

**Follow Up to October 24, 2017 Question
from Trustee Menon**

re: Acceptance of Grants and Funds

Question: Dr. Menon asked whether it was accurate that the proposed board policy CAM(Local) would limit the college from accepting “discriminating” grant funds - for example ones that are targeted for “women in science” etc.

Answer: In proposed Board Policy CAM(Local), under “CRITERIA FOR ACCEPTANCE,” it states that *“The College District shall not accept any gift that would violate or conflict with policies of or actions by the Board or with federal or state law. The College District shall not accept gifts that discriminate against any person on the grounds of race, color, religion, sex, national origin, age, disability, veteran status, or any other basis protected by law.”*

In short, we have confirmed that the college cannot accept a gift that would discriminate against any person based on any grounds protected by law. Our attorney has provided the following additional information:

“The College may accept restricted funds, but not funds where the implementation of such grants or funds would discriminate in favor of a designated protected class or group which is otherwise impermissible under federal (Title VI and/or Title IX) or state law.

Board Policy CAM(Legal) provides that the College may accept money from private donors and that the College should adopt rules governing the relationship with such private donor as provided in TX Gov’t Code 2255. Under TX Gov’t Code 2255(c), the rules adopted may not conflict with a statutory or legal requirement that governs the conduct or procedures of the College. Therefore, if the funds are limited and may only be awarded to only one specific protected class (and not others), the College may not accept such funds.

By way of example only, the College could accept a gift that is generally targeted for increasing “the representation of women in science,” however, when implementing such a gift (i.e. through grants, scholarships, or other administration of funds) the implementation cannot be open only to women. The implementation would have to be open to all protected classes (both men and women), but with the idea that “underrepresented” groups in the field may be selected. Under very limited circumstances, funds may be used for certain racial or national origin protected classes when remedying past institutional discrimination.

Therefore, in order to achieve such flexibility, the College needs to maintain control or some form of “variance power” over the gift to ensure that the gift is not implemented in a way that would cause the College to otherwise violate federal or state anti-discrimination laws.”

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