

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LOCAL)

**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.*

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**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

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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 ~~BBC~~BBF(LOCAL);
2. Failing to uphold Board member responsibilities as listed in ~~BBC~~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

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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.

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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:

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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.

**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 e is 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.

~~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.~~

No comments by an individual citizen will exceed 3 minutes, except when a speaker uses a translator, in which case, the comments cannot exceed 6 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.

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If time remains within the comment period allotted by the Board ~~30 minutes~~, 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 ~~allotted 30 minutes~~ will be heard at the end of the regular Board meeting.

~~No presentation by an individual will exceed three minutes, except when a speaker uses a translator, in which case, the presentation 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.~~

**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 ~~Board~~-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 3 ~~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 ~~a person~~ addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the ~~person-individual~~ will be referred by the Board or appropriate administrator to the ~~appropriate~~ 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 ~~person~~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 ~~person~~individual removed from the meeting.

SAFETY PROGRAM
EMERGENCY PLANS AND ALERTS

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**Emergency
Operations Plan**

In accordance with state requirements, the College District ~~shall~~will maintain a multihazard emergency operations plan that provides for appropriate employee training; adequate communications technology and infrastructure, including employee access to emergency communication devices; coordination with state and local entities; and implementation of a safety and security audit.

**Emergency
Response and
Evacuation
Procedures**

In accordance with federal law, the College District ~~shall~~will maintain effective emergency response and evacuation procedures that can be implemented on short notice and that will ensure optimum safety for students and personnel.

**Emergency Alert
System**

In accordance with state requirements, the College District ~~shall~~will maintain an emergency alert system that provides for timely notification to students, faculty, and staff of emergencies affecting the College District or its students and employees.

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

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

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

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

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

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

Additionally, as provided by Section 51.210 of the Texas Education Code, the College's peace officers are authorized to enforce poli-
cies, 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

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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~~policy~~, rules, and regulations as requested by the District President or designee and participate in ~~administrative~~ hearings concerning ~~the~~ alleged violations.
7. Carry weapons as directed by the Chief of Police and approved by the District President.
8. Carry out all other duties as directed by the Chief of Police or District President.

**Limitations on
Outside Employment**

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

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

**Relationship with
Outside Agencies**

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

Use of Force

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

Guiding Principles

The use of force by police officers is a matter of critical concern to the Board, the public, and the law enforcement community. The

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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.

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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;

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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.

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	<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>Video Monitoring</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 law.</p>
<p>Training</p>	<p>All College District officers will receive at least the minimum amount of education and training as required by law.</p>
<p>Racial Profiling</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> <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,</p>

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.

SITE MANAGEMENT
SECURITY

CHA
(LOCAL)

Once appointed, a school marshal will:

1. Immediately report to the TCOLE and the College through the Chief of Police, any circumstance which would render him or her unqualified and unauthorized to act as a school marshal by virtue of his or her employment with the College, failure to meet the standards of the commission, another state agency, or under law;
2. Immediately report to the TCOLE any violation of applicable commission standards, including any discharge of a firearm carried under the authorization of this chapter outside of the training environment on College premises; and
3. Comply with all requirements under law, including Texas Higher Education Code Section 51.220.

Possession and
Use of Handgun

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

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

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

Training

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

Equipment

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

SITE MANAGEMENT
SECURITY

CHA
(LOCAL)

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.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LOCAL)

Note: For conflicts of interest and gifts and gratuities related to federal grants and awards, see CAA and CAAB.

Disclosure General Standard

An employee ~~shall~~will disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the College District.

Specific Disclosures
Substantial Interest

The District President ~~shall~~will file an affidavit with the Board Chair disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the District President or any of his or her relatives in the first degree may have.

Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest as defined by Local Government Code 171.002 ~~shall~~will file an affidavit with the District President; however, the employee ~~shall~~will not be required to file an affidavit for the substantial interest of a relative.

Interest in Property

The District President ~~shall~~will be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.

[See BBFA]

Gifts

An employee ~~shall~~will not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA and CAAB]

Endorsements

An employee ~~shall~~will not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the employee during nonschool hours, unless the product, material, or service is recommended, endorsed, or required for a course the employee teaches and is reasonably related to the subject matter of the course and the course syllabus.

No employee ~~shall~~will require students to purchase a specific brand of supplies if other brands are equal and suitable for the intended instructional purpose.

Sales

An employee ~~shall~~will not use his or her position with the College District to attempt to sell products or services, unless the product or service is recommended, endorsed, or required for a course the employee teaches and is reasonably related to the subject matter of the course and the course syllabus.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LOCAL)

**Solicitation of
Resources**

The College District recognizes that appropriate gifts and grants of cash, equipment, real property, and other goods and effects are vital to the College District's growth and development and that seeking support from external sources is fully consistent with the College District's mission and purpose.

Through a letter of understanding between the College District and the Collin County Community College District Foundation, Inc., dated November 21, 1989, the Foundation has been charged with the rights and responsibilities of assisting the College District with the solicitation of external resources. The vice president of advancement or designee ~~shall~~will serve as the official liaison with the Foundation to ensure coordination of all College District fundraising activities and objectives.

The Foundation has been designated as the official repository for gifts from the private sector that are donated to advance the College District's mission and purpose. Assets administered by the Foundation ~~shall~~will be used exclusively for the benefit of the College District to include support for programs, employees, and students pursuing stated goals of the College District.

**Grants and Other
Sources of Funding**

The College District's foundation office staff is responsible for soliciting and administering external funds for the College District. The foundation office staff also identifies, cultivates, and solicits grants and/or gifts from public and private agencies, individuals, corporations, and foundations. While each College District employee may, and should, play an important role in the process of expanding external support, such activities must be approved by the College District's Executive Leadership Team and be in compliance with College District procedures and guidelines. Foundation office staff ~~shall~~will work with employees to create scholarship and excellence funds or to acquire other appropriate gifts.

Fundraising

Fundraising ~~shall~~will mean any solicitation of any donation of anything of value from an external source by any officer, employee, agent, or volunteer acting on behalf of and for the benefit of the College District or any of its units or authorized affiliated organizations.

This policy ~~shall~~will not apply to an employee(s) participating in duly authorized student activities, programs, or other approved College District activities. Duly authorized student activities are those activities approved in advance by the director of student activities. Approved College District activities are those activities approved in writing in advance by the appropriate vice president, provost, or the District President.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LOCAL)

**Incompatible
Positions**

The Texas Constitution prohibits the simultaneous holding of more than one civil office of emolument. [See DBD(LEGAL)]. Consistent with Texas law, College District employees may run for elected office to serve on the Board of Trustees or other elected positions. Since Trustees as public officials must avoid a position where private pecuniary interests or self-employment may conflict with the full exercise of public duties, if a College District employee is elected or appointed to the Board of Trustees the employee must relinquish the incompatible position that pays the employee a salary. Similarly, a Trustee may not accept employment with the College District until the first anniversary of the date the Trustee's membership on the Board ends. [See DC(LEGAL)].

SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY TESTING CENTERS

EFCD
(LOCAL)

	<p>An official high school equivalency testing center will be located at one or more College District facilities.</p>
Procedures	<p>The District President or designee will develop written procedures concerning the operation of the center and administration of the test. The procedures will:</p> <ol style="list-style-type: none">1. Address the selection, requisition, and storage of test materials;2. Address the provision of a suitable place for administering the test;3. Address test security;4. Include a written emergency plan; and5. Address other operational matters as appropriate.
Testing Information	<p>The District President or designee will publish information about the available testing opportunities on the College District's website and in appropriate College District publications.</p>
<u>Fees</u>	<p><u>If permitted by the Texas Education Agency (TEA) and the test provider, the Board may approve a fee for the administration of a test.</u></p>
Annual Report	<p>The District President or designee will report to the Board annually concerning the center(s).</p>