

SITE MANAGEMENT
SECURITY

CHA
(LOCAL)

BOARD
RESPONSIBILITY

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 shall 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 shall stress public safety and service and the protection of life and property.

~~To ensure sufficient security and protection of the students, staff, and property of the College District, the Board shall authorize the formation of the College District security department.~~

JURISDICTION

~~The primary jurisdiction of College District peace officers is shall include all the territory counties in the boundaries which property is owned, leased, rented, or otherwise under the control of the College District and all property, real and personal, outside the boundaries of the College District that is owned, leased, or rented by or otherwise under the College District's control.~~

AUTHORITY

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

- (a) is vested with all the powers, privileges, and immunities of peace officers; and
- (b) may, in accordance with Chapter 14, Code of Criminal Procedure, arrest without a warrant any person who violates a law of the state; and
- (c) 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:

- (a) is summoned by another law enforcement agency to provide assistance; or
- (b) is assisting another law enforcement agency; or
- (c) is otherwise performing duties as a peace officer for the College District.

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

Any person commissioned by the College District must be a certified police officer who satisfies the requirements of the Texas Commission on Law Enforcement. Sworn officers shall 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 police officers shall 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 shall, as a condition of employment, complete the course of training prescribed by the Texas Commission on Law Enforcement.

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 shall 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 shall 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 shall 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 shall 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 shall have all the following powers, privileges, and immunities of peace officers

~~while in the jurisdiction provided by this policy. Peace College District peace~~ officers shall have the authority to:

- ~~1. Investigate and prevent violations of law, ordinances, or College District policy that occur on College District property, at school zones, and/or at College District functions; that involve College District vehicles, equipment or buses; or that involve offenses against the College District or against College District staff or Board members in their capacity as College District staff or Board members;~~
- ~~2.1. Serve~~ Protect the safety and welfare of any person in the jurisdiction of the College District and protect the property of the College District. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, College District peace officers may serve search warrants and arrest warrants in connection with College District-related investigations; Take juveniles into custody as provided by in compliance with the Family Texas Code of Criminal Procedure.;
- ~~3.~~
- ~~4.2.~~ Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests including arrests without warrant, for felonies and breaches of the peace offenses that occur in the officer's presence within or under the other rules set out in the jurisdiction of the College District; Texas Code of Criminal Procedure.
- ~~5. Patrol campuses (not streets) in connection with the performance of duties provided by this policy;~~
- ~~6. Engage in activities and programs approved by the director of safety and security designed to prevent or deter crimes against College District property or College District staff, students, and visitors;~~
- ~~7. Carry weapons as directed by the director of safety and security;~~
- ~~8. Assist in providing traffic and parking control at athletic events, at campus openings or closings, or at any other time deemed necessary by the director of safety and security to ensure the safety and welfare of students, staff, and College District patrons;~~
- ~~3.~~ Where appropriate, coordinate Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy; as necessary.

~~9.4. Enforce College District policies on College District property or at College District functions.~~

~~10.5. Investigate violations of College District policy, rules and regulations as requested by the ~~College District administration~~ District President and participate in administrative hearings concerning the alleged violations.~~

~~11. Participate in judicial proceedings; and~~

~~12. Apprehend suspects consistent with this policy.~~

RACIAL PROFILING

~~6. Peace officers employed by the College District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin. The director Carry weapons as directed by the Chief of safety Police and security approved by the District President, shall develop and implement rules to ensure compliance with Articles 2.131 through 2.138, Chapter 2, Code of Criminal Procedure.~~

~~7. Carry out all other duties as directed by the chief of police Chief of Police or District President.~~

LIMITATIONS ON
OUTSIDE
EMPLOYMENT

No officer commissioned under this policy ~~may wear or use the College District security uniform or badge or shall~~ provide law enforcement or security services ~~while working~~ for an outside employer ~~unless~~ without prior written approval from the Chief of Police District President.

See DBF (Local) for additional requirements related to non-school employment.

RELATIONSHIP WITH
OUTSIDE AGENCIES

The ~~director of safety and security~~ College District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among ~~all the department and the agencies or departments with overlapping jurisdiction~~. The ~~director~~ Chief of safety and security Police and the ~~vice District President of administration~~ District President or designee shall review the memorandum of understanding at least once every year. The memorandum of understanding shall be ~~presented to the College for review and recommendation to~~ approved by the Board.

USE OF FORCE

The use of force, including deadly force, shall be authorized only when reasonable and necessary. ~~The use of excessive force is expressly forbidden.~~ as outlined in the department regulations manual.

GUIDING
PRINCIPLES

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

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

DUTY TO
INTERVENE AND
REPORT

Any College police officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, 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 shall promptly report these observations to a supervisor.

STANDARDS FOR
USING FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer 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 to be 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 shall take the following factors into consideration, as time and circumstances permit. These factors include, but are not limited to:

- a) immediacy and severity of the threat to officers or others;
- b) the conduct of the individual being confronted as reasonably perceived by the officer at the time.
- c) 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);
- d) the effect of drugs or alcohol on the subject;
- e) the subject's mental state or capacity;
- f) proximity of weapons or dangerous improvised devices;
- g) the degree to which the subject has been effectively restrained and his or her ability to resist despite being restrained;
- h) the availability of other options and their possible effectiveness;
- i) nature of the offense or reason for contact with the individual;
- j) likelihood of injury to officers, suspects and others;
- k) whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer;
- l) the risk and reasonably foreseeable consequences of escape;
- m) the apparent need for immediate control of the subject or a prompt resolution of the situation;
- n) 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;
- o) prior contacts with the subject or awareness of any propensity for violence; or
- p) any other exigent circumstances.

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

- a) 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.
- b) 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.

Officers are discouraged from discharging a firearm at 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.

REPORTING AND ANALYSIS

Any use of force by a College police officer shall be documented promptly, completely, and accurately in an appropriate report and a copy shall 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 shall 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 shall 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 NO 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 shall 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, highway, the violator, or the officer.

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

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

EMERGENCY
DRIVING IN
GENERAL

The operation of a Collin College police vehicle, when utilized as an authorized emergency vehicle, is governed by the Texas Transportation Code Chapter 546. College police officers may operate College police vehicles as emergency vehicles in compliance with this policy in non-pursuit and pursuit emergency situations. When operating a department vehicle as an authorized emergency vehicle, the officer will immediately activate all emergency lights and sirens and will immediately notify the dispatcher. Officers will not operate a police vehicle in emergency status if it is occupied by any passenger other than another police officer.

Unmarked vehicles and police vehicles and College-owned vehicles without emergency lights and sirens shall 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 shall have sufficient information to justify the decision to drive under emergency situations. Officers responding to a call from another officer needing assistance shall 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 shall determine whether a back-up police vehicle is necessary and appropriate. The supervisor shall notify other jurisdictions if the pursuit is likely to enter or cross into another jurisdiction.

The pursuing officer shall consider the following factors before initiating a pursuit: (1) nature of the offense; (2) the importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others; (3) performance capabilities of the pursuit vehicle; (4) vehicle speeds, road, traffic, and pedestrian conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape; (5) weather and environmental factors such as rain, fog, ice, snow, or darkness that could substantially increase the danger of pursuit; (6) age of offender, whether the identity is known, and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time; (7) officer's familiarity of area and their 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; (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 shall 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.

PURSUIITS
INITIATED BY
OTHER LAW
ENFORCEMENT
AGENCIES

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

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

REPORTING AND
ANALYSIS

After a pursuit, the pursuing officer and supervisor monitoring the pursuit shall each prepare a written report detailing the factual circumstances surrounding the pursuit. The report shall 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 shall submit to the District President or designee a report summarizing and analyzing the pursuits taken in the previous year. The District President or designee shall evaluate the need for additional training or policy modifications.

TRAINING

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

VIDEO MONITORING

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

ACCESS TO
RECORDINGS

Recordings shall be considered law enforcement records, shall remain in the custody of the Chief of Police, and shall be maintained as required by the department regulations manual and law.

OFFICER TRAINING

All College District officers shall receive at least ~~40 hours the minimum amount of continuing~~ education and ~~firearms~~ training each year. ~~The training shall be approved TCLEOSE as required by law, and include training in civil rights, racial sensitivity, cultural diversity, and recognition of cases that involve child abuse, child neglect, family violence, and sexual assault.~~

RACIAL PROFILING

Officers shall 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 shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by governmental agents. The right of all persons to be treated equally and to be

free from unreasonable searches and seizures must be respected. Bias-based profiling is an unacceptable patrol tactic and will not be condoned.

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

The Chief of Police shall 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 individuals 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 shall comply with state law requirements regarding the collection of data regarding arrests and the annual reporting to TCOLE and this Board regarding the data.

The Chief of Police or designee shall 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 shall be given to the officer within a reasonable time after it is filed, and no disciplinary action shall 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 (legal & local) of the Board's policy manual. Appeals regarding this complaint process shall be filed in accordance with DGBA, FLD, or GB, as appropriate.

Complaints against the Chief of Police shall be submitted to the District President or District President's designee who shall 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 the officer's participation.

NEW POLICY

TRANSPORTATION
MASTER PLAN

The College District Board of Trustees (Board) gives the College District President the authority to designate an appropriate administrator to adopt and maintain a Transportation Master Plan (herein referred to as "The Plan") for the College District.

STANDARDS

The College District shall adopt and comply with the Texas Transportation Code (Title 7, Subtitle C, Rules of the Road) and the Texas Manual on Uniform Traffic Control Devices (TX MUTCD) to ensure that a uniform set of rules and traffic control devices is established for College District property.

PARKING

Authorized parking is approved as delineated in The Plan. Any vehicle parked on College District property shall be in a marked space only. Without special authorization, drivers may not park in areas or spaces marked as Handicapped, Reserved, or Loading Zone.

STOP SIGNS

Stop signs shall be placed at the locations delineated in The Plan. The operator of a vehicle approaching any authorized stop sign shall stop as provided by state law.

YIELD SIGNS

Yield signs shall be placed at the locations delineated in The Plan. The operator of a vehicle approaching any authorized yield sign shall yield as provided by state law.

PROHIBITED
MOVEMENTS AND
LANE CONTROL SIGNS

Signs controlling lane movement shall be placed at the locations delineated in The Plan. The operator of a vehicle approaching any authorized sign shall comply as provided by state law.

SPEED LIMITS

Speed Limit signs shall be placed at the locations delineated in The Plan. The operator of a vehicle shall not exceed the posted speed limit as provided by state law.

DRIVING ON UNPAVED
SURFACES

Driving a non-College District vehicle on any unpaved surface is prohibited.

TOWING

Any vehicle parked in violation of any provision of The Plan can be towed. The removal shall be at the expense of the violator.

PARKING AND
TRAFFIC TICKETS

The Collin College Police Department (CCPD) shall write warnings and/or tickets for parking and traffic violations in accordance with the Texas Education Code, Chapter 51, Subchapter E.

FINES

Other than Handicapped parking, a violation of any provision of The Plan constitutes a misdemeanor that is punishable upon conviction by a fine up to the maximum allowed in the Texas Education Code, Chapter 51, Subchapter E.

PLAN AMENDMENTS

Second Reading: 12/12/2017

NEW POLICY

The Plan shall be revised to reflect the addition of College District campuses and changes to existing campuses.

REWRITE

COMPREHENSIVE LEAVE PROGRAM

The Board provides a comprehensive program of leave benefits for full-time employees of the College.

ACCRUAL OF LEAVE

Leave hours accrue on the last day of each month. An employee who is in a paid status (at work or on paid leave) on the last day of the month earns leave hours for that month.

REPORTING ABSENCES

Employee absences are reported through a time and attendance reporting system. Supervisors ensure appropriate documentation and use of leave and take action, as needed, if an employee does not accurately report his or her absences. [See DMAA(LOCAL)]

FAMILY AND MEDICAL LEAVE

DEFINITIONS

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

ELIGIBLE CONDITIONS

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care. [For the rules regarding leave for, "adoption" and "foster care," see 29 C.F.R. 825.121];
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status); and
6. To care for a covered servicemember with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

For purposes of the Family and Medical Leave Act (FMLA), the following definitions apply.

A child is defined as:

1. Spouse.

1.2. Son or daughter, including a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis* who is under age 18, or someone 18 years or older who is incapable of self-care because of a mental or physical disability.

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~~2.3. Parent, stepparent, or other individual who stands or stood "in loco parentis" to the employee an employee when the employee was a child. In-laws are not considered parents for these purposes.~~

~~4. Sibling stepsibling~~

~~For purposes of the Family and Medical Leave Act (FMLA), the eligibility for FMLA leave, the 12-month period is measured forward from the date an individual of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).~~

IMMEDIATE FAMILY

For purposes of this policy, "immediate family" is defined as

1. A dependent son or daughter, including a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis who is under the age of 18, or someone 18 years or older who is incapable of self-care because of a mental or physical disability; and

~~2. Spouse.~~

FAMILY EMERGENCY

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

LEAVE DAY

A "leave day" for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee's usual assignment.

CATASTROPHIC ILLNESS OR INJURY

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the College District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

EARNING LEAVE

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

DEDUCTIONS LEAVE WITHOUT PAY

The College District shall not approve paid leave for more leave days than have been carried over from prior years plus first FMLA leave currently available. Any unapproved absences or absences

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beyond available paid leave shall result in deductions from the employee's pay. An employee's final paycheck shall be reduced for paid leave the employee used, but had not earned, as of the date of separation.

LEAVE PRORATION

Paid leave shall be prorated based on the actual time employed within an academic year.

employee's final paycheck shall be reduced for paid leave the employee used, but had not earned, as of the date of separation.

ORDER OF USE

Earned compensatory time shall be used before any available paid leave. [See DEA]

Use of sick leave bank shall be permitted only after all available local leave has been exhausted.

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

CONCURRENT USE OF LEAVE

The College District shall require the employee requires employees to use paid FMLA leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for all applicable paid leave and temporary disability leave, when applicable. Absences beyond available paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as while on FMLA leave.

SICK LEAVE

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

Sick leave shall accumulate to a maximum of 720 hours.

Sick leave shall only be used for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family (see authorized eligible conditions outlined in FMLA above)
3. Up to three days (24 hours) of accrued sick leave may be used each fiscal year for medical or dental appointments or to help care for an extended family member who is ill. Extended family members include parents, grandparents, adult children, grandchildren, siblings and in-laws, step and foster relationships of the preceding.

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4. Family emergency.
5. Birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.
6. Contribution to the sick leave bank.

SICK LEAVE BANK

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

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

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

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

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

APPEAL

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

FAMILY AND MEDICAL LEAVE

TWELVE-MONTH PERIOD

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured forward from the date an individual employee's first FMLA leave begins ~~are without pay.~~

COMBINED LEAVE FOR SPOUSES

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

REWRITE

INTERMITTENT OR REDUCED SCHEDULE LEAVE	<p>The College District shall permit use of<u>Employees may use</u> intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]</p>
<u>CERTIFICATION OF LEAVE</u>	<p>If/When an employee is eligible for or requests FMLA leave, the employee shall provide<u>is responsible for providing</u> certification of the need for leave, as required by FMLA regulations, <u>of the need for leave.</u> [See DECA(LEGAL)]</p>
FITNESS-FOR-DUTY CERTIFICATION	<p>If an employee takes FMLA leave due to the employee's<u>his or her</u> own serious health condition, the employee shall provide, before resuming work,<u>is responsible for providing</u> a fitness-for-duty certification. If the before returning to work. This is to ensure the employee does not return to work before it is medically safe for him or her to do so. The College District will require certification of the employee's ability to perform essential job functions, the College District shall provide<u>provides</u> a list of essential job functions to the employee with the FMLA designation notice, to aid the health care provider in making the return to work determination and any requests for reasonable accommodations that may be needed.</p>
FAILURE TO RETURN	<p>If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the College <u>District</u> may require reimbursement of premiums paid by the College <u>District</u> during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST]</p>
WORKERS' COMPENSATION	<p>An employee who is absent because of a job-related injury or illness is assigned to FMLA leave, when applicable. The employee has a choice regarding whether he or she chooses to use available paid leave while receiving workers' compensation benefits. These choices are provided to the employee in writing so he or she can make the best decision for his or her personal circumstances.</p>
<u>PERSONAL LEAVE</u>	<p>Full-time employees shall earn 24 hours of paid leave each fiscal year to conduct personal business in accordance with administrative regulations Sick leave benefits are provided to full-time em- ployees shall earn and may be used for absences because of:</p> <p><u>Personal leave shall be noncumulative.</u></p>
<u>REQUEST FOR PERSONAL LEAVE</u>	<p><u>The employee shall submit a request for use of personal leave in advance in accordance with leave of absence procedures and guidelines. In deciding whether to approve or deny personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or</u></p>

REWRITE

VACATION LEAVE

designee shall, however, consider the effect of the employee's absence on the educational program or College District operations.

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

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

Use of vacation leave shall not exceed 15 consecutive workdays.

Carryover of earned but unused vacation hours shall be permitted within the guidelines established by the College-District President.

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

REQUEST FOR VACATION LEAVE

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

SABBATICAL LEAVE

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

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

Eligible employees [see definition at DEC(LEGAL) DEVELOPMENT LEAVES OF ABSENCE] may apply for a sabbatical upon completion of five years of continuous full-time service. Six years

REWRITE

of continuous full-time service must be completed before a sabbatical can commence.

The leave shall be for one academic year at one-half of the faculty member's regular salary or for one-half academic year at full regular salary. Failure to return for all or part of the one- (1) year period will make the person liable for the return of all, or part, of the sabbatical stipend in proportion to the percent of time not completed.

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

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

BEREAVEMENT LEAVE/CRITICAL ILLNESS

AA# full-time benefits-eligible employee shall be granted, benefits-eligible employees are allowed up to 40 hours five days of paid bereavement leave with pay upon the death of an employee's spouse, child, parent, or other person who occupies a position of similar importance significance in the employee's family in accordance with administrative regulations of the employee, including step and foster children and parents.

A full-time benefits-eligible employee shall be granted up to 24 hours of paid bereavement may take three days of leave upon the with pay for each death of an employee's sister, brother, grandparents, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, or other family members person who occupies a similar position/role/standing in the family of the employee to include siblings, grandparents, grandchildren, parents-in-law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family in accordance with administrative regulations, in accordance with administrative regulations, including an employee's step and foster relationships of the above.

Bereavement leave shall be noncumulative.

CRITICAL ILLNESS LEAVE

DEFINITION

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

BENEFIT

A full-time employee shall be granted up to 24 hours of paid critical illness leave for absences associated with the critical illness of an

REWRITE

immediate family member or other family members of the employee to include siblings, grandparents, grandchildren, parents-in-law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family, in accordance with administrative regulations.

Critical illness leave shall be noncumulative. Employees may take up to three additional days of paid leave per fiscal year per covered family member for the critical illness of the family members listed above.

Human Resources Office personnel can assist employees with questions regarding eligible family members.

JURY DUTY AND COURT APPEARANCES

An employee called to serve on a jury in any legal proceedings will be paid his or her regular salary/wages subject to the provisions outlined below. An employee called for jury duty is responsible for informing his or her supervisor and submitting appropriate leave information in the College's time and attendance system upon return from service. A copy of the jury summons and/or a verification of jury service from the court must be submitted. The employee may retain the fees paid by the courts.

An employee required to serve as a witness is excused from work subject to the terms of this policy. The employee can use any eligible paid leave or leave without pay in the following circumstances:

The employee is a party to the case, unless the employee is made a party defendant by virtue of his or her official position with the College, in which case the employee will be compensated for any such time and his or her normal rate for any time spent testifying as a witness in his or her official capacity;

The employee is appearing as an expert witness for compensation;

The employee is receiving compensation for his or her appearance other than the normal witness fee paid by the court; or

The employee's appearance is directly related to his or her outside employment or business activities or any former business or occupation.

An employee appearing in his or her official capacity with the College shall be excused from work with pay and without a loss of leave time.

Service as a witness that does not meet the criteria listed above must be provided outside of assigned working hours or must be

REWRITE

~~charged against the employee's available vacation or personal leave.~~

~~An employee serving as a witness under conditions that meet the criteria listed above shall be entitled to accept the customary witness fee paid by the court, except when appearing in his or her official capacity with the College. Additionally, the employee may accept mileage or per diem allowances paid while serving as a witness. In no instance shall the employee receive dual reimbursement for expenses.~~

~~An employee serving as a witness outside of his or her assigned working hours, while using available vacation or personal leave, or while on leave without pay shall be entitled to accept compensation provided the appearance in court does not create a conflict of interest with the employee's service to the College.~~

~~An employee is paid his or her regular salary/wages for any travel time to and from jury duty provided the travel occurs during the employee's regular work hours. Travel to and from other covered court appearances are also paid during the employee's regular work hours unless it involves overnight or extended travel.~~

~~A full-time employee shall be granted up to 24 hours of paid critical illness leave in accordance with administrative regulations for absences associated with the critical illness of an immediate family member.~~

~~Critical illness leave shall be noncumulative.~~

WORKERS' COMPENSATION

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

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

~~An employee eligible for workers' compensation income benefits may elect in writing to use paid leave. Through the generous contributions of College faculty and staff, a pool of donated sick leave hours has been created. The sick leave pool (SLP) is available to full-time, benefits-eligible employees who suffer a serious injury or illness and provides additional paid time to employees who have exhausted their own earned leave balances.~~

REWRITE

~~Employees must exhaust all eligible paid leave.~~

EXTRAORDINARY CIRCUMSTANCES

Up to ~~40 hours~~~~five days~~ of leave without pay may be granted to an employee for extraordinary circumstances that cannot be addressed within the paid leave benefits provided by the College District, in accordance with ~~administrative~~~~the College's~~ procedures and guidelines for faculty and staff. ~~An employee~~Employees who ~~has~~have been ~~employed with the College~~ more than 12 months may request leave without pay of up to 720 hours after ~~he or she~~ ~~has~~they have exhausted all eligible leave, including paid, unpaid, and FMLA leave for ~~his or her~~their own serious health condition or that of an immediate family member, to include the spouse or dependent child(ren) of the employee. Upon return from the leave of absence, the employee will be eligible for the same or similar position, upon release from his or her physician, if applicable, consistent with the College District's~~College's~~ procedures and guidelines for faculty and staff.

EMPLOYEES NOT ELIGIBLE FOR FMLA

A full-time employee who has not yet worked the required 12 months and 1250 hours to qualify for FMLA leave may take a maximum of ~~20 days~~ (160 hours) of leave without pay for his or her own serious health condition or for the serious health condition of ~~an immediate family member, which is defined for the purposes of this policy as~~ the employee's spouse and dependent children of the employee.

EXPIRATION OF AVAILABLE LEAVE AND ATTENDANCE POLICY

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

[See DMAA]

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

REWRITE

VOTING IN PUBLIC
ELECTIONS

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

COURT
APPEARANCES

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

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

OTHER ABSENCES
AND LEAVE WITHOUT
PAY

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

COMPENSATION AND BENEFITS
~~VACATIONS AND HOLIDAYS~~

DED
(LOCAL)

~~FULL-TIME
EMPLOYEES~~

~~All full-time, benefits-eligible staff who work on a 12-month basis are eligible for vacation leave each fiscal year, as described in the College District's procedures and guidelines for faculty and staff.~~

~~USE OF VACATION
DAYS~~

~~Upon successful completion of the new employee 90-day (calendar day) probationary period, eligible employees shall receive vacation credit retroactive to the original service date, in accordance with the published vacation plan. An employee shall take vacation leave at the discretion of, and with the advance approval of, the employee's immediate supervisor. The employee shall submit a written request for vacation days to his or her immediate supervisor.~~

~~A maximum of three consecutive weeks (15 days) of vacation leave may be taken.~~

~~Carryover of earned but unused vacation hours shall be permitted within the guidelines established by the College President.~~

~~Employees who terminate employment prior to completion of the new employee probationary period shall have no accrued vacation credit.~~

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

HOLIDAYS

Upon employment, all full-time, benefits-eligible staff and administrators shall receive paid holidays as approved by the Board when approving the master calendar for an academic year.

To be granted paid holiday leave, eligible employees shall be in a paid status both the day before and the day after the holiday.

In cases when it is deemed necessary for the protection and safe operation of a campus and/or physical plant, or when it is deemed to be in the best interest of the College District, the employee's supervisor may require the employee to report for work on a holiday. An alternate day off shall be provided to the employee in those situations.

~~AVAILABILITY~~

~~Vacation leave for the current year shall be available for use at the beginning of the school year. When an employee who has used more eligible leave than he or she has accumulated ceases to be employed by the College District, the cost of the unearned leave days shall be deducted from the employee's final paycheck.~~

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

PURPOSE	<p>The College is committed to providing a fair, safe, and productive work environment where grievances are dealt with sensitively and expeditiously. The purpose of the College's grievance policy is to assist in resolving all workplace issues and problems. We believe the best way of maintaining employee job satisfaction and good working relationships is to follow a procedure for solving problems and grievances as they arise.</p> <p>In most situations, employees should 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 <u>un-lawful</u> harassment, whistleblower <u>allegations-cases</u>, and other instances where it may be impractical to do so.</p>
FREEDOM FROM RETALIATION	<p>The College will not tolerate any form of retaliation against an employee who brings a complaint pursuant to this policy. [See DG]</p>
NOTICE	<p>College employees and students are informed of this policy through a variety of meetings and publications, such as orientations, in the faculty or student handbook, and the human resources website.</p>
DEFINITIONS	<p>The complainant is the person filing the complaint.</p> <p>The respondent is the person or entity that the complaint is filed against.</p> <p>A Resolution Review Panel (RRP) is a group of College administrators appointed to review or hear complaints. Each RRP is generally comprised of three to five administrators.</p> <p>The terms "complaint" and "grievance" have the same meaning and may be used interchangeably in this Policy.</p>
COMPLAINT TYPES	<p>A complaint or grievance may include:</p> <ol style="list-style-type: none">1. Concerns about an employee's wages, hours, or conditions of work, including performance evaluations or reviews;2. Violations of College policy;3. Specific allegations of unlawful discrimination or harassment based on the sex, race, color, religion, national origin, age, veteran's status, disability, <u>genetic information</u>, or any other legally protected classification [see DIAA and DIAB];4. Specific allegations of unlawful discrimination or retaliation based on the exercise of legally protected rights;

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

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 or a College employee, i.e., whistleblower complaints- [see DG];
6. Complaints resulting from the termination of an at-will employee [see DDC];
7. Complaints arising from the recommendation for nonrenewal or termination of a contract employee [see DMAA and DMAB]; or
8. Any other complaint brought by an employee against another employee, supervisor, manager, vendor, or the College.

INFORMATION
REGARDING SPECIFIC
COMPLAINTS

For more information on complaints regarding:

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, see CHA.
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 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 initiation of the complaint.**

MULTIPLE
COMPLAINTS

Where it is determined that two or more individual complaints are sufficiently similar in nature and remedy to permit resolution through one proceeding, such complaints may be consolidated at the sole discretion of the vice president of human resources.

UNTIMELY
COMPLAINTS

If a complaint form or appeal notice is not submitted on time, the complaint may be dismissed **at any time**, with or without a hearing, and the complainant will be notified in writing. **An employee may appeal the determination of timeliness. The appeal will be limited to the question of timeliness and not the underlying merits of the complaint.**

EXTENSIONS OF TIME

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

	<p>Any time limits set by these procedures, other than the time line for the initial filing of the complaint may be extended <u>by the manager of HR/employee relations for extenuating and unforeseeable circumstances. at the discretion of the manager of HR/employee relations. Absent extensions, complaints should be resolved within 180 days from the date the complaint is filed.</u></p>
RECORDKEEPING / CONFIDENTIALITY	<p>Employee complaints are kept separately from the employee's personnel file, in accordance with the College's records retention policy. Complaint records are confidential <u>to the extent permitted by law. Permission may be given by the person who filed the complaint to release information. 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. In accordance with applicable law, the College may also receive directives from state or federal agencies or courts to provide requested records.</u></p>
RECORDING MEETINGS	<p>Meetings held with the RRP are recorded by the College. A complainant, <u>respondent, or witness whose interview is recorded</u> may request a copy of the recording <u>of his or her interviews. Release of records will be in compliance with the Texas Public Information Act.</u></p>
REPRESENTATIVE	<p>The complainant may designate a representative to represent him or her at any level of the process by notifying the manager of HR/employee relations in writing. If necessary, the College may re-schedule any meetings to include the College's counsel. Each party will pay its own costs and fees incurred in the course of the complaint process.</p>
NEUTRAL THIRD PARTY	<p><u>Depending on the complexity of a matter or an unanticipated conflict of interest, a</u> neutral third party may be designated to hear <u>and/or investigate</u> a complaint or review an appeal if deemed necessary by the vice president of human resources.</p>
GENERAL COMPLAINT PROCEDURE	<p>Detailed procedures may be obtained from the human resources department. The general complaint procedures are as follows:</p> <p><u>STEP 1</u> <u>Step 1</u>—Generally, employees are expected 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. (Note: Complaints involving any form of <u>unlawful</u> harassment, whistleblower allegations, and cases where it is impractical to do so are not required to attempt to resolve matters informally <u>and may proceed to Step 2.</u>)</p> <p><u>STEP 2</u> <u>Step 2</u>—If it is not possible to resolve a matter informally, a formal complaint may be submitted <u>to the Human Resources Department via hand-delivery during regular business hours or by</u> using the</p>

College's online Complaint Form or via hand-delivery during regular business hours. Except in cases involving unlawful harassment, discrimination, or retaliation, the employee must submit his or her complaint within ten (10) business days of the date the complainant knew or reasonably should have known of the action that caused the concern. In cases involving unlawful harassment, discrimination, or retaliation, the employee must report the prohibited conduct as soon as possible after the alleged act or knowledge of the alleged act so that the College can take appropriate action at the earliest possible stage. A delay in reporting may impair the College's ability to investigate, gather evidence, and/or take corrective action.

The complaint form can be accessed at the following website:
http://www.collin.edu/hr/complaints/Employee_Complaints.html.

If the complainant needs a reasonable accommodation in order to communicate his or her complaint, the individual may contact the Director of Human Resources for assistance.

The complaint shall describe all incident(s) at issue. Complaints shall identify any relevant dates or witnesses and must provide sufficient factual detail to support the alleged violations.

Upon an initial review of the complaint, the Vice President of Human Resources shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this 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 the next step under this policy. Any appeal will be limited to a determination of whether the complaint falls within the purview of this policy. Ations, otherwise it will be dismissed.

STEP 3

Step 3—A meeting with the RRP will be scheduled to provide the complainant with the opportunity to present his or her concerns. Barring unforeseeable circumstances or difficulty with scheduling, the meeting will be scheduled within ten (15/10) business days of receipt of the complaint. After meeting with the complainant, members of the RRP will undertake an investigation appropriate to the circumstances to reach a determination of the complaint.

The respondent will also receive a copy of the complaint and be asked to provide a written response that will be shared with the RRP for review. as a part of their investigation.

The College District shall 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.

In most cases, the RRP will issue a written summary ~~decision de-~~ ~~termination~~ within ~~five~~ ten (10) business days of the completing all meetings related to the complaint ~~that either substantiates or does not substantiate each general complaint~~ and recommends granting or denying each request for relief in the complaint. As part of its ~~decision~~ determination, the RRP may also, but is not required to, recommend alternative relief. The standard of review at this step will be by a preponderance of the evidence.

In some cases, including those involving allegations of unlawful harassment, discrimination, or retaliation, the RRP may require additional time in which to conduct an investigation and prepare a determination. In such cases, the RRP shall notify the complainant and respondent in writing how much time reasonably will be needed to conclude the investigation and prepare a ~~recommendation~~ determination.

STEP 3 (FOR
DETERMINATIONS
RELATED TO MID-
CONTRACT
TERMINATION)

For those cases involving the ~~recommended~~ termination of a full time contract employee during the term of the contract, ~~and where the contract employee appeals the recommended termination~~, the meeting with the RRP will proceed as follows. The RRP will ensure that the College/respondent provides specific notice of the basis for the proposed termination to the complainant, if such notice has not ~~already~~ been previously provided. Before the meeting scheduled ~~before~~ with the RRP, the College/respondent and the complainant will provide to each other and the members of the RRP a list of witnesses they may present at the meeting, along with a general description of the nature of their testimonies and documents that they intend to use at the meeting ~~before~~ with the RRP.

Both parties shall have the right to present witnesses and documentary evidence and to cross-examine witnesses presented by the other party ~~subject to the guidelines imposed by the RRP~~. The RRP will provide to both the College/respondent and the complainant the procedures for the meeting including any time restraints placed on the parties' presentations, as well as when each party will be required to provide exhibits and a witness list to the other party and to the RRP, and any other procedures applicable to the meeting before the RRP. The RRP shall make a record of the ~~meeting~~ hearing, either by tape recording or by court reporter. The strict rules of evidence shall not apply, although all evidence should be relevant. The College/respondent has the burden of proof and will make its presentation first.

The College District shall make reasonable attempts to schedule ~~conferences-RRP meetings~~ at a mutually agreeable time. If the individual fails to appear at a scheduled ~~conference~~meeting, the College District may hold the ~~meeting conference~~ and issue a decision in the individual's absence.

STEP 4

Step 4—If either the College/respondent or the complainant disagrees with the decision of the RRP, the College/respondent or the complainant may appeal the ~~decision determination~~ to the appropriate vice president (generally the vice president of the respondent party). The appeal must be submitted to the appropriate vice president (or executive vice president or designee as noted below) within ~~five~~ten (10) business days of the date of the RRP's decision. The statement of appeal must: (i) Identify all points of disagreement with the ~~determination~~decision; (ii) Contain sufficient detail to clarify the basis of the appeal; (iii) 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 ~~decision determination~~ of the RRP becomes final and is non-appealable.

Note: For those complaints which involve the termination or non-renewal of a full-time contract, the appeal of the RRP's ~~decision determination~~ will reviewed by the executive vice president or designee. The standard of review at this step will also be by a preponderance of the evidence.

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

The decision of the vice president or executive vice president is final and non-appealable for all types of complaints, except complaints regarding the ~~recommendation for~~ termination of a full-time contract employee.

For those complaints which involve the ~~recommendation for~~ termination of a full-time contract employee only, the decision of the executive vice president or designee may be appealed to the District President and 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 hearing of citizens. Note:—Except as limited in the next section of this policy, any employee may present a grievance to the Board after he or she has exhausted the complaint procedures in this pol-

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

~~icy, regardless of the limitation in this policy.~~ The Board is not required to take any action concerning a grievance but shall listen to the employee's concerns~~is required to listen if the grievance is presented at a public meeting.~~ [See BDB]

APPEALS TO THE
DISTRICT PRESIDENT
AND BOARD

Only complaints involving the termination of a full-time contract employee may be appealed to the District President and Board. If the College/respondent or the complainant disagrees with the decision of the executive vice president or designee, either party may appeal to the Board by notifying the manager of HR/employee relations within ~~five~~ ten (10) business days of the receipt of the executive vice president or designee's decision.

Prior to placing the matter on the Board agenda, the District President will review the record. If the District President reverses the termination decision of the executive vice president, the recommendation for termination of the full-time contract employee will be vacated, and College 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 (45)~~ ten (10) 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 will present his or her concerns to the Board. The notice will include all applicable procedures for the presentation. 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, and the record created at the meeting before the RRP, and the oral presentations and 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 COMPLAINTS AND HEARINGS

GB
(LOCAL)

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	<p>Whenever members of the public have concerns related to the College that cannot be resolved informally, the formal processed outlined in this policy will be followed so that issues can be addressed as soon as possible to allow resolution at the lowest possible administrative level.</p> <p>Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>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.</p>
EXCEPTIONS	Complaints for which other resolution procedures and policies are provided will be directed through those procedures and channels.
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. To the extent possible, complaints under this policy should be resolved within 180 days from the date the complaint is filed.
<u>FREEDOM FROM RETALIATION</u>	<u>Neither the Board nor any College District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.</u>
<u>COMPLAINTS</u>	<u>In this policy, the term “complaint” and “grievance” shall have the same meaning.</u> <u>This policy shall apply to all complaints from the public except complaints regarding a commissioned peace officer who is an employee of the College District. [See CHA] The policy may require</u>

PUBLIC COMPLAINTS AND HEARINGS

GB
(LOCAL)

	<p><u>appeals to be submitted in accordance with GB after the relevant complaint process.</u></p>
<u>RESPONSE</u>	<p><u>“Response” shall 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 shall be timely if they are postmarked by U.S. Mail on or before the deadline.</u></p>
<u>DAYS</u>	<p><u>“Days” shall mean College District business days. In calculating time lines under this policy, a day a document is filed is “day zero.” The following day is “day one.”</u></p>
REPRESENTATIVE	<p>The complainant may designate a representative to represent him or her at any level of the process by notifying the <u>Chief Public Relations Officer</u> vice president of advancement in writing. If necessary, the College may reschedule any meeting to include the College’s counsel.</p>
<u>COSTS INCURRED</u>	<p>Each party will pay its own costs incurred in the course of the complaint.</p>
NEUTRAL THIRD PARTY	<p>A neutral third party may be designated to hear a complaint at Level One or Level Two if deemed necessary by the <u>Chief Public Relations Officer</u> vice president of advancement.</p>
RECORDING MEETINGS	<p>All meetings held with the complainant in accordance with this policy will be recorded by the College 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 <u>Chief Public Relations Officer</u> vice president of advancement.</p>
COMPLAINT FORMS	<p>An individual shall file a formal complaint using the College’s online Complaint Form within 45<u>ten (10)</u> business days of the date the complainant knew (or reasonably should have known) of the action that caused the complaint.</p> <p>http://www.collin.edu/hr/complaints/Public_Complaints.html</p> <p>The complaint must provide sufficient detailed facts to support the allegations, otherwise it may be dismissed.</p>
<u>SCHEDULING CONFERENCES</u>	<p><u>The College District shall 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.</u></p>

PUBLIC COMPLAINTS AND HEARINGS

GB
(LOCAL)

LEVEL ONE

The appropriate administrator will investigate as necessary and schedule a conference with the individual within ~~ten (10)~~ 15 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)~~ 15 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 response has expired, he or she may submit an appeal at Level Two. The appeal notice must be submitted in writing to the ~~vice president of advancement~~ Chief Public Relations Officer within ~~15~~ ten (10) business days of the date of the written Level One response or, if no response was received, within ~~15~~ ten (10) 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 Chief Public Relations Officer ~~vice president of advancement~~. The individual may request a copy of the Level One record.

The Level Two administrator will review the complaint within ~~15~~ ten (10) 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 ~~15~~ ten (10) business days from the date of receipt of the complaint, or if a conference is held, within ~~15~~ ten (10) 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 ~~15~~ ten (10) 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

PUBLIC COMPLAINTS AND HEARINGS

GB
(LOCAL)

information is required, the Level Two administrator may request such information or meet with individuals as necessary to clarify the record.

The ~~15~~ten (10) 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 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 participation~~reg~~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]