evidence. If neither party files a timely appeal, the determination of the ARP becomes final and is non-appealable.

Within ten (10) College District business days of receipt of the appeal, the executive vice president (or designee) will issue a written decision affirming, affirming in part/denying in part, or reversing the ARP's determination.

The decision of the executive vice president or designee is final and non-appealable for all types of complaints, except for complaints regarding the recommendation for mid-contract termination of a full-time faculty member under DMAA(LOCAL) or of a contract employee. Those types of complaints may proceed to Step 6.

Step 6 – Appeals to the District President and Board for a Procedural Irregularity

For those complaints that involve the recommendation of the mid-contract termination of a faculty member's contract under DMAA(LOCAL) or of a contract employee only, the decision of the executive vice president or designee may be appealed to the District President and Board. Only the District President may be involved in a final decision regarding the nonrenewal of a faculty member's contract.

If the complainant disagrees with the decision of the executive vice president or designee, the faculty member or contract employee may appeal to the Board by notifying the manager, employee relations within ten (10) College District business days of the receipt of the Step 5 decision. The manager, employee relations will confirm receipt of the appeal.

Prior to placing the matter on the Board agenda, the District President will review the record. If the District President reverses the decision of the executive vice president or designee, the recommendation for termination of the full-time contract employee will be vacated, and the College District/respondent and the complainant will be notified in writing of the District President's findings and related actions regarding the matter. In this case, the matter will not proceed to presentation to the Board.

If the District President affirms the decision of the executive vice president or designee to terminate the full-time contract, the matter will be placed on the agenda for presentation to the Board. In such cases, the matter will be placed on the Board agenda after review

by the District President, providing at least ten (10) College District business days' advance written notice to the complainant.

The complainant will be notified in writing of the date, time, and place of the Board meeting at which the complainant or representative will present their concerns to the Board. The notice will include all applicable procedures for the presentation to the Board. The presentation will take place in closed meeting unless the complainant requests that it be heard in public. The Board may place time limits on the presentation.

The Board will consider the complaint, the complaint file maintained by the manager, employee relations, and oral presentations to the Board.

The Board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting after the Board hears the matter. However, the Board is not required to take any action. If for any reason the Board does not take any action by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the last prior administrative decision.

Public Comment to the Board

Nothing in this policy precludes an employee who has exhausted the procedures in this policy from addressing the Board of Trustees at the next regular public meeting in accordance with the provision for public comment or the hearing of citizens. The Board is not required to take any action concerning a grievance but will listen to the employee's concerns. [See BDB]

Board Report

After the end of each fiscal year, the District President will provide to the Board a summary report indicating the number and types of complaints received under this policy.

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[1] Policy Online: https://pol.tasb.org/PolicyOnline?key=304
[2] Complaint Information and Forms: http://www.collin.edu/hr/complaints/Employee_Complaints.html
[3] Employee Complaint Form: http://www.collin.edu/hr/complaints/Employee_Complaints.html

Purpose

The purpose of this policy is to set forth complaint procedures and provide for the prompt and equitable resolution of any complaints by members of the public. For information about public participation in Board meetings, see BDB(LOCAL).

~~Procedure~~Informal Resolution

The Board encourages the public to discuss concerns with the appropriate administrator who has the authority to address the concerns.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution will be encouraged but will not extend any deadlines in this policy.

Formal Resolution

Whenever members of the public have concerns related to the College District that cannot be resolved informally, the formal process outlined in the rest of this policy will be followed so that issues can be addressed as soon as possible to allow resolution at the lowest possible administrative level.

Even after initiating the formal complaint process, individuals are encouraged to continue to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy will not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or a “mini-trial” at any level.

Exceptions

Complaints for which other resolution procedures and policies are provided will be directed through those procedures and channels initially. For example, the following policies require complaints to be submitted in accordance with this policy GB after the applicable complaint process has been exhausted:

1. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]
2. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]

Consolidating Complaints

Complaints arising out of an event or a series of related events will be addressed in one complaint. An individual will not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filing

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process.

Extension of Time

Any time limits set by these procedures, other than the time limits for filing the initial complaint, may be extended at the discretion of the District President or designee.

Freedom from Retaliation

Neither the Board nor any College District employee will unlawfully retaliate against any individual for bringing a concern or complaint.

Complaints

In this policy, the terms "complaint" and "grievance" will have the same meaning.

~~Other Complaint Processes~~

~~Complaints from the public will be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GB after the relevant complaint process:~~

~~1. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]~~

~~2. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]~~

Response

"Response" will mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses will be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" will mean College District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following day is "day one."

Representative

The complainant may designate a representative to represent him or her at any level of the process by notifying the associate vice president-communications ~~Chief Public Relations Officer~~ in writing. If necessary, the College District may reschedule any meeting to include the College District's counsel.

Costs Incurred

Each party will pay its own costs incurred in the course of the complaint.

Neutral Third Party

A neutral third party may be designated to hear a complaint at Level One or Level Two below if deemed necessary by the associate vice president-communications. ~~Chief Public Relations Officer.~~

Recording Meetings

All meetings held with the complainant in accordance with this policy will be recorded by the College District, and the recordings will

become part of the complaint record. The complainant may request a copy of the recordings by submitting a written request to the associate vice president-communications. ~~Chief Public Relations Officer.~~

As provided by law, an individual will be permitted to make an audio recording of a hearing under this policy at which the substance of the individual's complaint is discussed. The individual will notify all attendees present that an audio recording is taking place.

Formal Resolution Process

~~**Complaint Forms**~~

An individual will file a formal complaint using the College District's online complaint form[1] within ~~ten~~10 College District business days of the date the complainant knew (or reasonably should have known) of the action that caused the complaint.

The complaint must provide sufficient detailed facts to support the allegations, otherwise it may be dismissed.

Scheduling Conferences

The College District will make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference without a compelling reason, the complaint will be considered withdrawn.

Level One

The appropriate administrator will investigate as necessary and schedule a conference with the individual within ~~ten~~ 10 College District business days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator will provide the individual a written response within ~~ten~~ 10 College District business days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information.

Level Two

If the individual does not receive the relief requested at Level One or if the time for a response has expired, he or she may submit an appeal at Level Two. The appeal notice must be submitted in writing to the associate vice president-communications ~~Chief Public Relations Officer~~ within ~~ten~~ 10 College District business days of the date of the written Level One response or, if no response was received, within 15 College District business days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator will prepare and forward a record of the Level One complaint to the Level Two administrator, who will be designated by the associate

vice president-communications ~~Chief Public Relations Officer~~. The individual may request a copy of the Level One record.

The Level Two administrator will review the complaint within ~~ten~~ 10 College District business days from receipt of the appeal. The hearing officer will determine if a conference is warranted, and if so, will schedule a conference with the complainant to discuss the complaint. However, there will be no express or implied right to a Level Two conference.

The Level Two administrator will reply in writing within ~~ten~~ 10 College District business days from the date of receipt of the complaint, or if a conference is held, within ~~ten~~ 10 College District business days from the date of meeting with the complainant. If a conference is held, the Level Two administrator may set reasonable time limits for the conference. Further, the individual may provide information to the hearing officer about any documents or information relied upon by the administration for the Level One decision.

The Level Two administrator will provide the individual a written response within ~~ten~~ 10 College District business days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information as determined by the Level Two administrator. If additional investigation or information is required, the Level Two administrator may request such information or meet with individuals as necessary to clarify the record.

The ~~ten~~ 10 College District business-day reply deadline may be extended if, due to the nature of the allegation or at the hearing officer's discretion, an investigation is appropriate. In these cases, the hearing officer will respond promptly, generally within 30 College District business days from the date of filing the complaint. If the reply deadline is extended, the complainant will be notified in writing.

The decision of the Level Two administrator is final and cannot be appealed.

Presentation to Board

Although the decision of the Level Two administrator is final and may not be appealed, any individual may present a complaint processed under this policy to the Board during the public comment ~~participation~~ portion of a Board meeting regardless of the limitation in this policy. The Board is not required to take any action concerning this type of complaint but is required to listen if the complaint is presented at a public meeting. [See BDB]

[1] Complaint Form: http://www.collin.edu/hr/complaints/Public_Complaints.html