

**Instruction Sheet**  
**Community College Localized Policy Manual Update 50**

**Frank Phillips College**

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
ATTN	(NOTE)	No policy enclosed	See explanatory note
BA	(LOCAL)	DELETE policy	See explanatory note
BAA	(LOCAL)	Replace policy	Revised policy
BAAA	(LOCAL)	ADD policy	See explanatory note
BBE	(LOCAL)	Replace policy	Revised policy
BD	(LOCAL)	Replace policy	Revised policy
BGC	(LOCAL)	ADD policy	See explanatory note
CDB	(LOCAL)	Replace policy	Revised policy
CL	(LOCAL)	ADD policy	See explanatory note
CM	(LOCAL)	Replace policy	Revised policy
CRB	(LOCAL)	ADD policy	See explanatory note
CS	(LOCAL)	Replace policy	Revised policy
DC	(LOCAL)	Replace policy	Revised policy
DGBA	(LOCAL)	Replace policy	Revised policy
DGC	(LOCAL)	Replace policy	Revised policy
DH	(LOCAL)	Replace policy	Revised policy
DHB	(LOCAL)	Replace policy	Revised policy
DJA	(LOCAL)	ADD policy	See explanatory note
DM	(LOCAL)	Replace policy	Revised policy
EFAA	(LOCAL)	ADD policy	See explanatory note
EFB	(LOCAL)	Replace policy	Revised policy
EGA	(LOCAL)	Replace policy	Revised policy
FB	(LOCAL)	Replace policy	Revised policy
FC	(LOCAL)	Replace policy	Revised policy
FLA	(LOCAL)	Replace policy	Revised policy
FLB	(LOCAL)	Replace policy	Revised policy
FLBE	(LOCAL)	Replace policy	Revised policy
FLD	(LOCAL)	Replace policy	Revised policy
GB	(LOCAL)	Replace policy	Revised policy
GD	(LOCAL)	Replace policy	Revised policy

# Explanatory Notes

## Community College Localized Policy Manual Update 50

# Frank Phillips College

## **ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE**

Rewrites to legal frameworks incorporate clarification of existing materials and new materials arising from the 89th Regular Legislative Session and second special session, as well as amendments to state rules.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 89th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

BA(LOCAL) COLLEGE DISTRICT GOVERNANCE

Language from this policy has been moved to policy BAA to accommodate the reorganization of policies related to college district governance.

## **COLLEGE DISTRICT GOVERNANCE: BOARD LEGAL STATUS**

Language from policy BA has been moved to this policy to accommodate the reorganization of policies related to college district governance.

Language from this policy has been moved to policy BAAA.

**BOARD LEGAL STATUS: POWERS, DUTIES, RESPONSIBILITIES**

Language from policy BAA has been moved to this policy to accommodate the reorganization of policies related to college district governance.

Recommended revisions to this policy address HB 4310, which establishes a procedure for board members to access records maintained by the college while preserving the Confidentiality of those records.

Additional changes have been made for clarity.

Recommended revisions to this policy incorporate HB 1522, which updates the meeting notice requirements under the Open Meetings Act to require that notice of a meeting be posted three business days before the scheduled date of a meeting, at Notice to Members.

**BGC(LOCAL) ADMINISTRATIVE ORGANIZATION: COUNCILS AND FACULTY SENATES**

This new local policy addresses SB 37, which establishes the requirements for a Faculty Senate, including requirements related to Membership, Officers, Compensation, Governing Documents, Faculty Senate Meetings, Communications, as well as the requirement that policies and procedures remain in Harmony with Law.

At Removal, recommended language incorporates the requirement from the bill that a member may be removed on recommendation of the provost. The title for the employee who serves in the role as provost reflects the information submitted by the college.

A fill-in specifying the number of representatives of each academic unit that will serve on the faculty senate has been added. The policy issued to the college recommends that each academic unit be represented by three members. To update the number of faculty members who will represent each academic unit of the college, please contact your college's policy consultant.

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#### CDB(LOCAL) ACCOUNTING: INVENTORIES

Recommended revisions address the [Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges, Fiscal Year 2025](#), which was recently released by the Coordinating Board. The document updates the definition of *capital assets* to recommend, rather than require as in prior years, a minimum capitalization threshold of \$5,000. The revisions permit a community college to choose the threshold at which assets are capitalized. If your college would like to update the threshold for classifying capital assets, please contact the college's policy consultant.

#### CL(LOCAL) FACILITIES PLANNING

This new policy addresses SB 8 from the second special session, which requires a community college to designate certain private spaces by sex consistent with the bill's provisions.

#### CM(LOCAL) FACILITIES CONSTRUCTION

Recommended revisions address SB 1173, which increases the contract value threshold at which a community college is required to utilize a statutory competitive procurement method for Construction Contracts from \$50,000 or above to \$100,000 or above.

#### CRB(LOCAL) TECHNOLOGY RESOURCES: ARTIFICIAL INTELLIGENCE

This new recommended local policy includes information related to AI Use by Employees and Students, including the parameters for use; compliance with privacy and data security law, policies, and regulations; and prohibitions on use of AI tools to harm, bully, or harass others.

#### CS(LOCAL) INFORMATION SECURITY

Recommended revisions to this policy incorporate HB 150, which requires a college to notify affected persons of cybersecurity incidents, formerly referred to as security incidents.

#### DC(LOCAL) EMPLOYMENT PRACTICES

Recommended revisions address SB 37, which requires the board to approve hiring decisions for certain positions and allows the board to overturn hiring decisions for certain positions. The titles for the employees who serve in the specified positions reflect the information submitted by the college.

Language related to dismissal of noncontractual employees has been moved to policy DM to consolidate language related to at-will termination.

#### DGBA(LOCAL) PERSONNEL-MANAGEMENT RELATIONS: EMPLOYEE GRIEVANCES

Language has been reorganized to clarify the structure of grievance processes.

Recommended revisions require the college to provide Notice to Employees on the college's website.

At Formal Process, language has been added to clarify that certain complaints must begin at the board level.

Provisions have been added to provide clarity about what the Record includes, to allow a college to Remand a complaint for an incomplete record, and to allow an employee to make an Audio Recording of a hearing under this policy.

A cross reference has been updated to incorporate the reorganization of policies related to security personnel.

Additional changes have been made for clarity.

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**DGC(LOCAL) EMPLOYEE RIGHTS AND PRIVILEGES: EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES**

Recommended revisions throughout this policy incorporate SB 2972, which addresses the regulation of expressive activities on college campuses. A definition of Expressive Activities has been added. At Prohibited Speech and Conduct, existing content from Limitations on Content, Approval, and Common Outdoor Areas has been consolidated and updated to reflect language from the bill prohibiting certain expressive activities on campus.

Also, from SB 2972, language has been added at Time, Place, and Manner Restrictions prohibiting the distribution of materials in a manner that is materially and substantially disruptive to college operations. Language has been added to clarify when Identification must be provided. Employees and employee organizations distributing materials or using college facilities must provide identification to a college representative.

Recommended revisions provide that the Distribution of Literature by faculty and other instructional personnel as part of instruction or other classroom activities is not governed by that section.

Additional changes have been made for clarity.

DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT

Recommended revisions address HB 46, which prohibits a college from restricting the storage of low-THC cannabis authorized by state law.

Additional changes have been made for clarity.

Recommended revisions incorporate SB 571, which requires the Reporting of instances of child abuse or neglect to a law enforcement agency within 24 hours and amends the definition of *law enforcement agency*.

**ASSIGNMENT, WORK LOAD, AND SCHEDULES: TELEWORK**

This new recommended local policy addresses SB 2615. It permits employees to telework only under certain specified circumstances.

## DM(LOCAL) TERMINATION OF EMPLOYMENT

Language related to dismissal of noncontractual employees has been moved to this policy to consolidate language related to termination of At-Will Employees.

**EFAA(LOCAL) INSTRUCTIONAL PROGRAMS AND COURSES: ACADEMIC COURSES**

This new recommended local policy clarifies the process for the development and adoption of a Core Curriculum by the college.

It also addresses the SB 37 requirement that the board conduct a comprehensive review of the college's general education curriculum, providing that the review must occur every five years, with more frequent reviews at the board's discretion.

It also establishes a process for the submission of an annual update on general education curriculum changes to the board and reflects the board's choice to reserve the right to overturn decisions regarding changes to the curriculum.

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### Frank Phillips College

#### **EFB(LOCAL) CURRICULUM DESIGN: DEGREES AND CERTIFICATES**

Recommended revisions incorporate SB 37, requiring the college's chief executive officer to develop procedures addressing a Low-Enrollment Certificate Program Review.

#### **EGA(LOCAL) ACADEMIC ACHIEVEMENT: GRADING AND CREDIT**

A cross reference has been added to policy code FB to incorporate provisions related to the Academic Fresh Start program.

#### **FB(LOCAL) ADMISSIONS**

Recommended revisions address SB 37, clarifying that the board must develop admission procedures in collaboration with the college's chief executive officer.

The recommended revisions address SB 365, permitting the college to disregard course credits and grades earned by an applicant for admission 5-10 years prior to the start of the semester if chosen by the applicant, at Academic Fresh Start. Existing law requires a college to disregard credits earned 10 years prior to the start of the semester for an applicant under the Academic Fresh Start program. The number of years prior to admission at which credits will be disregarded reflects information submitted by the college.

A cross reference has been added to policy code EGA to incorporate provisions related to transfer of credit.

#### **FC(LOCAL) REGISTRATION AND ATTENDANCE**

Recommended revisions to this policy address administrative procedures related to registration.

#### **FLA(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES**

Recommended revisions throughout this policy incorporate SB 2972, which addresses the regulation of expressive activities on college campuses. A definition of Expressive Activities has been added. At Prohibited Speech and Conduct, existing content from Limitations on Content, Approval, and Common Outdoor Areas has been consolidated and updated to reflect language from the bill prohibiting certain expressive activities on campus.

Also, from SB 2972, language has been added at Time, Place, and Manner Restrictions prohibiting the distribution of materials in a manner that is materially and substantially disruptive to college operations. Language has been added to clarify when Identification must be provided. Students and student organizations distributing materials or using college facilities must provide identification to a college representative.

Additional changes have been made for clarity.

#### **FLB(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT CONDUCT**

At Behavior Targeting Others, a cross reference has been added to policy code FM to incorporate the definition of *antisemitism* required to be used in discipline for Student Code of Conduct violations, as provided by SB 326.

#### **FLBE(LOCAL) STUDENT CONDUCT: ALCOHOL AND DRUG USE**

Recommended revisions address HB 46, which prohibits a college from restricting the storage of low-THC cannabis authorized by state law.

Additional changes have been made for clarity.

# Explanatory Notes

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#### **FLD(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT COMPLAINTS**

Language has been reorganized to clarify the structure of grievance processes.

Recommended revisions require the college to provide Notice to Students on the college's website to ensure appropriate due process.

At Formal Process, language has been added to clarify that certain complaints must begin at the board level.

Provisions have been added to provide clarity about what the Record includes, to allow a college to Remand a complaint for an incomplete record, and to allow a student to make an Audio Recording of a hearing under this policy.

A cross reference has been updated to incorporate the reorganization of policies related to security personnel.

Additional changes have been made for clarity.

#### **GB(LOCAL) PUBLIC COMPLAINTS AND HEARINGS**

Language has been reorganized to clarify the structure of grievance processes.

At Formal Process, language has been added to clarify that certain complaints must begin at the board level.

Provisions have been added to provide clarity about what the Record includes, to allow a college to Remand a complaint for an incomplete record, and to allow an individual to make an Audio Recording of a hearing under this policy.

A cross reference has been updated to incorporate the reorganization of policies related to security personnel.

Additional changes have been made for clarity.

#### **GD(LOCAL) COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES**

Recommended revisions throughout this policy incorporate SB 2972, which addresses the regulation of expressive activities on college campuses. A definition of Expressive Activities has been added. At Prohibited Speech and Conduct, existing content from Approval, Designated Public Forums, and Limitations on Content has been consolidated and updated to reflect language from the bill prohibiting certain expressive activities on campus.

Also, from SB 2972, language has been added at Time, Place, and Manner Restrictions prohibiting the distribution of materials in a manner that is materially and substantially disruptive to college operations. Language has been added to clarify when Identification must be provided. Community members and organizations distributing materials or using college facilities must provide identification to a college representative.

Language related to Designated Public Forums has been added to require the board to designate common outdoor areas where community members may engage in permissible expressive activities and publish those areas on the college's website and in other publications.

Additional changes have been made for clarity.

The official title of the governing body of the College District shall be the Frank Phillips College Board of Regents, herein referred to as "the Board."



In addition to the statutory powers and duties of the Board, the Board shall have the following powers and duties:

1. Study and pass upon the annual budget prepared by the College President;
2. Study and pass upon additional capital outlay and determine the means of financing them;
3. Elect or reject the personnel recommended by the College President;
4. Select an architect and approve plans for College District buildings;
5. With the assistance of the College President, determine current needs of the College District and give support to those needs before the public and the press;
6. Act as a body of final appeal for College District personnel and the public in cases that may be appealed from the decisions of the College President;
7. Fill vacancies on the Board created by death or resignation, in accordance with state law;
8. Approve or reject the program of instruction as recommended by the College President;
9. Appoint additional College District personnel to sign warrants and checks drawn on budgeted funds and funds approved by the Board; and
10. Annually employ a certified public accountant to perform the audit of College District accounts.



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

provided or may file a request under the Public Information Act.  
[See GCA]

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

<b>Meeting Place and Time</b>	The notice for a Board meeting shall reflect the date, time, and location of the meeting.
Regular Meetings	Regular meetings of the Board shall typically be held on the third Wednesday of each month at 12:00 p.m. When determined necessary and for the convenience of Board members, the Board President may change the date, time, or location of a regular meeting with proper notice.
Special or Emergency Meetings	The Board President shall call a special meeting at the Board President's discretion or on request by two members of the Board. The Board President shall call an emergency meeting when it is determined by the Board President or two members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.
<b>Agenda</b>	A Board member may request that a subject be included on the agenda for a meeting. The deadline for submitting items for inclusion on the agenda is the fifth calendar day before regular meetings and the fifth calendar day before special meetings.
Submission of Topics	
Preparation	The College President shall compile for review by the Board President all topics timely submitted by Board members, topics requested by the Board, and topics suggested by the College President.
	The Board President and the College President shall confer regarding the proposed topics, and the Board President shall determine the topics for the official meeting agenda. The Board President shall ensure that any topic the Board or individual Board members have requested be addressed are either on the meeting agenda or scheduled for deliberation at an appropriate time in the near future. The Board President shall not refuse to assign a topic requested by a Board member to an agenda and, once assigned, shall not have the authority to remove the topic from the agenda without that Board member's specific authorization.
Consent Agenda	When the agenda is prepared, the Board President shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.

<b>Notice to Members</b>	Members of the Board shall be given notice of regular and special meetings at least three business days prior to the scheduled date of the meeting and at least one hour prior to the time of an emergency meeting.
<b>Closed Meeting</b>	Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, as provided by law. The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. [See BDA]
<b>Order of Business</b>	The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members present.
<b>Rules of Order</b>	The Board shall observe the parliamentary procedures as found in <i>Robert's Rules of Order, Newly Revised</i> , except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.
<b>Voting</b>	Voting shall be by voice vote or show of hands, as directed by the Board President. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded upon that member's request.
<b>Minutes</b>	Board action shall be carefully recorded by the Board Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board President and the Board Secretary.  The official minutes of the Board shall be retained on file in the office of the College President and shall be available for examination during regular office hours.
<b>Discussions and Limitation</b>	Discussions shall be addressed to the Board President and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board President shall halt discussion that does not apply to the business before the Board.  The Board President shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the Board President shall not interfere with debate so long as members wish to address themselves to an item under consideration.

<b>Faculty Senate</b>	The faculty senate is the assembly of representatives of the full-time faculty at the College District. The faculty senate shall serve only in an advisory capacity.
Membership	Each academic unit of the College District shall be represented by three members. One member shall be appointed by the College President, and the remaining members shall be elected by a vote of the faculty of the member's respective academic unit, in accordance with procedures established by the College President or designee.
<i>Term Limits</i>	
Appointed Faculty Members	A member of the faculty senate appointed by the College President may serve up to six consecutive one-year terms and then may only be reappointed after the second anniversary of the last day of the member's most recent term.
Elected Faculty Members	An elected member of the faculty senate shall serve a two-year term, staggered in a manner that allows approximately one-half of the elected members to be elected each year, and may only be reelected after the second anniversary of the last day of the member's most recent term.
<i>Removal</i>	A member of the faculty senate may be immediately removed from the faculty senate for:
	<ol style="list-style-type: none"><li>1. Violating applicable law, College District policy or regulations, or the faculty senate governing documents;</li><li>2. Failing to attend meetings; or</li><li>3. Engaging in other similar misconduct.</li></ol>
	A member may be removed on recommendation of the executive vice president of academic affairs and approval by the College President.
Officers	The College President shall appoint a presiding officer from the members of the faculty senate to preside over faculty senate meetings and represent the faculty senate in communications with the College District administration. The College President shall also appoint an associate presiding officer and secretary from the membership.
Compensation	A faculty member shall not be compensated for service on the faculty senate.
Expense Reimbursement	A member of the faculty senate may be reimbursed for reasonable expenses made on behalf of the College District and approved by the College President or designee in accordance with administrative regulations.

Governing Documents	The faculty senate shall adopt a constitution, bylaws, or other governing documents consistent with law, this policy, and associated regulations, including the rules for establishing a quorum.
Faculty Senate Meetings	The College President shall develop regulations addressing faculty senate meeting procedures, in accordance with law.
<i>Notice</i>	No more than seven days before a meeting, the faculty senate shall post on the College District's website:
	<ol style="list-style-type: none"><li>1. An agenda for the meeting indicating the items that will be discussed or subject to a vote; and</li><li>2. Any curriculum proposals that will be discussed or voted on at the meeting.</li></ol>
<i>Open Meetings</i>	Meetings at which a quorum is present shall be open to the public.
<i>Meeting Broadcast</i>	The faculty senate shall broadcast a meeting online in accordance with law if more than 50 percent of the faculty senate members are in attendance.
<i>Recording Attendance</i>	The faculty senate shall record the names of members in attendance at a meeting in which the faculty senate conducts business related to a vote of no confidence regarding a College District administrator or policies related to curriculum and academic standards.
Communications	The faculty senate shall not issue any statement or publish a report using the College District's official seal, trademark, or resources funded by the College District on any matter not directly related to the faculty senate's advisory duties.
Harmony with Law	Nothing in this policy or associated regulations may be construed to limit a faculty member from exercising the faculty member's right to freedom of association protected by the U.S. Constitution or Texas Constitution.

**Capitalization  
Threshold**

The capitalization threshold for purposes of classifying individual capital assets shall be \$5,000.

The College President or designee shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.



**Designation and Use  
of Private Spaces**

The Board shall ensure that the College President, or appropriate staff as determined by the College President, designates private spaces in accordance with law. [See FG for student housing]

The College President shall develop administrative regulations to ensure compliance with law and policy regarding the use of private spaces in College District facilities.



<b>Compliance with Law</b>	The College President or designee shall establish procedures ensuring that all facilities within the College District comply with applicable laws and local building codes.
<b>Construction Contracts</b>	Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$100,000. To assist the Board, the College President shall recommend the project delivery/contract award method that the College President determines provides the best value to the College District. [See CM series]
	For construction contracts valued at or above \$25,000, the College President shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the College President and consistent with law and policy. [See also CF]
<b>Emergency Exception</b>	In the event of a catastrophe, emergency, or natural disaster affecting the College District, the Board delegates to the College President the authority to contract for the replacement, construction, or repair of College District equipment or facilities in accordance with law if emergency replacement, construction, or repair is necessary for the health and safety of College District students and staff. The College President shall report to the Board at the next regular meeting any contract made under this authority.
<b>Change Orders</b>	Change orders permitted by law shall be approved by the Board or its designee prior to executing any changes in the approved plans or in the actual construction of the facility.
<b>Project Administration</b>	All construction projects shall be administered by the College President or designee.  The College President or designee shall keep the Board informed concerning construction projects and also shall provide information to the general public.
<b>Final Payment</b>	The College District shall not make final payments for the construction or the supervision of construction until the work has been completed, and the College District has accepted the work.



**AI Use by Employees and Students** Employees and students shall be permitted to explore artificial intelligence (AI) and implement its use in and out of the classroom in accordance with policy and administrative regulations. The use of AI shall only be as a support tool to enhance student outcomes or as necessary to engage in research and shall never take the place of faculty, staff, and student decision-making. Any use of AI must comply with law, policy, and administrative regulations relating to student and employee privacy and data security.

A student shall only use AI tools with faculty permission and shall be expected to produce original work and properly credit sources, including AI tools used in creating the work.

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



The College President is responsible for the security of the College District's information resources. The College President or designee shall develop procedures for ensuring the College District's compliance with applicable law.

**Information Security Officer**

The College President or designee shall designate an information security officer (ISO) who is authorized to administer the information security requirements under law. The College President or designee must notify the Department of Information Resources (DIR) of the individual designated to serve as the ISO.

**Information Security Program**

The College President or designee shall annually review and approve an information security program designed in accordance with law by the ISO to address the security of the information and information resources owned, leased, or under the custodianship of the College District against unauthorized or accidental modification, destruction, or disclosure. The program shall include procedures for risk assessment and for information security awareness education for employees when hired and an ongoing program for all users.

The information security program must be submitted biennially for review by an individual designated by the College President and who is independent of the program to determine if the program complies with the mandatory security controls defined by DIR and any controls developed by the College District in accordance with law.

**College District Website and Mobile Application Security**

The College President or designee shall adopt procedures addressing the privacy and security of the College District's website and mobile applications and submit the procedures to DIR for review.

The procedures must require the developer of a website or application for the College District that processes confidential information to submit information regarding the preservation of the confidentiality of the information. The College District must subject the website or application to a vulnerability and penetration test before deployment.

**Covered Social Media Applications**

The College President or designee shall adopt procedures prohibiting the installation or use of a covered application, as defined by law, on a device owned or leased by the College District and requiring the removal of any covered applications from the device.

**Exception**

The procedures shall permit the installation and use of a covered application for purposes of law enforcement and the development and implementation of information security measures. The procedures must address risk mitigation measures during the permitted

use of the covered application and the documentation of those measures.

**Reports**

Effectiveness of Policies, Procedures, and Practices

The ISO shall report annually to the College President on the effectiveness of the College District's information security policies, procedures, and practices in accordance with law and administrative procedures.

Biennial Information Security Plan

The College District shall submit a biennial information security plan to DIR in accordance with law.

Information Security Assessment

In accordance with law, at least every two years, the College District shall submit the results of its information security assessment to DIR and, if requested, the office of the governor, lieutenant governor, and speaker of the house of representatives.

Security Incidents

*By the College District*

Generally

Security Breach and Cybersecurity Incident Notification

The College District shall assess the significance of a security incident and report it to DIR and law enforcement in accordance with law and, if applicable, DIR requirements.

Upon discovering or receiving notification of a breach of system security or a cybersecurity incident, as defined by law, the College District shall disclose the breach or incident to affected persons or entities in accordance with the time frames established by law.

The College District shall give notice by using one or more of the following methods:

1. Written notice.
2. Electronic mail, if the College District has electronic mail addresses for the affected persons.
3. Conspicuous posting on the College District's website.
4. Publication through broadcast media.

*By Vendors and Third Parties*

The College District shall include in any vendor or third-party contract the requirement that the vendor or third party report information security incidents to the College District in accordance with law and administrative procedures.

<b>Posting Vacancies</b>	The College President or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current College District employees may apply for any vacancy for which they have appropriate qualifications.
<b>Applications</b>	All applicants shall complete the application form supplied by the College District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.
<b>Employment of Contractual Personnel</b>	The College President has sole authority to make recommendations to the Board regarding the selection of contractual personnel.
<b>Employment of Noncontractual Personnel</b>	The Board retains final authority for employment of contractual personnel, including those serving as executive vice president of academic affairs, associate vice president, director, or a similar position. [See DCA]
<b>Employment of Noncontractual Personnel</b>	The Board delegates to the College President final authority to employ noncontractual employees on an at-will basis. [See DCC]



<b>Complaints</b>	In this policy, the terms "complaint" and "grievance" shall have the same meaning.
Other Complaint Processes	Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process: <ol style="list-style-type: none"><li>1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIAA and DIAB]</li><li>2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIAA and DIAB]</li><li>3. Complaints concerning retaliation relating to discrimination and harassment. [See DIAA and DIAB]</li><li>4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CGF]</li><li>5. Complaints concerning an employment preference for former foster children. [See DC]</li><li>6. Complaints arising from the dismissal of term contract faculty members. [See DMAA]</li><li>7. Complaints concerning the nonrenewal of term contract employees and those arising from the nonrenewal of term contract faculty members. [See DMAB]</li><li>8. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]</li></ol>
<b>Notice to Employees</b>	The College District shall inform employees of this policy through appropriate College District publications and on the College District's website.
<b>Informal Process</b>	<p>The Board encourages employees to discuss their concerns with their supervisor or other appropriate administrator who has the authority to address the concerns.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
<b>Formal Process</b>	An employee may initiate the formal process described below by filing a written complaint form within 15 business days of the date

the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem.

If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the College President, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The process described in this policy shall 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 "mini-trial" at any level.

**Option to Continue  
Informal Process**

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

**Freedom from  
Retaliation**

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

**Whistleblower  
Complaints**

Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with Level Three, below. Timelines for the employee and the College District set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint. [See DG]

**Complaints Against  
Supervisors**

Complaints alleging a violation of law by a supervisor may be made to the College President or designee. Complaint forms alleging a violation of law by the College President may be submitted directly to the Board or designee.

**General Provisions**  
Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall

be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences	The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the employee's absence.
Response	At Levels One, Two, and Three, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee's email address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	"Representative" shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent the employee in the complaint process.
	The employee may designate a representative through written notice to the College District at any level of this process. If the employee designates a representative with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's counsel. The College District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
	When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within 10 days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms	Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.
	Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.
	A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.
Record	A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the employee who filed the complaint, documents determined relevant by College District personnel, and the decision.
Remand	A complaint or appeal form that is incomplete in any material aspect shall be refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.
	If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.
<b>Investigation</b>	The College District may conduct an investigation at any level in the complaint process. If the College District and the employee mutually agree, all deadlines shall be suspended during an investigation.
<b>Audio Recording</b>	As provided by law, an employee shall be permitted to make an audio recording of a hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

**Complaint Levels**      The appropriate administrator shall schedule a conference with the employee within 10 days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Level One

Absent extenuating circumstances, the administrator shall provide the employee a written response within 10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the vice president or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College District, within 10 days of the date of the written Level One response or, if no response was received, within 10 days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within 10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the employee a written response within 10 days following the conference. The written response shall set forth the basis of the decision. In reaching a deci-

sion, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

**Level Three**

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may request a conference with the College President or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the College District, within 10 days of the date of the written Level Two response or, if no response was received, within 10 days of the Level Two response deadline.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two complaint to the Level Three administrator. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The Level Three administrator shall schedule a conference within 10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level Two. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator or designee may set reasonable time limits for the conference.

The Level Three administrator shall provide the employee a written response within 10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Three administrator may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant documents or information the Level Three administrator believes will help resolve the complaint.

Recordings of the Level One, Level Two, and Level Three conferences, if any, shall be maintained with the Level One, Level Two, and Level Three records.

Level Four

If the employee did not receive the relief requested at Level Three or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the College District, within 10 days after receipt of the written Level Three response or, if no response was received, within 10 days of the Level Three response deadline.

The College President or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The College President or designee shall provide the Board the record of the Level Three complaint. The employee may request a copy of the Level Three record.

The Level Three record shall include:

1. The Level One record.
2. The Level Two record.
3. The written response issued at Level Three and any attachments.
4. All other documents relied upon by the Level Three administrator in reaching the Level Three decision.

The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.

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**Note:** For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District's internal mail system, see CHE.

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**Academic Freedom**

Faculty members are entitled to academic freedom in the conduct of research and teaching and are tasked with the associated responsibilities. To this end, the College District endorses the academic freedom principles set forth in the [Statement of Principles on Academic Freedom and Tenure \(PDF\)](#)<sup>1</sup> published by the Association of American Colleges and Universities and the American Association of University Professors.

The Board shall address faculty academic freedom and the associated responsibilities in appropriate College District publications.

Complaints regarding alleged violations of the right to academic freedom shall be filed in accordance with DGBA(LOCAL).

**Expressive Activities**

Employees and employee organizations may engage in expressive activities in accordance with this policy. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

Prohibited Speech  
and Conduct

The term "expressive activities" does not include the following speech and conduct, which is prohibited on College District facilities and grounds and through the use of College District technology and networks:

1. Defamatory statements about public figures or others;
2. Prohibited harassment [see DIAA, DIAB, FFDA, and FFDB];
3. Incitement to imminent lawless or disruptive activity;
4. Obscenity; or
5. Threats to engage in unlawful activity.

The following conduct is also prohibited:

1. Engaging in unlawful conduct.

2. Engaging in expressive activities that materially and substantially disrupt College District operations at any time, including from 10:00 p.m. to 8:00 a.m. and during the last two weeks of each semester or term.
3. Engaging in expressive activities that materially and substantially disrupt College District operations by inviting speakers to speak on campus or by using drums or other percussive instruments during the last two weeks of a semester or term.
4. Using a sound amplification device while engaging in expressive activities during class hours, between 10:00 p.m. to 8:00 a.m., and during the last two weeks of each semester or term to intimidate others, interfere with campus operations, or interfere with a College District employee's or a peace officer's lawful performance of a duty.
5. Camping or erecting tents or other living accommodations, with the exception of reasonable use and modifications of assigned College District housing consistent with administrative regulations. This prohibition applies to shelters that are erected for the purpose of residing within the shelter. It does not apply to other shelters that are erected on a temporary basis to provide protection from the weather or, with approval granted by the vice president for administrative services in accordance with administrative procedures, for special events.
6. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities with the intent, as determined by the vice president for administrative services or a law enforcement officer to:
  - a. Obstruct the enforcement of law or College District policies and regulations by avoiding identification;
  - b. Intimidate others; or
  - c. Interfere with a College District employee's or a peace officer's lawful performance of a duty.
7. Lowering the College District's U.S. or Texas flag with the intent to raise another nation's flag or the flag representing an organization or group of people.
8. Engaging in expressive activities in a manner that would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts.
9. Damaging or defacing property.

<b>Distribution of Literature</b>	<p>Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any employee or employee organization, except in accordance with this policy.</p> <p>The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by an employee or employee organization.</p> <p>Materials distributed by faculty and other instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this section.</p>
Limitations on Content	<p>Materials shall not be distributed by an employee or employee organization on College District property if:</p> <ol style="list-style-type: none"><li>1. The materials constitute prohibited speech, described above;</li><li>2. The materials constitute nonpermissible solicitation [see DHC]; or</li><li>3. The materials infringe upon intellectual property rights of the College District [see CT].</li></ol>
<b>Time, Place, and Manner Restrictions</b>	<p>Distribution of materials shall be conducted in a manner that:</p> <ol style="list-style-type: none"><li>1. Is not materially and substantially disruptive to College District operations;</li><li>2. Does not impede reasonable access to College District facilities;</li><li>3. Does not result in damage to College District property;</li><li>4. Does not interfere with the rights of others; and</li><li>5. Does not violate local, state, or federal laws or College District policies and procedures.</li></ol>
	<p>The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.</p>
	<p>The vice president for administrative services shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.</p>
<b>Use of Facilities and Grounds</b>	<p>The facilities and grounds of the College District shall be made available to employees or employee organizations when such use</p>

does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

An “employee organization” is an organization composed only of College District faculty and staff or an employee professional organization.

**Requests to Use Facilities** To request permission to meet or host a speaker in College District facilities, interested employees or employee organizations shall file a written request with the vice president for administrative services in accordance with administrative procedures.

The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

**Approval** The vice president for administrative services shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees’ or employee organization’s use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that the use would be prohibited conduct, described above, or that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see DHC];
4. The applicant owes a monetary debt to the College District, and the debt is considered delinquent;
5. The applicant has previously damaged College District property; or
6. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The vice president for administrative services shall provide the applicant a written statement of the grounds for rejection if a request is denied.

**Common Outdoor Areas** Employees and employee organizations may engage in expressive activities in common outdoor areas without prior approval, unless the activities constituted prohibited speech or conduct described above.

**Announcements and Publicity** In accordance with administrative procedures, all employees and employee organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

**Identification** Employees and employee organizations distributing materials on campus or using College District facilities must provide identification when requested to do so by a College District representative engaging in official duties.

**Violations** Failure to comply with law or this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities and/or other disciplinary action in accordance with the College District's policies and procedures and the employee handbook.

**Interference with Expression** Faculty, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]

**Appeals** Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL) and FLD(LOCAL) as applicable.

**Publication** This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.

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<sup>1</sup> 1940 Statement of Principles on Academic Freedom and Tenure (PDF):  
<https://www.aaup.org/file/1940%20Statement.pdf>



All College District employees shall perform their duties in accordance with state and federal law, College District policy, and ethical standards.

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

**Ethical Standards**

As a Citizen

The College District holds all employees to the ethical standards set out in this policy.

An employee shall treat all persons with dignity and respect.

An employee shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of the employee's public position for private or partisan advantage.

As an Educator

An employee shall strive to help each student realize the student's full potential as a learner and as a human being.

An employee shall by example and action encourage and defend the unfettered pursuit of truth by all persons employed by the College District in the educational enterprise and students supporting the free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.

An employee shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.

An employee shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.

As a Colleague

An employee shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor, which might damage or embarrass or violate the privacy of any other person.

An employee shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offense so long as the colleague's innocence may reasonably be maintained.

	<p>An employee shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.</p>
As a Member of the College District	<p>An employee shall make the most judicious and effective use of the College District's time and resources.</p> <p>An employee shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which the employee is not qualified nor assign tasks to unqualified persons.</p> <p>An employee shall support the goals and ideals of the College District and shall act in public affairs in such a manner as to bring credit to the College District.</p> <p>An employee shall not engage in unlawful discrimination or harassment of students or colleagues and shall adhere to the College District's policies on unlawful discrimination and harassment and other conduct.</p> <p>An employee shall observe the stated policies and procedures of the College District, reserving the right to seek revision in a judicious and appropriate manner.</p> <p>An employee shall participate in the governance of the College District by accepting a fair share of committee and institutional responsibilities.</p>
<b>Violations</b>	<p>REFERENCE: derived from the <a href="#">Texas Community College Teachers Association Code of Professional Ethics (PDF)</a>.<sup>1</sup></p> <p>Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCC, DIAA, and DM series]</p>
<b>Electronic Media</b>	<p>Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.</p>
Record Retention	<p>An employee shall comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA and GCB]</p>

<b>Personal Use</b>	Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or College District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.
<b>Safety Requirements</b>	All employees shall adhere to College District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.
<b>Tobacco and E-cigarettes</b>	An employee shall not use tobacco products or e-cigarettes on College District property, in College District vehicles, or at College District-related activities, unless authorized by the College President or designee. [See FLBD]
	An employee shall not give or sell tobacco products or e-cigarettes to a person in violation of law.
<b>Alcohol and Drugs</b>	<p>A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.</p> <p>Employees shall be prohibited from using, possessing, controlling, storing, manufacturing, transmitting, distributing, dispensing, selling, or being under the influence of any of the following substances while conducting College District business or while on College District property, in College District vehicles, or at College District-related activities, whether during or outside of usual working hours:</p> <ol style="list-style-type: none"><li>1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.</li><li>2. Alcohol or any alcoholic beverage.</li><li>3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.</li><li>4. Any performance-enhancing substance, including steroids.</li><li>5. Any designer drug.</li><li>6. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.</li></ol> <p>The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances shall also be prohibited under this policy.</p>

An employee need not be legally intoxicated to be considered “under the influence” of alcohol or a controlled substance.

Exceptions	<p>It shall not be considered a violation of this policy if the employee:</p> <ol style="list-style-type: none"><li>1. Manufactures, possesses, controls, stores, sells, transmits, distributes, or dispenses a substance listed above as part of the employee's job responsibilities;</li><li>2. Uses, possesses, or stores a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use;</li><li>3. Possesses or stores a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian;</li><li>4. Cultivates, possesses, transports, or sells hemp as authorized by law; or</li><li>5. Possesses, sells, or distributes Dextromethorphan.</li></ol>
	<p>With the prior consent of the Board or the College President, the alcohol provisions may be waived with respect to a specific location on College District property or a specific event that is sponsored by the College District.</p>
	<p>State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.</p>
Paraphernalia	<p>The use, possession, control, storage, manufacture, transmission, distribution, dispensation, or sale of paraphernalia related to any prohibited substance is prohibited.</p>
Notice	<p>Each employee shall be given a copy of the College District's notice regarding a drug-free workplace. [See DI(EXHIBIT)]</p>
<b>Arrests, Indictments, Convictions, and Other Adjudications</b>	<p>An employee shall notify the employee's immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude.</p>
Moral Turpitude	<p>Moral turpitude includes but is not limited to:</p> <ol style="list-style-type: none"><li>1. Dishonesty, fraud, deceit, theft, or misrepresentation;</li><li>2. Deliberate violence;</li><li>3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;</li></ol>

4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

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<sup>1</sup> Texas Community College Teachers Association Code of Professional Ethics (PDF): <https://drive.google.com/file/d/1hOLs-YhIWH4ccH7VtAMwks2GGy9KoqIR/view>



**Reporting** Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a responsibility under state law to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child has an additional legal obligation to submit a written or oral report within 24 hours after the professional first has reasonable cause to believe the abuse or neglect has occurred or may be occurring. A "professional" is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

**Oral Reports** As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

**Making a Report** Reports may be made to any of the following:

1. A law enforcement agency, as defined by law;
2. The Child Protective Services (CPS) division of DFPS at (800) 252-5400 or the [Texas Abuse Hotline Website](#)<sup>1</sup>;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill the person's responsibilities under the law by only reporting suspicion of abuse or neglect to the College

President or another College District staff member. The College District shall not require an employee to first report the employee's suspicion to a College District or campus administrator.

In accordance with law, an individual must provide the individual's name and telephone number. If the individual making the report is a professional, as defined by law, the individual must also provide the individual's business address and profession.

Confidentiality	The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and shall be disclosed only in accordance with law and the rules of the investigating agency.
Immunity	A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.
Failure to Report	By failing to report suspicion of child abuse or neglect, an employee: <ol style="list-style-type: none"><li>1. May be placing a child at risk of continued abuse or neglect;</li><li>2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report; and</li><li>3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment.</li></ol>
	It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.
<b>Responsibilities Regarding Investigations</b>	In accordance with law, College District officials shall be prohibited from: <ol style="list-style-type: none"><li>1. Denying an investigator's request to interview a child on campus in connection with an investigation of child abuse or neglect;</li><li>2. Requiring a parent or College District employee be present during the interview; or</li><li>3. Coercing someone into suppressing or failing to report child abuse or neglect.</li></ol>
	College District personnel shall cooperate fully and without parental consent with an investigation of reported child abuse or neglect.
<b>Adverse Employment Action Prohibited</b>	The College District prohibits any adverse employment action, including termination or discrimination, against any employee who in

good faith reports child abuse or neglect or participates in a related investigation.

**Training**

The College District shall provide training to employees as required by law. Training shall address reporting requirements and techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children.

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<sup>1</sup> Texas Abuse Hotline Website: <https://www.txabusehotline.org>



Frank Phillips College  
117500

ASSIGNMENT, WORK LOAD, AND SCHEDULES  
TELEWORK

DJA  
(LOCAL)

Eligible employees may be permitted to telework in accordance with procedures developed by the College President.



**At-Will Employees** The Board delegates to the College President final authority to dismiss noncontractual employees on an at-will basis. At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the College District.

At-will employees who are dismissed may request review of that decision through DGBA(LOCAL) and shall receive pay through the end of the last day worked.



<b>Core Curriculum</b>	The College District is responsible for the development of its core curriculum, subject to the approval of the College President and the Board.
<b>General Education Curriculum Review</b>	“General education curriculum” means a core curriculum and any other curriculum or competency all undergraduate students of the College District are required to complete before receiving an undergraduate degree.
Comprehensive Review	The Board shall comprehensively review the College District’s general education curriculum every five years but may review it more frequently at the Board’s discretion. The Board shall consider the potential costs the curriculum may impose on students and ensure courses in the curriculum: <ol style="list-style-type: none"><li>1. Are foundational and fundamental to a sound postsecondary education;</li><li>2. Are necessary to prepare students for civic and professional life;</li><li>3. Equip students for participation in the workforce and in the betterment of society;</li><li>4. Ensure a breadth of knowledge in compliance with applicable accreditation standards; and</li><li>5. Meet any other relevant criteria, as determined by the Board.</li></ol>
Review of Curriculum Changes	The College President or designee shall annually submit an update regarding any changes to the College District’s general education curriculum to the Board 45 days before submitting changes to the Coordinating Board, or July 15, whichever is earlier. The Board may overturn any decision regarding changes to the general education curriculum.
Advisory Committee	The Board may appoint a committee to assist in its review of the general education curriculum. Members of the committee may include full-time faculty, College District administrators, community leaders, industry representatives, and other individuals selected by the Board.



The Board shall determine the types of degrees and certificates to be awarded by the College District. The degrees and certificates offered by the College District and the associated recommended course sequences developed by the College District administration shall be described in the College District catalog and on the College District website.

**Low-Enrollment  
Certificate Program  
Review**

The College President shall develop procedures for reviewing certificate programs with low enrollment that may require consolidation or elimination. The criteria for review must require that certificate programs have specific industry data to substantiate workforce demand to avoid consideration for consolidation or elimination. The College President shall conduct a review once every five years.

The Board shall approve or deny any decision made by the College President to consolidate or eliminate a certificate program as a result of the review.



The Board shall establish the manner by which grades shall be determined and credit shall be awarded. These provisions shall include the methods for reporting student grades, the calculation of a student's grade point average (GPA), the classification of students based on credits earned, the transfer of credits, student standards of performance, grade appeal procedures, and any other relevant matters. The provisions shall be published in the College District catalog. The College President shall develop written procedures to implement the grading and credit provisions adopted by the Board. [For class rank calculations and honors determinations, see EGB. For transfer of credit under the Academic Fresh Start program, see FB.]



**Admissions  
Generally**

The College District has an open admissions policy that ensures that all persons who can benefit from postsecondary education have an opportunity to enroll. The College District shall not discriminate on the basis of race, color, sex, national origin, religion, disability, age, or military status in admissions.

Admission to the College District does not guarantee admittance to a particular course or program of study. A student may be required to satisfy certain requirements before enrolling in particular courses of study.

The Board, in collaboration with the College President, shall develop procedures for student admissions, including any additional course admission requirements. The procedures shall be published in the College District catalog and other relevant College District publications.

**Academic Fresh  
Start**

A resident of Texas may apply for admission and enroll as a student under the Academic Fresh Start program pursuant to the admissions procedures.

If an applicant elects to seek admission under the Academic Fresh Start program, the College District, in considering an applicant for admission, shall not consider academic course credits or grades earned by the applicant five or more years prior to the starting date of the semester in which the applicant seeks to enroll. The College District shall disregard all course credits or grades earned during the five years prior to the student's enrollment and may not award any credit for those courses. [See EGA]



The College President shall develop procedures addressing registration and attendance requirements, including procedures for all excused absences consistent with applicable law. The registration and attendance procedures shall be published in the College District catalog, official bulletins, and other appropriate publications.



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**Note:** For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

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**Expressive Activities** Students and student organizations may engage in expressive activities in accordance with this policy. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

**Prohibited Speech and Conduct** The term "expressive activities" does not include the following speech and conduct, which is prohibited on College District facilities and grounds and through the use of College District technology and networks:

1. Defamatory statements about public figures or others;
2. Prohibited harassment [see DIAA, DIAB, FFDA, and FFDB];
3. Incitement to imminent lawless or disruptive activity;
4. Obscenity; or
5. Threats to engage in unlawful activity.

The following conduct is also prohibited:

1. Engaging in unlawful conduct.
2. Engaging in expressive activities that materially and substantially disrupt College District operations at any time, including from 10:00 p.m. to 8:00 a.m. and during the last two weeks of each semester or term.
3. Engaging in expressive activities that materially and substantially disrupt College District operations by inviting speakers to speak on campus or by using drums or other percussive instruments during the last two weeks of a semester or term.
4. Using a sound amplification device while engaging in expressive activities during class hours, between 10:00 p.m. to 8:00 a.m., and during the last two weeks of each semester or term to intimidate others, interfere with campus operations, or interfere with a College District employee's or a peace officer's lawful performance of a duty.

5. Camping or erecting tents or other living accommodations, with the exception of reasonable use and modifications of assigned College District housing consistent with administrative regulations. This prohibition applies to shelters that are erected for the purpose of residing within the shelter. It does not apply to other shelters that are erected on a temporary basis to provide protection from the weather or, with approval granted by the vice president for administrative services in accordance with administrative procedures, for special events.
6. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities with the intent, as determined by the vice president for administrative services or a law enforcement officer, to:
  - a. Obstruct the enforcement of law or College District policies and regulations by avoiding identification;
  - b. Intimidate others; or
  - c. Interfere with a College District employee's or a peace officer's lawful performance of a duty.
7. Lowering the College District's U.S. or Texas flag with the intent to raise another nation's flag or the flag representing an organization or group of people.
8. Engaging in expressive activities in a manner that would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts.
9. Damaging or defacing property.

**Distribution of Literature**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content	Materials shall not be distributed by students or registered student organizations on College District property if: <ol style="list-style-type: none"><li>1. The materials constitute prohibited speech, described above.</li><li>2. The materials constitute nonpermissible solicitation. [See FI]</li><li>3. The materials infringe upon intellectual property rights of the College District. [See CT]</li></ol>
Time, Place, and Manner Restrictions	Distribution of the materials shall be conducted in a manner that: <ol style="list-style-type: none"><li>1. Is not materially and substantially disruptive to College District operations; [See FLB]</li><li>2. Does not impede reasonable access to College District facilities;</li><li>3. Does not result in damage to College District property;</li><li>4. Does not coerce, badger, or intimidate a person;</li><li>5. Does not interfere with the rights of others; and</li><li>6. Does not violate local, state, or federal laws or College District policies and procedures.</li></ol>
	The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.
	The vice president for administrative services shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.
Posting of Signs	For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.
	Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the vice president for administrative services. No object other than a sign may be posted on College District property.
Restrictions	A sign shall not be larger than 22 inches by 28 inches, unless authorized by the vice president for administrative services. A sign shall not be attached or posted:

1. To a shrub or plant;
2. To a tree, except by string to its trunk;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;
7. On or adjacent to a fire hydrant; or
8. In a College District building, except on a bulletin board designated for that purpose.

Removal	A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event, not longer than 24 hours after the event to which it relates has ended.  A sign posted in accordance with this section shall not be removed without permission from the vice president for administrative services, the student, or the registered student organization.
Disclaimer	Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.
<b>Use of Facilities and Grounds</b>	The facilities and grounds of the College District shall be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting students or student organization shall pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.
Requests to Use Facilities	To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the vice president for administrative services in accordance with administrative procedures.  The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.
Approval	The vice president for administrative services shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to

the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that the use would be prohibited conduct, described above, or that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see FI];
4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
5. The applicant has previously damaged College District property; or
6. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The vice president for administrative services shall provide the applicant a written statement of the grounds for rejection if a request is denied.

**Common Outdoor Areas** Students and student organizations may engage in expressive activities in common outdoor areas without prior approval, unless the activities constituted prohibited speech or conduct described above.

**Announcements and Publicity** In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

**Identification** Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative engaging in official duties.

**Violations of Policy** Failure to comply with law or this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with

the College District's discipline policies and procedures [see FM and FMA].

**Interference with Expression** Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].

**Appeals** Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.

**Publication** This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.

<b>Definitions</b>	Definitions of terms used in this policy shall be as follows.
Student	A “student” shall mean an individual who is currently enrolled in the College District and any prospective or former student who has been accepted for admission or readmission to any component institution while on the premises of any component institution.
Premises	The “premises” of the College District is defined as all real property over which the College District has possession and control.
Scholastic Dishonesty	<p>“Scholastic dishonesty” shall include, but not be limited to, cheating, plagiarism, and collusion.</p> <p>“Cheating” shall include, but not be limited to:</p> <ol style="list-style-type: none"><li>1. Copying from another student’s test or class work;</li><li>2. Using test materials not authorized by the person administering the test;</li><li>3. Collaborating with or seeking aid from another student during a test without permission from the test administrator;</li><li>4. Knowingly using, buying, selling, stealing, or soliciting, in whole or in part, the contents of an unadministered test, paper, or another assignment;</li><li>5. The unauthorized transporting or removal, in whole or in part, of the contents of the unadministered test;</li><li>6. Substituting for another student, or permitting another student to substitute for oneself, to take a test;</li><li>7. Bribing another person to obtain an unadministered test or information about an unadministered test; or</li><li>8. Manipulating a test, assignment, or final course grades.</li></ol> <p>“Plagiarism” shall be defined as the appropriating, buying, receiving as a gift, or obtaining by any means another’s work and the unacknowledged submission or incorporation of it in one’s own written work.</p> <p>“Collusion” shall be defined as the unauthorized collaboration with another person in preparing written work for fulfillment of course requirements.</p>
Disorderly Conduct	<p>“Disorderly conduct” shall include any of the following activities occurring on premises owned or controlled by the College District:</p> <ol style="list-style-type: none"><li>1. Behavior of a boisterous and tumultuous character such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists.</li></ol>

2. Interference with the peaceful and lawful conduct of persons under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
3. Violent and forceful behavior at any time such that there is a clear and present danger that free movement of other persons will be impaired.
4. Behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or fights.
5. Violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
6. Willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when there is reason to believe that such conduct will cause or provoke a disturbance.
7. Willful and malicious behavior that obstructs or causes the obstruction of any doorway, hall, or any other passageway in a College District building to such an extent that the employees, officers, and other persons, including visitors, having business with the College District are denied entrance into, exit from, or free passage in such building.

**Responsibility**

Each student shall be charged with notice and knowledge of, and shall be required to comply with, the contents and provisions of the College District's rules and regulations concerning student conduct.

All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct. Each student shall be expected to:

1. Demonstrate courtesy, even when others do not;
2. Behave in a responsible manner, always exercising self-discipline;
3. Attend all classes, regularly and on time;
4. Prepare for each class and take appropriate materials and assignments to class;
5. Obey all classroom rules;

6. Respect the rights and privileges of students, faculty, and other College District staff and volunteers;
7. Respect the property of others, including College District property and facilities; and
8. Cooperate with and assist the College District staff in maintaining safety, order, and discipline.

**Prohibited Conduct**

Federal, State, and Local Law

Violations of federal, state, or local law or College District policies, procedures, or rules, including the student handbook shall be prohibited.

Prohibited Weapons and Devices

Possession, distribution, sale, or use of firearms, location-restricted knives, clubs, knuckles, firearm silencers, or other prohibited weapons or devices in violation of law or College District policies and procedures shall be prohibited. [See CHF]

Drugs and Alcohol

Behaviors regarding drugs and alcohol and associated paraphernalia shall be prohibited as described in policy FLBE.

Debts

Owing a monetary debt to the College District that is considered delinquent or writing an "insufficient funds" check to the College District shall be prohibited.

Disruptions

"Disorderly conduct," as defined above, or disruptive behavior shall be prohibited.

Behavior Targeting Others

The following behavior targeting others shall be prohibited:

1. Threatening another person, including a student or employee;
2. Intentionally, knowingly, or negligently causing physical harm to any person;
3. Engaging in conduct that constitutes harassment, sexual assault, dating violence, stalking, or bullying directed toward another person, including a student or employee; [See DIA series, FFD series, FFE, and FM as appropriate]
4. Hazing with or without the consent of a student; [See FLBC]
5. Initiations by organizations that include features that are dangerous, harmful, or degrading to the student, a violation of which also renders the organization subject to appropriate discipline; and
6. Endangering the health or safety of members of the College District community or visitors to the premises.

Property

The following behavior regarding property shall be prohibited:

1. Intentionally, knowingly, or negligently defacing, damaging, misusing, or destroying College District property or property owned by others;
2. Stealing from the College District or others; and
3. Theft, sabotage, destruction, distribution, or other use of the intellectual property of the College District or third parties without permission.

Directives	Failure to comply with directives given by College District personnel, and failure to provide identification when requested to do so by College District personnel shall be prohibited.
Tobacco and E-cigarettes	Possession or use of tobacco products or e-cigarettes on College District property without authorization shall be prohibited. [See FLBD]
Misuse of Technology	<p>The following behavior regarding misuse of technology shall be prohibited:</p> <ol style="list-style-type: none"><li>1. Violating policies, rules, or agreements signed by the student regarding the use of technology resources;</li><li>2. Attempting to access or circumvent passwords or other security-related information of the College District, students, or employees or uploading or creating computer viruses;</li><li>3. Attempting to alter, destroy, disable, or restrict access to College District technology resources including but not limited to computers and related equipment, College District data, the data of others, or other networks connected to the College District's system without permission;</li><li>4. Using the internet or other electronic communications to threaten College District students, employees, or volunteers;</li><li>5. Sending, posting, or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal;</li><li>6. Using electronic means to engage in or encourage illegal behavior or threaten the safety of the College District, students, employees, or visitors; and</li><li>7. Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten the safety of the College District, students, employees, or visitors.</li></ol>
Dishonesty	The following behavior regarding dishonesty shall be prohibited:

	<ol style="list-style-type: none"><li>1. Scholastic dishonesty, as defined above;</li><li>2. Making false accusations or perpetrating hoaxes regarding the safety of the College District, students, employees, or visitors;</li><li>3. Intentionally or knowingly providing false information to the College District; and</li><li>4. Intentionally or knowingly falsifying records, passes, or other College District-related documents.</li></ol>
Gambling and Other Conduct	Gambling or engaging in any other conduct that College District officials might reasonably believe will substantially disrupt the College District program or incite violence shall be prohibited.
<b>Discipline</b>	A student shall be subject to discipline, including suspension, in accordance with FM and FMA if the student violates this policy: <ol style="list-style-type: none"><li>1. While on College District premises;</li><li>2. While attending a College District activity; or</li><li>3. While elsewhere if the behavior adversely impacts the educational environment or otherwise interferes with the College District's operations or objectives.</li></ol>
<b>Publication</b>	The student conduct rules contained in this policy and any other conduct rules of the College District developed by the College President shall be published in the student handbook.



**Alcohol** A student shall be prohibited from using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of intoxicating beverages on College District property, in College District vehicles, and at College District-related activities. With the prior consent of the Board or the College President, these provisions may be waived with respect to a specific location on College District property or a specific event that is sponsored by the College District.

State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.

**Controlled Substances** No student shall possess, use, control, store, manufacture, transmit, distribute, sell, or attempt to possess, use, control, store, manufacture, transmit, distribute, sell, or be under the influence of, any of the following substances on College District property, in College District vehicles, or at College District-related activities:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Any abusable glue, aerosol paint, or any other volatile chemical substance for inhalation.
3. Any performance-enhancing substance, including steroids.
4. Any designer drug.
5. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances shall also be prohibited under this policy.

**Exceptions** It shall not be considered a violation of this policy if the student:

1. Uses, possesses, or stores a controlled substance or drug authorized by a licensed physician through a prescription specifically for that student's use;
2. Possesses or stores a controlled substance or drug that a licensed physician has prescribed for the student's child or other individual for whom the student is a legal guardian;
3. Cultivates, possesses, transports, or sells hemp as authorized by law; or
4. Possesses, sells, or distributes Dextromethorphan.

<b>Paraphernalia</b>	The use, possession, control, storage, manufacture, transmission, distribution, or sale of paraphernalia related to any prohibited substance is prohibited.
<b>Violation</b>	Students who violate this policy shall be subject to appropriate disciplinary action. [See FM and FMA] Such disciplinary action may include referral to drug and alcohol counseling or rehabilitation programs or student assistance programs, suspension, expulsion, and referral to appropriate law enforcement officials for prosecution.
<b>Notice</b>	Each student taking one or more classes for any type of academic credit except for continuing education units shall be given a copy of the College District's policy prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol, a description of the applicable legal sanctions under local, state, or federal law, and a description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

<b>Complaints</b>	In this policy, the terms "complaint" and "grievance" shall have the same meaning.
<b>Other Complaint Processes</b>	Student complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FLD after the relevant complaint process: <ol style="list-style-type: none"><li>1. Complaints alleging discrimination or harassment based on race, color, sex, gender, national origin, disability, age, or religion. [See FFDA and FFDB]</li><li>2. Complaints concerning retaliation relating to discrimination and harassment. [See FFDA and FFDB]</li><li>3. Complaints concerning disciplinary decisions. [See FMA]</li><li>4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CGF]</li><li>5. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]</li></ol>
<b>Notice to Students</b>	The College District shall inform students of this policy through appropriate College District publications and on the College District's website.
<b>Informal Process</b>	<p>The College District encourages students to discuss their concerns with the appropriate faculty member or campus administrator who has the authority to address the concerns.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
<b>Formal Process</b>	<p>A student may initiate the formal process described below by filing a written complaint form within 15 business days of the date the student first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.</p> <p>The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem.</p> <p>If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the College President, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.</p>

	<p>If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.</p> <p>The process described in this policy shall 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 “mini-trial” at any level.</p>
Option to Continue Informal Process	<p>Even after initiating the formal complaint process, students are encouraged to seek informal resolution of their concerns. A student whose concerns are resolved may withdraw a formal complaint at any time.</p>
<b>Freedom from Retaliation</b>	<p>Neither the Board nor any College District employee shall unlawfully retaliate against any student for bringing a concern or complaint.</p>
<b>General Provisions</b>	
Filing	<p>Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.</p>
Scheduling Conferences	<p>The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the student’s absence.</p>
Response	<p>At Levels One, Two, and Three, “response” shall mean a written communication to the student from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student’s email address of record, or sent by U.S. Mail to the student’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
Days	<p>“Days” shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”</p>

Representative	<p>“Representative” shall mean any person who or organization that is designated by the student to represent the student in the complaint process.</p> <p>The student may designate a representative through written notice to the College District at any level of this process. If the student designates a representative with fewer than three days’ notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District’s counsel. The College District may be represented by counsel at any level of the process.</p>
Consolidating Complaints	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.</p>
Untimely Filings	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student, at any point during the complaint process. The student may appeal the dismissal by seeking review in writing within 10 days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
Costs Incurred	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
Complaint and Appeal Forms	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the student does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student unless the student did not know the documents existed before the Level One conference.</p> <p>A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.</p>

<b>Record</b>	A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the student who filed the complaint, documents determined relevant by College District personnel, and the decision.
<b>Remand</b>	A complaint or appeal form that is incomplete in any material aspect shall be refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.  If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.
<b>Investigation</b>	The College District may conduct an investigation at any level in the complaint process. If the College District and the student mutually agree, all deadlines shall be suspended during an investigation.
<b>Audio Recording</b>	As provided by law, a student shall be permitted to make an audio recording of a hearing under this policy at which the substance of the student's complaint is discussed. The student shall notify all attendees present that an audio recording is taking place.
<b>Complaint Levels</b>	<b>Level One</b>  The appropriate administrator shall schedule a conference with the student within 10 days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.  Absent extenuating circumstances, the administrator shall provide the student a written response within 10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.
<b>Level Two</b>	If the student did not receive the relief requested at Level One or if the time for a response has expired, the student may request a conference with the academic dean or dean of students to appeal the Level One decision.  The appeal notice must be filed in writing, on a form provided by the College District, within 10 days of the date of the written Level One response or, if no response was received, within 10 days of the Level One response deadline.  After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to

the Level Two administrator. The student may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within 10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One and identified in the Level Two appeal notice. At the conference, the student may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the student a written response within 10 days following the conference. The written response shall 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 the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

#### Level Three

If the student did not receive the relief requested at Level Two or if the time for a response has expired, the student may request a conference with the College President or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the College District, within 10 days of the date of the written Level Two response or, if no response was received, within 10 days of the Level Two response deadline.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two complaint to the Level Three administrator. The student may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The Level Three administrator shall schedule a conference within 10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level Two. At the conference, the student may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator may set reasonable time limits for the conference.

The Level Three administrator shall provide the student a written response within 10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Three administrator may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant documents or information the Level Three administrator believes will help resolve the complaint.

Recordings of the Level One, Level Two, and Level Three conferences, if any, shall be maintained with the Level One, Level Two, and Level Three records.

#### Level Four

If the student did not receive the relief requested at Level Three or if the time for a response has expired, the student may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the College District, within 10 days after receipt of the written Level Three response, or, if no response was received, within 10 days of the Level Three response deadline.

The College President or designee shall inform the student of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The College President or designee shall provide the Board the record of the Level Three complaint. The student may request a copy of the Level Three record.

The Level Three record shall include:

1. The Level One record.
2. The Level Two record.

3. The written response issued at Level Three and any attachments.
4. All other documents relied upon by the Level Three administrator in reaching the Level Three decision.

The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the student notice of the nature of the evidence at least three days before the hearing.

The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the student or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.



<b>Complaints</b>	<p>In this policy, the terms “complaint” and “grievance” shall have the same meaning.</p>
<b>Other Complaint Processes</b>	<p>Complaints from the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GB after the relevant complaint process:</p> <ol style="list-style-type: none"><li>1. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CGF]</li><li>2. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]</li></ol>
<b>Informal Process</b>	<p>The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
<b>Formal Process</b>	<p>An individual may initiate the formal process described below by filing a written complaint form within 15 business days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.</p> <p>The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem.</p> <p>If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the College President, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.</p> <p>If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.</p> <p>The process described in this policy shall 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 “mini-trial” at any level.</p>

<b>Option to Continue Informal Process</b>	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.
<b>Freedom from Retaliation</b>	Neither the Board nor any College District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.
<b>General Provisions</b>	
<b>Filing</b>	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
<b>Scheduling Conferences</b>	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, the College District may hold the conference and issue a decision in the individual's absence.
<b>Response</b>	At Levels One and Two, "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.
<b>Days</b>	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
<b>Representative</b>	"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.
	The individual may designate a representative through written notice to the College District at any level of this process. If the individual designates a representative with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's coun-

sel. The College District may be represented by counsel at any level of the process.

Consolidating  
Complaints

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

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

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. The individual may appeal the dismissal by seeking review in writing within 10 days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

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

Complaint and  
Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Record

A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the individual who filed the complaint, documents determined relevant by College District personnel, and the decision.

Remand

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

If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

**Investigation**

The College District may conduct an investigation at any level in the complaint process. If the College District and the complainant mutually agree, all deadlines shall be suspended during an investigation.

**Audio Recording**

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

**Complaint Levels**

Level One

The appropriate administrator shall schedule a conference with the individual within 10 days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within 10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, the individual may request a conference with the College President or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College District, within 10 days of the date of the written Level One response or, if no response was received, within 10 days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.

4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within 10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One and identified in the Level Two appeal notice. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the individual a written response within 10 days following the conference. The written response shall 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 the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, the individual may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the College District, within 10 days of the date of the written Level Two response or, if no response was received, within 10 days of the Level Two response deadline.

The College President or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The College President or designee shall provide the Board with the record of the Level Two complaint. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or the individual's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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**Note:** For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA. For expression and use of College District facilities by employees and employee organizations, see DGC. For use of the College District's internal mail system, see CHE.

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**Expressive Activities**

Community members and community organizations may engage in expressive activities in accordance with this policy. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

**Prohibited Speech and Conduct**

The term "expressive activities" does not include the following speech and conduct, which is prohibited on College District facilities and grounds and through the use of College District technology and networks:

1. Defamatory statements about public figures or others;
2. Prohibited harassment [see DIAA, DIAB, FFDA, and FFDB];
3. Incitement to imminent lawless or disruptive activity;
4. Obscenity; or
5. Threats to engage in unlawful activity.

The following conduct is also prohibited:

1. Engaging in unlawful conduct.
2. Engaging in expressive activities that materially and substantially disrupt College District operations at any time, including from 10:00 p.m. to 8:00 a.m. and during the last two weeks of each semester or term.
3. Engaging in expressive activities that materially and substantially disrupt College District operations by inviting speakers to speak on campus or by using drums or other percussive instruments during the last two weeks of a semester or term.
4. Using a sound amplification device while engaging in expressive activities during class hours, between 10:00 p.m. to 8:00 a.m., and during the last two weeks of each semester or term to intimidate others, interfere with campus operations, or interfere with a College District employee's or a peace officer's lawful performance of a duty.

5. Camping or erecting tents or other living accommodations, with the exception of reasonable use and modifications of assigned College District housing consistent with administrative regulations. This prohibition applies to shelters that are erected for the purpose of residing within the shelter. It does not apply to other shelters that are erected on a temporary basis to provide protection from the weather or, with approval granted by the vice president for administrative services in accordance with administrative procedures, for special events.
6. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities with the intent, as determined by the vice president for administrative services or a law enforcement officer to:
  - a. Obstruct the enforcement of law or College District policies and regulations by avoiding identification;
  - b. Intimidate others; or
  - c. Interfere with a College District employee's or a peace officer's lawful performance of a duty.
7. Lowering the College District's U.S. or Texas flag with the intent to raise another nation's flag or the flag representing an organization or group of people.
8. Engaging in expressive activities in a manner that would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts.
9. Damaging or defacing property.

**Use of College District Facilities**

The grounds and facilities of the College District shall be made available to members of the College District community and community organizations, including College District support organizations, when such use is for educational, recreational, civic, or social activities and the use does not conflict with use by, or any of the policies and procedures of, the College District.

**Requests to Use Facilities**

To request permission to meet in College District facilities, interested community members or organizations shall file a written request with the vice president for administrative services in accordance with administrative procedures.

The community members or organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval	<p>Requests for community use of College District facilities shall be considered on a first-come, first-served basis.</p> <p>The vice president for administrative services shall approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the community members' or organization's use of the facility.</p> <p>Approval shall not be granted when the official has reasonable grounds to believe that the use would be prohibited conduct, described above, or that:</p> <ol style="list-style-type: none"><li>1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;</li><li>2. The applicant is subject to a sanction [see Violations of Policy, below] prohibiting the use of the facility;</li><li>3. The applicant owes a monetary debt to the College District and the debt is considered delinquent; or</li><li>4. The applicant has previously damaged College District property.</li></ol>
Designated Public Forums	<p>The Board shall designate common outdoor areas where community members and organizations may engage, without prior approval, in expressive activities that do not constitute prohibited speech or conduct. Those areas will be published on the College District website and in other appropriate publications.</p>
<i>For-Profit Use</i>	<p>The College District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the College District shall permit private academic instruction, as well as public performances or presentations so long as no admission fee is charged, when these activities do not conflict with College District use or with this policy.</p>
<i>Nonprofit Use</i>	<p>The College District shall permit nonprofit organizations to conduct fundraising events on College District property when these activities do not conflict with College District use or with this policy.</p>
<i>Campaign-Related Use</i>	<p>Except to the extent a College District facility is used as an official polling place, College District facilities shall not be available for use by individuals or groups for political advertising, campaign communications, or electioneering, as those terms are used in state law.</p>

<i>No Approval Required</i>	No approval shall be required for nonschool-related recreational use of the College District's unlocked, outdoor recreational facilities, such as the track, tennis courts, and the like, when the facilities are not in use by the College District or for another scheduled purpose.
<i>Written Notice if Request Rejected</i>	The vice president for administrative services shall provide the applicant a written statement of the grounds for rejection if a request is denied.
Emergency Use	In case of emergencies or disasters, the College President may authorize the use of College District facilities by civil defense, health, or emergency service authorities.
Repeated Use	The College District shall permit repeated use by any community member or organization in accordance with administrative procedures.
<i>Exception</i>	Any limitations on repeated use by a community member or organization shall not apply to any group or organization when the primary participants in the activities are College District students, faculty, or staff.
Scheduling	Academic and extracurricular activities sponsored by the College District shall always have priority when any use is scheduled. The vice president for administrative services shall have authority to cancel a scheduled use by a community member or organization if an unexpected conflict arises with a College District activity.
Use Agreement	Any community member or organization approved for a nonschool use of College District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the College District is not liable for any personal injury or damages to personal property related to the nonschool use.
Fees for Use	A community member or organization authorized to use College District facilities shall be charged a fee for the use of designated facilities.
	The Board shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.
<i>Exception</i>	Fees shall not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies.

Required Conduct	<p>Community members and organizations using College District facilities shall:</p> <ol style="list-style-type: none"><li>1. Conduct business in an orderly manner;</li><li>2. Provide identification when requested to do so by a College District representative;</li><li>3. Abide by all laws, policies, and procedures, including, but not limited to, those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products or e-cigarettes on College District property; [See CHF and GDA]</li><li>4. Make no alteration, temporary or permanent, to College District property without prior written consent from the College President; and</li><li>5. Be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the College District for the cost of any such repairs.</li></ol>
<b>Distribution of Literature</b>	<p>Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any community member or organization, including a College District support organization except in accordance with this policy.</p> <p>The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by a community member or organization.</p>
Limitations on Content	<p>Materials shall not be distributed by a community member or organization on College District property if:</p> <ol style="list-style-type: none"><li>1. The materials constitute prohibited speech, described above;</li><li>2. The materials constitute unauthorized solicitation [see Use of College District Facilities, above]; or</li><li>3. The materials infringe upon intellectual property rights of the College District [see CT].</li></ol>
Time, Place, and Manner Restrictions	<p>Distribution of materials shall be conducted in a manner that:</p> <ol style="list-style-type: none"><li>1. Is not materially and substantially disruptive to College District operations [see FLB];</li><li>2. Does not impede reasonable access to College District facilities;</li></ol>

3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The vice president for administrative services shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by community members or organizations to others in College District facilities and in areas that are not considered common outdoor areas.

*Posting of Signs* For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

No signs may be posted on College District property by a community member or organization unless the posting qualifies as a permitted campaign-related use or is in a common outdoor area subject to administrative procedures.

Exception A College District support organization may post a sign in College District facilities with prior approval of the vice president for administrative services in accordance with the procedures developed for that purpose.

**Identification** A community member or organization distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative engaging in official duties.

**Violations of Policy** Failure to comply with law or this policy and associated procedures shall result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities and the confiscation of nonconforming materials.

Interference with Expression Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]

<b>Appeals</b>	Decisions made by the administration in accordance with this policy may be appealed in accordance with GB(LOCAL), DGBA(LOCAL), and FLD(LOCAL) as applicable.
<b>Publication</b>	This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.





## **(LOCAL) Policy Comparisons**

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; not shown in Word)

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue font: new text.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes moved text.
- Revision bars appear in the right margin to show sections with changes.

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**Note:** While the annotation software competently identifies simple changes, large or complicated changes — as in an extensive rewrite — may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes make formatting changes appear tracked, even though the text remains the same.

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For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

### **Contact us:**

School Districts and Education Service Centers, call 800-580-7529 or email [policy.service@tasb.org](mailto:policy.service@tasb.org).

Community Colleges, call 800-580-1488 or email [colleges@tasb.org](mailto:colleges@tasb.org).

The official title of the governing body of the College District shall be the Frank Phillips College Board of Regents, herein referred to as "the Board."

~~In addition to the statutory powers and duties of the Board, the Board shall have the following powers and duties:~~

- ~~1. Study and pass upon the annual budget prepared by the College President.~~
- ~~2. Study and pass upon additional capital outlay and determine the means of financing them.~~
- ~~3. Elect or reject the personnel recommended by the College President.~~
- ~~4. Select an architect and approve plans for College District buildings.~~
- ~~5. With the assistance of the College President, determine current needs of the College District and give support to those needs before the public and the press.~~
- ~~6. Act as a body of final appeal for College District personnel and the public in cases that may be appealed from the decisions of the College President.~~
- ~~7. Fill vacancies on the Board created by death or resignation, in accordance with state law.~~
- ~~8. Approve or reject the program of instruction as recommended by the College President.~~
- ~~9. Appoint additional College District personnel to sign warrants and checks drawn on budgeted funds and funds approved by the Board.~~

~~Annually employ a certified public accountant to perform the audit of College District accounts. The official title of the governing body of the College District shall be the Frank Phillips College Board of Regents, herein referred to as "the Board."~~

In addition to the statutory powers and duties of the Board, the Board shall have the following powers and duties:

1. Study and pass upon the annual budget prepared by the College President;
2. Study and pass upon additional capital outlay and determine the means of financing them;
3. Elect or reject the personnel recommended by the College President;
4. Select an architect and approve plans for College District buildings;
5. With the assistance of the College President, determine current needs of the College District and give support to those needs before the public and the press;
6. Act as a body of final appeal for College District personnel and the public in cases that may be appealed from the decisions of the College President;
7. Fill vacancies on the Board created by death or resignation, in accordance with state law;
8. Approve or reject the program of instruction as recommended by the College President;
9. Appoint additional College District personnel to sign warrants and checks drawn on budgeted funds and funds approved by the Board; and
10. Annually employ a certified public accountant to perform the audit of College District accounts.

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

provided or may file a request under the Public Information Act.  
[See GCA]

Requests for  
Reports

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

Directives to the College President or other College District staff regarding the preparation of reports that will, in the opinion of the College President, require excessive staff time or expense shall be authorized by action of the Board.

Confidentiality

*Request to  
Redact*

If requested by the Board member, information that is confidential under law shall be redacted from records provided to the Board member.

*Confidentiality  
Agreement*

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

The Board member shall sign a confidentiality agreement requiring that the confidential information remain undisclosed, be labeled as confidential, and be kept securely. The agreement must also require that any copies of the information or related notes be appropriately disposed of or retained as confidential consistent with the agreement.

Referring  
Complaints

If employees, students, or citizens bring a concern or complaint to an individual Board member, the Board member shall refer them to the College President or designee, who shall proceed according to appropriate Board policy. [See DGBA, FLD, and GB]

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

Staff Authority

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

<b>Meeting Place and Time</b>	The notice for a Board meeting shall reflect the date, time, and location of the meeting.
Regular Meetings	Regular meetings of the Board shall typically be held on the <del>third Wednesday</del> <ins>third</ins> <del>Wednesday</del> <ins>Wednesday</ins> of each month at <del>12:00 p.m.</del> <ins>12:00</ins> <del>p.m.</del> When determined necessary and for the convenience of Board members, the Board President may change the date, time, or location of a regular meeting with proper notice.
Special or Emergency Meetings	The Board President shall call a special meeting at the Board President's discretion or on request by <del>two</del> <ins>two</ins> members of the Board.
	The Board President shall call an emergency meeting when it is determined by the Board President or <del>two</del> <ins>two</ins> members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.
<b>Agenda</b>	
Submission of Topics	A Board member may request that a subject be included on the agenda for a meeting. The deadline for submitting items for inclusion on the agenda is the fifth calendar day before regular meetings and the fifth calendar day before special meetings.
Preparation	The College President shall compile for review by the Board President all topics timely submitted by Board members, topics requested by the Board, and topics suggested by the College President.
	The Board President and the College President shall confer regarding the proposed topics, and the Board President shall determine the topics for the official meeting agenda. The Board President shall ensure that any topic the Board or individual Board members have requested be addressed are either on the meeting agenda or scheduled for deliberation at an appropriate time in the near future. The Board President shall not refuse to assign a topic requested by a Board member to an agenda and, once assigned, shall not have the authority to remove the topic from the agenda without that Board member's specific authorization.
Consent Agenda	When the agenda is prepared, the Board President shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.

<b>Notice to Members</b>	Members of the Board shall be given notice of regular and special meetings at least <del>72 hours</del> <ins>three business days</ins> prior to the scheduled <del>timedate</del> of the meeting and at least one hour prior to the time of an emergency meeting.
<b>Closed Meeting</b>	Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, as provided by law. The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. [See BDA]
<b>Order of Business</b>	The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members present.
<b>Rules of Order</b>	The Board shall observe the parliamentary procedures as found in <i>Robert's Rules of Order, Newly Revised</i> , except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.
<b>Voting</b>	Voting shall be by voice vote or show of hands, as directed by the Board President. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded upon that member's request.
<b>Minutes</b>	Board action shall be carefully recorded by the Board Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board President and the Board Secretary.  The official minutes of the Board shall be retained on file in the office of the College President and shall be available for examination during regular office hours.
<b>Discussions and Limitation</b>	Discussions shall be addressed to the Board President and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board President shall halt discussion that does not apply to the business before the Board.  The Board President shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the Board President shall not interfere with debate so long as members wish to address themselves to an item under consideration.

<b>Faculty Senate</b>	The faculty senate is the assembly of representatives of the full-time faculty at the College District. The faculty senate shall serve only in an advisory capacity.
Membership	Each academic unit of the College District shall be represented by three members. One member shall be appointed by the College President, and the remaining members shall be elected by a vote of the faculty of the member's respective academic unit, in accordance with procedures established by the College President or designee.
<i>Term Limits</i>	
Appointed Faculty Members	A member of the faculty senate appointed by the College President may serve up to six consecutive one-year terms and then may only be reappointed after the second anniversary of the last day of the member's most recent term.
Elected Faculty Members	An elected member of the faculty senate shall serve a two-year term, staggered in a manner that allows approximately one-half of the elected members to be elected each year, and may only be reelected after the second anniversary of the last day of the member's most recent term.
<i>Removal</i>	A member of the faculty senate may be immediately removed from the faculty senate for:
	<ol style="list-style-type: none"><li>1. Violating applicable law, College District policy or regulations, or the faculty senate governing documents;</li><li>2. Failing to attend meetings; or</li><li>3. Engaging in other similar misconduct.</li></ol>
	A member may be removed on recommendation of the executive vice president of academic affairs and approval by the College President.
Officers	The College President shall appoint a presiding officer from the members of the faculty senate to preside over faculty senate meetings and represent the faculty senate in communications with the College District administration. The College President shall also appoint an associate presiding officer and secretary from the membership.
Compensation	A faculty member shall not be compensated for service on the faculty senate.
Expense Reimbursement	A member of the faculty senate may be reimbursed for reasonable expenses made on behalf of the College District and approved by the College President or designee in accordance with administrative regulations.

Governing Documents	The faculty senate shall adopt a constitution, bylaws, or other governing documents consistent with law, this policy, and associated regulations, including the rules for establishing a quorum.
Faculty Senate Meetings	The College President shall develop regulations addressing faculty senate meeting procedures, in accordance with law.
<i>Notice</i>	No more than seven days before a meeting, the faculty senate shall post on the College District's website:
	<ol style="list-style-type: none"><li>1. An agenda for the meeting indicating the items that will be discussed or subject to a vote; and</li><li>2. Any curriculum proposals that will be discussed or voted on at the meeting.</li></ol>
<i>Open Meetings</i>	Meetings at which a quorum is present shall be open to the public.
<i>Meeting Broadcast</i>	The faculty senate shall broadcast a meeting online in accordance with law if more than 50 percent of the faculty senate members are in attendance.
<i>Recording Attendance</i>	The faculty senate shall record the names of members in attendance at a meeting in which the faculty senate conducts business related to a vote of no confidence regarding a College District administrator or policies related to curriculum and academic standards.
Communications	The faculty senate shall not issue any statement or publish a report using the College District's official seal, trademark, or resources funded by the College District on any matter not directly related to the faculty senate's advisory duties.
Harmony with Law	Nothing in this policy or associated regulations may be construed to limit a faculty member from exercising the faculty member's right to freedom of association protected by the U.S. Constitution or Texas Constitution.

**Capitalization  
Threshold**

The capitalization threshold for purposes of classifying individual capital assets shall be ~~\$5,000~~\$5,000.

The College President or designee shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.

**Designation and Use  
of Private Spaces**

The Board shall ensure that the College President, or appropriate staff as determined by the College President, designates private spaces in accordance with law. [See FG for student housing]

The College President shall develop administrative regulations to ensure compliance with law and policy regarding the use of private spaces in College District facilities.

<b>Compliance with Law</b>	The College President or designee shall establish procedures ensuring that all facilities within the College District comply with applicable laws and local building codes.
<b>Construction Contracts</b>	Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above <del>\$50</del> <ins>\$100</ins> ,000. To assist the Board, the College President shall recommend the project delivery/contract award method that the College President determines provides the best value to the College District. [See CM series]
	For construction contracts valued at or above \$25,000, the College President shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the College President and consistent with law and policy. [See also CF]
<b>Emergency Exception</b>	In the event of a catastrophe, emergency, or natural disaster affecting the College District, the Board delegates to the <del>College President</del> <ins>College President</ins> the authority to contract for the replacement, construction, or repair of College District equipment or facilities in accordance with law if emergency replacement, construction, or repair is necessary for the health and safety of College District students and staff. The <del>College President</del> <ins>College President</ins> shall report to the Board at the next regular meeting any contract made under this authority.
<b>Change Orders</b>	Change orders permitted by law shall be approved by the Board or its designee prior to executing any changes in the approved plans or in the actual construction of the facility.
<b>Project Administration</b>	All construction projects shall be administered by the College President or designee.  The College President or designee shall keep the Board informed concerning construction projects and also shall provide information to the general public.
<b>Final Payment</b>	The College District shall not make final payments for the construction or the supervision of construction until the work has been completed, and the College District has accepted the work.

**AI Use by Employees and Students** Employees and students shall be permitted to explore artificial intelligence (AI) and implement its use in and out of the classroom in accordance with policy and administrative regulations. The use of AI shall only be as a support tool to enhance student outcomes or as necessary to engage in research and shall never take the place of faculty, staff, and student decision-making. Any use of AI must comply with law, policy, and administrative regulations relating to student and employee privacy and data security.

A student shall only use AI tools with faculty permission and shall be expected to produce original work and properly credit sources, including AI tools used in creating the work.

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

The College President is responsible for the security of the College District's information resources. The College President or designee shall develop procedures for ensuring the College District's compliance with applicable law.

**Information Security Officer**

The College President or designee shall designate an information security officer (ISO) who is authorized to administer the information security requirements under law. The College President or designee must notify the Department of Information Resources (DIR) of the individual designated to serve as the ISO.

**Information Security Program**

The College President or designee shall annually review and approve an information security program designed in accordance with law by the ISO to address the security of the information and information resources owned, leased, or under the custodianship of the College District against unauthorized or accidental modification, destruction, or disclosure. The program shall include procedures for risk assessment and for information security awareness education for employees when hired and an ongoing program for all users.

The information security program must be submitted biennially for review by an individual designated by the College President and who is independent of the program to determine if the program complies with the mandatory security controls defined by DIR and any controls developed by the College District in accordance with law.

**College District Website and Mobile Application Security**

The College President or designee shall adopt procedures addressing the privacy and security of the College District's website and mobile applications and submit the procedures to DIR for review.

The procedures must require the developer of a website or application for the College District that processes confidential information to submit information regarding the preservation of the confidentiality of the information. The College District must subject the website or application to a vulnerability and penetration test before deployment.

**Covered Social Media Applications**

The College President or designee shall adopt procedures prohibiting the installation or use of a covered application, as defined by law, on a device owned or leased by the College District and requiring the removal of any covered applications from the device.

**Exception**

The procedures shall permit the installation and use of a covered application for purposes of law enforcement and the development and implementation of information security measures. The procedures must address risk mitigation measures during the permitted

use of the covered application and the documentation of those measures.

**Reports**

Effectiveness of Policies, Procedures, and Practices

The ISO shall report annually to the College President on the effectiveness of the College District's information security policies, procedures, and practices in accordance with law and administrative procedures.

Biennial Information Security Plan

The College District shall submit a biennial information security plan to DIR in accordance with law.

Information Security Assessment

In accordance with law, at least every two years, the College District shall submit the results of its information security assessment to DIR and, if requested, the office of the governor, lieutenant governor, and speaker of the house of representatives.

Security Incidents  
*By the College District*

The College District shall assess the significance of a security incident and report it to DIR and law enforcement in accordance with law and, if applicable, DIR requirements.

Generally

Security Breach and Cybersecurity Incident Notification

Upon discovering or receiving notification of a breach of system security or a **security****cybersecurity** incident, as defined by law, the College District shall disclose the breach or incident to affected persons or entities in accordance with the time frames established by law.

The College District shall give notice by using one or more of the following methods:

1. Written notice.
2. Electronic mail, if the College District has electronic mail addresses for the affected persons.
3. Conspicuous posting on the College District's website.
4. Publication through broadcast media.

*By Vendors and Third Parties*

The College District shall include in any vendor or third-party contract the requirement that the vendor or third party report information security incidents to the College District in accordance with law and administrative procedures.

<b>Posting Vacancies</b>	The College President or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current College District employees may apply for any vacancy for which they have appropriate qualifications.
<b>Applications</b>	All applicants shall complete the application form supplied by the College District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.
<b>Employment of Contractual Personnel</b>	The College President has sole authority to make recommendations to the Board regarding the selection of contractual personnel.
<b>Employment of Noncontractual Personnel</b>	The Board retains final authority for employment of contractual personnel, <a href="#">including those serving as executive vice president of academic affairs, associate vice president, director, or a similar position.</a> [See DCA]
<b>Employment of Noncontractual Personnel</b>	The Board delegates to the College President final authority to employ <del>and dismiss</del> noncontractual employees on an at-will basis. [See DCC]

<b>Guiding Principles</b>	<p>The Board encourages employees to discuss their concerns with their supervisor or other appropriate administrator who has the authority to address the concerns.</p>
<b>Informal Process</b>	<p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
<b>Formal Process</b>	<p>An employee may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall 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 "mini-trial" at any level.</p>
<b>Complaints Against Supervisors</b>	<p>Complaints alleging a violation of law by a supervisor may be made to the College President or designee. Complaint forms alleging a violation of law by the College President may be submitted directly to the Board or designee.</p>
<b>Notice to Employees</b>	<p>The College District shall inform employees of this policy through appropriate College District publications.</p>
<b>Freedom from Retaliation</b>	<p>Neither the Board nor any College District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.</p>
<b>Whistleblower Complaints</b>	<p>Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with Level Three, below. Time lines for the employee and the College District set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint. [See DG]</p>
<b>Complaints</b>	<p>In this policy, the terms "complaint" and "grievance" shall have the same meaning.</p>
<b>Other Complaint Processes</b>	<p>Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:</p>

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIAA and DIAB]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIAA and DIAB]
3. Complaints concerning retaliation relating to discrimination and harassment. [See DIAA and DIAB]
4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHACGF]
5. Complaints concerning an employment preference for former foster children. [See DC]
6. Complaints arising from the dismissal of term contract faculty members. [See DMAA]
7. Complaints concerning the nonrenewal of term contract employees and those arising from the nonrenewal of term contract faculty members. [See DMAB]
8. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]

**Notice to Employees**

The College District shall inform employees of this policy through appropriate College District publications and on the College District's website.

**Informal Process**

The Board encourages employees to discuss their concerns with their supervisor or other appropriate administrator who has the authority to address the concerns.

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

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

**Formal Process**

An employee may initiate the formal process described below by filing a written complaint form within 15 business days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem.

	<p>If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the College President, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.</p> <p>If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.</p> <p>The process described in this policy shall 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 “mini-trial” at any level.</p>
<b>Option to Continue Informal Process</b>	<p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p>
<b>Freedom from Retaliation</b>	<p>Neither the Board nor any College District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.</p>
<b>Whistleblower Complaints</b>	<p>Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with Level Three, below. Timelines for the employee and the College District set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint. [See DG]</p>
<b>Complaints Against Supervisors</b>	<p>Complaints alleging a violation of law by a supervisor may be made to the College President or designee. Complaint forms alleging a violation of law by the College President may be submitted directly to the Board or designee.</p>
<b>General Provisions</b>	
<b>Filing</b>	<p>Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.</p>

Scheduling Conferences	The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the employee's absence.
Response	At Levels One, Two, and Three, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee's email address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating <del>time lines</del> <ins>timelines</ins> under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	"Representative" <del>means</del> <ins>shall mean</ins> any person who or an organization that does not claim the right to strike and is designated by the employee to represent <del>him or her</del> <ins>the employee</ins> in the complaint process.
Consolidating Complaints	The employee may designate a representative through written notice to the College District at any level of this process. If the employee designates a representative with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's counsel. The College District may be represented by counsel at any level of the process.
Untimely Filings	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.</p> <p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within <del>ten</del><ins>10</ins> days from the date of the written dismissal notice, starting at the level at which</p>

the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred      Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms      Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, ~~they~~copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

**Level One**

~~Complaint forms must be filed:~~

9. ~~Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and~~
10. ~~With the lowest level administrator who has the authority to remedy the alleged problem.~~

~~In most circumstances, employees shall file Level One complaints with their immediate supervisor. If the only administrator who has authority to remedy the alleged problem is the Level Two or Level Three administrator, the complaint may begin at Level Two or Level Three, respectively, following the procedure, including deadlines, for filing the complaint form at Level One.~~

~~If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.~~

~~The appropriate administrator shall investigate as necessary and schedule a Remand conference with the employee within ten Record~~

A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the employee who filed the complaint, documents determined relevant by College District personnel, and the decision.

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

If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

**Investigation**

The College District may conduct an investigation at any level in the complaint process. If the College District and the employee mutually agree, all deadlines shall be suspended during an investigation.

**Audio Recording**

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

**Complaint Levels**

**Level One**

The appropriate administrator shall schedule a conference with the employee within 10 days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ~~ten~~10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

**Level Two**

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the vice president or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten~~10 days of the date of the written Level One response or, if no response was received, within ~~ten~~10 days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.

3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ~~ten~~10 days after the appeal notice is filed. The conference shall be limited to the issues and documents ~~presented by the employee~~ ~~considered~~ at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the employee a written response within ~~ten~~10 days following the conference. The written response shall 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 the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

#### Level Three

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may request a conference with the College President or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten~~10 days ~~after receipt of a~~ of the date of the written Level Two response or, if no response was received, within ~~ten~~10 days of the ~~response deadline at~~ Level Two ~~response deadline~~.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two complaint to the Level Three administrator. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The Level Three administrator shall schedule a conference within ~~ten~~10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level Two. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator or designee may set reasonable time limits for the conference.

The Level Three administrator shall provide the employee a written response within ~~ten~~10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Three administrator may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant documents or information the Level Three administrator believes will help resolve the complaint.

Recordings of the Level One, Level Two, and Level Three conferences, if any, shall be maintained with the Level One, Level Two, and Level Three records.

Level Four      If the employee did not receive the relief requested at Level Three or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten~~10 days after receipt of ~~at~~the written Level Three response or, if no response was received, within ~~ten~~10 days of the Level Three response deadline.

The College President or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The College President or designee shall provide the Board ~~with~~ ~~at~~the record of the Level Three complaint. The employee may request a copy of the Level Three record.

The Level Three record shall include:

1. The Level One record.
2. The Level Two record.
3. The written response issued at Level Three and any attachments.
4. All other documents relied upon by the Level Three administrator in reaching the Level Three decision.

The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the ad-

ministration intends to rely on evidence not included in the Level Three record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board ~~does not make~~fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.

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**Note:** For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District's internal mail system, see CHE.

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### Academic Freedom

Faculty members are entitled to academic freedom in the conduct of research and teaching and are tasked with the associated responsibilities. To this end, the College District endorses the academic freedom principles set forth in the [Statement of Principles on Academic Freedom and Tenure \(PDF\)](#)<sup>1</sup> published by the Association of American Colleges and Universities and the American Association of University Professors.

The Board shall address faculty academic freedom and the associated responsibilities in appropriate College District publications.

Complaints regarding alleged violations of the right to academic freedom shall be filed in accordance with DGBA(LOCAL).

### Expressive Activities

Employees and employee organizations may engage in expressive activities in accordance with this policy. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

### Prohibited Speech and Conduct

The term "expressive activities" does not include the following speech and conduct, which is prohibited on College District facilities and grounds and through the use of College District technology and networks:

1. Defamatory statements about public figures or others;
2. Prohibited harassment [see DIAA, DIAB, FFDA, and FFDB];
3. Incitement to imminent lawless or disruptive activity;
4. Obscenity; or
5. Threats to engage in unlawful activity.

The following conduct is also prohibited:

1. Engaging in unlawful conduct.

2. Engaging in expressive activities that materially and substantially disrupt College District operations at any time, including from 10:00 p.m. to 8:00 a.m. and during the last two weeks of each semester or term.
3. Engaging in expressive activities that materially and substantially disrupt College District operations by inviting speakers to speak on campus or by using drums or other percussive instruments during the last two weeks of a semester or term.
4. Using a sound amplification device while engaging in expressive activities during class hours, between 10:00 p.m. to 8:00 a.m., and during the last two weeks of each semester or term to intimidate others, interfere with campus operations, or interfere with a College District employee's or a peace officer's lawful performance of a duty.
1. Camping or erecting tents or other living accommodations, with the exception of reasonable use and modifications of assigned College District housing consistent with administrative regulations. This prohibition applies to shelters that are erected for the purpose of residing within the shelter. It does not apply to other shelters that are erected on a temporary basis to provide protection from the weather or, with approval granted by the vice president for administrative services in accordance with administrative procedures, for special events.
2. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities with the intent, as determined by the vice president for administrative services or a law enforcement officer to:
  - a. Obstruct the enforcement of law or College District policies and regulations by avoiding identification;
  - b. Intimidate others; or
  - c. Interfere with a College District employee's or a peace officer's lawful performance of a duty.
3. Lowering the College District's U.S. or Texas flag with the intent to raise another nation's flag or the flag representing an organization or group of people.
4. Engaging in expressive activities in a manner that would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts.
5. Damaging or defacing property.

**Distribution of Literature** Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any employee or employee organization, except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by an employee or employee organization.

**Materials distributed by faculty and other instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this section.**

**Limitations on Content** Materials shall not be distributed by an employee or employee organization on College District property if:

1. ~~The materials are obscene;~~
2. ~~The materials contain defamatory statements about public figures or others;~~
3. ~~The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;~~
1. ~~The materials are considered prohibited harassment [see DIA series and FFD series]; constitute prohibited speech, described above;~~
- 4.1. The materials constitute nonpermissible solicitation [see DHC]; or
- 5.2. The materials infringe upon intellectual property rights of the College District [see CT].

**Time, Place, and Manner Restrictions**

Distribution of materials shall be conducted in a manner that:

1. Is not **materially and substantially** disruptive to College District operations;
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not interfere with the rights of others; and
5. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The ~~vice president for administrative services~~vice president for administrative services shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.

**Use of Facilities and Grounds**

The facilities and grounds of the College District shall be made available to employees or employee organizations when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

An “employee organization” is an organization composed only of College District faculty and staff or an employee professional organization.

**Requests to Use Facilities**

To request permission to meet or host a speaker in College District facilities, interested employees or employee organizations shall file a written request with the ~~vice president for administrative services~~vice president for administrative services in accordance with administrative procedures.

The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

**Approval**

The ~~vice president for administrative services~~vice president for administrative services shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees’ or employee organization’s use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that the use would be prohibited conduct, described above, or that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;

3. The proposed use includes nonpermissible solicitation [see DHC];
4. ~~The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;~~
- 5.4. ~~The applicant owes a monetary debt to the College District, and the debt is considered delinquent;~~
6. ~~The proposed activity would disrupt or disturb the regular academic program;~~
- 7.5. ~~The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or~~
- 8.6. ~~The proposed activity would constitute an unauthorized joint sponsorship with an outside group.~~

The ~~vice president for administrative services~~ vice president for administrative services shall provide the applicant a written statement of the grounds for rejection if a request is denied.

Common Outdoor  
Area  
~~Exception~~ Areas

~~Common outdoor areas are traditional public forums and are not subject to the approval procedures.~~ Employees and employee organizations may engage in expressive activities in common outdoor areas, ~~unless~~:

9. ~~The person's conduct is unlawful;~~
10. ~~The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;~~
11. ~~The use would materially or substantially disrupt or disturb the regular academic program; or~~

~~The use would result in damage to or defacement of property without prior approval, unless the activities constituted prohibited speech or conduct described above.~~

Announcements  
and Publicity

In accordance with administrative procedures, all employees and employee organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Employees and employee organizations ~~distributing materials on campus or~~ using College District facilities must provide identifica-

tion when requested to do so by a College District representative  
[engaging in official duties](#).

**Violations**

Failure to comply with [law or](#) this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities and/or other disciplinary action in accordance with the College District's policies and procedures and the employee handbook.

Interference with  
Expression

Faculty, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]

**Appeals**

Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL) and FLD(LOCAL) as applicable.

**Publication**

This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.

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<sup>1</sup> 1940 Statement of Principles on Academic Freedom and Tenure (PDF):  
<https://www.aaup.org/file/1940%20Statement.pdf>

All College District employees shall perform their duties in accordance with state and federal law, College District policy, and ethical standards.

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

**Ethical Standards**

As a Citizen

The College District holds all employees to the ethical standards set out in this policy.

An employee shall treat all persons with dignity and respect.

An employee shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of the employee's public position for private or partisan advantage.

As an Educator

An employee shall strive to help each student realize the student's full potential as a learner and as a human being.

An employee shall by example and action encourage and defend the unfettered pursuit of truth by all persons employed by the College District in the educational enterprise and students supporting the free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.

An employee shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.

An employee shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.

As a Colleague

An employee shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor, which might damage or embarrass or violate the privacy of any other person.

An employee shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offense so long as the colleague's innocence may reasonably be maintained.

	<p>An employee shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.</p>
As a Member of the College District	<p>An employee shall make the most judicious and effective use of the College District's time and resources.</p> <p>An employee shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which the employee is not qualified nor assign tasks to unqualified persons.</p> <p>An employee shall support the goals and ideals of the College District and shall act in public affairs in such a manner as to bring credit to the College District.</p> <p>An employee shall not engage in unlawful discrimination or harassment of students or colleagues and shall adhere to the College District's policies on unlawful discrimination and harassment and other conduct.</p> <p>An employee shall observe the stated policies and procedures of the College District, reserving the right to seek revision in a judicious and appropriate manner.</p> <p>An employee shall participate in the governance of the College District by accepting a fair share of committee and institutional responsibilities.</p>
	<p>REFERENCE: derived from the <a href="#">Texas Community College Teachers Association Code of Professional Ethics (PDF)</a>.<sup>1</sup></p>
<b>Violations</b>	<p>Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCC, DIAA, and DM series]</p>
<b>Electronic Media</b>	<p>Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.</p>
<b>Record Retention</b>	<p>An employee shall comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA and GCB]</p>

<b>Personal Use</b>	Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or College District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.
<b>Safety Requirements</b>	All employees shall adhere to College District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.
<b>Tobacco and E-cigarettes</b>	An employee shall not use tobacco products or e-cigarettes on College District property, in College District vehicles, or at College District-related activities, unless authorized by the College President or designee. [See FLBD]
	An employee shall not give or sell tobacco products or e-cigarettes to a person in violation of law.
<b>Alcohol and Drugs</b>	<p>A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.</p> <p>Employees shall be prohibited from using, possessing, controlling, <u>storing</u>, manufacturing, transmitting, distributing, dispensing, selling, or being under the influence of any of the following substances while conducting College District business or while on College District property, in College District vehicles, or at College District-related activities, whether during or outside of usual working hours:</p> <ol style="list-style-type: none"><li>1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.</li><li>2. Alcohol or any alcoholic beverage.</li><li>3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.</li><li>4. Any performance-enhancing substance, including steroids.</li><li>5. Any designer drug.</li><li>6. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.</li></ol> <p>The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances shall also be prohibited under this policy.</p>

An employee need not be legally intoxicated to be considered “under the influence” of alcohol or a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, controls, **stores**, sells, transmits, distributes, or dispenses a substance listed above as part of the employee’s job responsibilities;
2. ~~Uses or possesses, possesses, or stores~~ a controlled substance or drug authorized by a licensed physician prescribed for the employee’s personal use;
3. Possesses **or stores** a controlled substance or drug that a licensed physician has prescribed for the employee’s child or other individual for whom the employee is a legal guardian;
4. Cultivates, possesses, transports, or sells hemp as authorized by law; or
5. Possesses, sells, or distributes Dextromethorphan.

With the prior consent of the Board or the College President, the alcohol provisions may be waived with respect to a specific location on College District property or a specific event that is sponsored by the College District.

State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.

Paraphernalia

The use, possession, control, **storage**, manufacture, transmission, distribution, dispensation, or sale of paraphernalia related to any prohibited substance is prohibited.

Notice

Each employee shall be given a copy of the College District’s notice regarding a drug-free workplace. [See DI(EXHIBIT)]

**Arrests, Indictments, Convictions, and Other Adjudications**

An employee shall notify the employee’s immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude.

Moral Turpitude

Moral turpitude includes but is not limited to:

1. Dishonesty, fraud, deceit, theft, or misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;

4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

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<sup>1</sup> Texas Community College Teachers Association Code of Professional Ethics (PDF): <https://drive.google.com/file/d/1hOLs-YhIWH4ccH7VtAMwks2GGy9KoqIR/view>

**Reporting** Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a responsibility under state law to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child has an additional legal obligation to submit a written or oral report within **4824** hours after the professional first has reasonable cause to believe the abuse or neglect has occurred or may be occurring. A "professional" is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

**Oral Reports** As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

**Making a Report** Reports may be made to any of the following:

1. A ~~state or local~~ law enforcement agency, [as defined by law](#);
2. The Child Protective Services (CPS) division of DFPS at (800) 252-5400 or the [Texas Abuse Hotline Website](#)<sup>1</sup>;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill the person's responsibilities under the law by only reporting suspicion of abuse or neglect to the College

President or another College District staff member. The College District shall not require an employee to first report the employee's suspicion to a College District or campus administrator.

In accordance with law, an individual must provide the individual's name and telephone number. If the individual making the report is a professional, as defined by law, the individual must also provide the individual's business address and profession.

Confidentiality	The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and shall be disclosed only in accordance with law and the rules of the investigating agency.
Immunity	A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.
Failure to Report	By failing to report suspicion of child abuse or neglect, an employee: <ol style="list-style-type: none"><li>1. May be placing a child at risk of continued abuse or neglect;</li><li>2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report; and</li><li>3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment.</li></ol>
	It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.
<b>Responsibilities Regarding Investigations</b>	In accordance with law, College District officials shall be prohibited from: <ol style="list-style-type: none"><li>1. Denying an investigator's request to interview a child on campus in connection with an investigation of child abuse or neglect;</li><li>2. Requiring a parent or College District employee be present during the interview; or</li><li>3. Coercing someone into suppressing or failing to report child abuse or neglect.</li></ol>
	College District personnel shall cooperate fully and without parental consent with an investigation of reported child abuse or neglect.
<b>Adverse Employment Action Prohibited</b>	The College District prohibits any adverse employment action, including termination or discrimination, against any employee who in

good faith reports child abuse or neglect or participates in a related investigation.

**Training**

The College District shall provide training to employees as required by law. Training shall address reporting requirements and techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children.

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<sup>1</sup> Texas Abuse Hotline Website: <https://www.txabusehotline.org>

Frank Phillips College  
117500

ASSIGNMENT, WORK LOAD, AND SCHEDULES  
TELEWORK

DJA  
(LOCAL)

Eligible employees may be permitted to telework in accordance  
with procedures developed by the College President.

**At-Will Employees**

The Board delegates to the College President final authority to dismiss noncontractual employees on an at-will basis. At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the College District.

At-will employees who are dismissed may request review of that decision through DGBA(LOCAL) and shall receive pay through the end of the last day worked.

<b>Core Curriculum</b>	The College District is responsible for the development of its core curriculum, subject to the approval of the College President and the Board.
<b>General Education Curriculum Review</b>	“General education curriculum” means a core curriculum and any other curriculum or competency all undergraduate students of the College District are required to complete before receiving an undergraduate degree.
Comprehensive Review	The Board shall comprehensively review the College District’s general education curriculum every five years but may review it more frequently at the Board’s discretion. The Board shall consider the potential costs the curriculum may impose on students and ensure courses in the curriculum: <ol style="list-style-type: none"><li>1. Are foundational and fundamental to a sound postsecondary education;</li><li>2. Are necessary to prepare students for civic and professional life;</li><li>3. Equip students for participation in the workforce and in the betterment of society;</li><li>4. Ensure a breadth of knowledge in compliance with applicable accreditation standards; and</li><li>5. Meet any other relevant criteria, as determined by the Board.</li></ol>
Review of Curriculum Changes	The College President or designee shall annually submit an update regarding any changes to the College District’s general education curriculum to the Board 45 days before submitting changes to the Coordinating Board, or July 15, whichever is earlier. The Board may overturn any decision regarding changes to the general education curriculum.
Advisory Committee	The Board may appoint a committee to assist in its review of the general education curriculum. Members of the committee may include full-time faculty, College District administrators, community leaders, industry representatives, and other individuals selected by the Board.

The Board shall determine the types of degrees and certificates to be awarded by the College District. The degrees and certificates offered by the College District and the associated recommended course sequences developed by the College District administration shall be described in the College District catalog and on the College District website.

**Low-Enrollment  
Certificate Program  
Review**

The College President shall develop procedures for reviewing certificate programs with low enrollment that may require consolidation or elimination. The criteria for review must require that certificate programs have specific industry data to substantiate workforce demand to avoid consideration for consolidation or elimination. The College President shall conduct a review once every five years.

The Board shall approve or deny any decision made by the College President to consolidate or eliminate a certificate program as a result of the review.

The Board shall establish the manner by which grades shall be determined and credit shall be awarded. These provisions shall include the methods for reporting student grades, the calculation of a student's grade point average (GPA), the classification of students based on credits earned, the transfer of credits, student standards of performance, grade appeal procedures, and any other relevant matters. The provisions shall be published in the College District catalog. The College President shall develop written procedures to implement the grading and credit provisions adopted by the Board. [For class rank calculations and honors determinations, see EGB]. [For transfer of credit under the Academic Fresh Start program, see FB.](#)

**Admissions  
Generally**

The College District has an open admissions policy that ensures that all persons who can benefit from postsecondary education have an opportunity to enroll. The College District shall not discriminate on the basis of race, color, sex, national origin, religion, disability, age, or military status in admissions.

Admission to the College District does not guarantee admittance to a particular course or program of study. A student may be required to satisfy certain requirements before enrolling in particular courses of study.

The [Board](#), in collaboration with the College President, shall develop procedures for student admissions, including any additional course admission requirements. The procedures shall be published in the College District catalog and other relevant College District publications.

**Academic Fresh  
Start**

A resident of Texas may apply for admission and enroll as a student under the Academic Fresh Start program pursuant to the admissions procedures.

If an applicant elects to seek admission under the Academic Fresh Start program, the College District, in considering an applicant for admission, shall not consider academic course credits or grades earned by the applicant five or more years prior to the starting date of the semester in which the applicant seeks to enroll. The College District shall disregard all course credits or grades earned during the five years prior to the student's enrollment and may not award any credit for those courses. [See EGA]

The College President shall develop procedures addressing **registration and** attendance requirements, including procedures for all excused absences consistent with applicable law. The **registration and** attendance procedures shall be published in the College District catalog, official bulletins, and other appropriate publications.

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**Note:** For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

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## Expressive Activities

Students and student organizations may engage in expressive activities in accordance with this policy. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

### Prohibited Speech and Conduct

The term "expressive activities" does not include the following speech and conduct, which is prohibited on College District facilities and grounds and through the use of College District technology and networks:

1. Defamatory statements about public figures or others;
2. Prohibited harassment [see DIAA, DIAB, FFDA, and FFDB];
3. Incitement to imminent lawless or disruptive activity;
4. Obscenity; or
5. Threats to engage in unlawful activity.

The following conduct is also prohibited:

1. Engaging in unlawful conduct.
2. Engaging in expressive activities that materially and substantially disrupt College District operations at any time, including from 10:00 p.m. to 8:00 a.m. and during the last two weeks of each semester or term.
3. Engaging in expressive activities that materially and substantially disrupt College District operations by inviting speakers to speak on campus or by using drums or other percussive instruments during the last two weeks of a semester or term.
4. Using a sound amplification device while engaging in expressive activities during class hours, between 10:00 p.m. to 8:00 a.m., and during the last two weeks of each semester or term to intimidate others, interfere with campus operations, or interfere with a College District employee's or a peace officer's lawful performance of a duty.

1. Camping or erecting tents or other living accommodations, with the exception of reasonable use and modifications of assigned College District housing consistent with administrative regulations. This prohibition applies to shelters that are erected for the purpose of residing within the shelter. It does not apply to other shelters that are erected on a temporary basis to provide protection from the weather or, with approval granted by the vice president for administrative services in accordance with administrative procedures, for special events.
2. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities with the intent, as determined by the vice president for administrative services or a law enforcement officer, to:
  - a. Obstruct the enforcement of law or College District policies and regulations by avoiding identification;
  - b. Intimidate others; or
  - c. Interfere with a College District employee's or a peace officer's lawful performance of a duty.
3. Lowering the College District's U.S. or Texas flag with the intent to raise another nation's flag or the flag representing an organization or group of people.
4. Engaging in expressive activities in a manner that would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts.
5. Damaging or defacing property.

**Distribution of Literature**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content	<p>Materials shall not be distributed by students or registered student organizations on College District property if:</p> <ol style="list-style-type: none"><li>1. <del>The materials are obscene.</del></li><li>2. <del>The materials contain defamatory statements about public figures or others.</del></li><li>3. <del>The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.</del></li><li>4.1. <del>The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB]</del> constitute prohibited speech, described above.</li><li>5.2. The materials constitute nonpermissible solicitation. [See FI]</li><li>6.3. The materials infringe upon intellectual property rights of the College District. [See CT]</li></ol>
Time, Place, and Manner Restrictions	<p>Distribution of the materials shall be conducted in a manner that:</p> <ol style="list-style-type: none"><li>1. Is not <del>materially and substantially</del> disruptive <del>to College District operations</del>; [See FLB]</li><li>2. Does not impede reasonable access to College District facilities;</li><li>3. Does not result in damage to College District property;</li><li>4. Does not coerce, badger, or intimidate a person;</li><li>5. Does not interfere with the rights of others; and</li><li>6. Does not violate local, state, or federal laws or College District policies and procedures.</li></ol> <p>The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.</p> <p>The <del>vice president for administrative services</del> <del>vice president for administrative services</del> shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.</p>
Posting of Signs	<p>For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.</p>

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the ~~vice president for administrative services~~vice president for administrative services. No object other than a sign may be posted on College District property.

Restrictions	<p>A sign shall not be larger than 22 inches by 28 inches, unless authorized by the <del>vice president for administrative services</del><ins>vice president for administrative services</ins>. A sign shall not be attached or posted:</p> <ol style="list-style-type: none"><li>1. To a shrub or plant;</li><li>2. To a tree, except by string to its trunk;</li><li>3. To a permanent sign installed for another purpose;</li><li>4. To a fence or chain or its supporting structure;</li><li>5. To a brick, concrete, or masonry structure;</li><li>6. To a statue, monument, or similar structure;</li><li>7. On or adjacent to a fire hydrant; or</li><li>8. In a College District building, except on a bulletin board designated for that purpose.</li></ol>
Removal	<p>A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event, not longer than 24 hours after the event to which it relates has ended.</p> <p>A sign posted in accordance with this section shall not be removed without permission from the <del>vice president for administrative services</del><ins>vice president for administrative services</ins>, the student, or the registered student organization.</p>
Disclaimer	<p>Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.</p>
Use of Facilities and Grounds	<p>The facilities and grounds of the College District shall be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting students or student organization shall pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.</p>

**Requests to Use Facilities** To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the ~~vice president for administrative services~~ vice president for administrative services in accordance with administrative procedures.

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

**Approval** The ~~vice president for administrative services~~ vice president for administrative services shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that the use would be prohibited conduct, described above, or that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see FI];
4. ~~The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;~~
- 5.4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. ~~The proposed activity would disrupt or disturb the regular academic program;~~
- 7.5. ~~The proposed use would result in damage to or defacement of property or the~~ applicant has previously damaged College District property; or
- 8.6. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

	<p>The <del>vice president for administrative services</del><ins>vice president for administrative services</ins> shall provide the applicant a written statement of the grounds for rejection if a request is denied.</p>
Common Outdoor Area <del>Exception</del> <ins>Areas</ins>	<p><del>Common outdoor areas are traditional public forums and are not subject to the approval procedures.</del> Students and student organizations may engage in expressive activities in common outdoor areas, <ins>unless:</ins></p> <ul style="list-style-type: none"><li>9. <del>The person's conduct is unlawful;</del></li><li>10. <del>The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;</del></li><li>11. <del>The use would materially or substantially disrupt or disturb the regular academic program; or</del></li></ul> <p><del>The use would result in damage to or defacement of property without prior approval, unless the activities constituted prohibited speech or conduct described above.</del></p>
Announcements and Publicity	<p>In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.</p>
Identification	<p>Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative <ins>engaging in official duties.</ins></p>
Violations of Policy	<p>Failure to comply with <ins>law or</ins> this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's discipline policies and procedures [see FM and FMA].</p>
Interference with Expression	<p>Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].</p>
Appeals	<p>Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.</p>
Publication	<p>This policy and associated procedures must be posted on the College District's website and distributed in the student and employee</p>

handbooks and other appropriate publications. They must also be distributed to students at orientation.

<b>Definitions</b>	Definitions of terms used in this policy shall be as follows.
Student	A “student” shall mean an individual who is currently enrolled in the College District and any prospective or former student who has been accepted for admission or readmission to any component institution while on the premises of any component institution.
Premises	The “premises” of the College District is defined as all real property over which the College District has possession and control.
Scholastic Dishonesty	<p>“Scholastic dishonesty” shall include, but not be limited to, cheating, plagiarism, and collusion.</p> <p>“Cheating” shall include, but not be limited to:</p> <ol style="list-style-type: none"><li>1. Copying from another student’s test or class work;</li><li>2. Using test materials not authorized by the person administering the test;</li><li>3. Collaborating with or seeking aid from another student during a test without permission from the test administrator;</li><li>4. Knowingly using, buying, selling, stealing, or soliciting, in whole or in part, the contents of an unadministered test, paper, or another assignment;</li><li>5. The unauthorized transporting or removal, in whole or in part, of the contents of the unadministered test;</li><li>6. Substituting for another student, or permitting another student to substitute for oneself, to take a test;</li><li>7. Bribing another person to obtain an unadministered test or information about an unadministered test; or</li><li>8. Manipulating a test, assignment, or final course grades.</li></ol> <p>“Plagiarism” shall be defined as the appropriating, buying, receiving as a gift, or obtaining by any means another’s work and the unacknowledged submission or incorporation of it in one’s own written work.</p> <p>“Collusion” shall be defined as the unauthorized collaboration with another person in preparing written work for fulfillment of course requirements.</p>
Disorderly Conduct	<p>“Disorderly conduct” shall include any of the following activities occurring on premises owned or controlled by the College District:</p> <ol style="list-style-type: none"><li>1. Behavior of a boisterous and tumultuous character such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists.</li></ol>

2. Interference with the peaceful and lawful conduct of persons under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
3. Violent and forceful behavior at any time such that there is a clear and present danger that free movement of other persons will be impaired.
4. Behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or fights.
5. Violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
6. Willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when there is reason to believe that such conduct will cause or provoke a disturbance.
7. Willful and malicious behavior that obstructs or causes the obstruction of any doorway, hall, or any other passageway in a College District building to such an extent that the employees, officers, and other persons, including visitors, having business with the College District are denied entrance into, exit from, or free passage in such building.

**Responsibility**

Each student shall be charged with notice and knowledge of, and shall be required to comply with, the contents and provisions of the College District's rules and regulations concerning student conduct.

All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct. Each student shall be expected to:

1. Demonstrate courtesy, even when others do not;
2. Behave in a responsible manner, always exercising self-discipline;
3. Attend all classes, regularly and on time;
4. Prepare for each class and take appropriate materials and assignments to class;
5. Obey all classroom rules;

6. Respect the rights and privileges of students, faculty, and other College District staff and volunteers;
7. Respect the property of others, including College District property and facilities; and
8. Cooperate with and assist the College District staff in maintaining safety, order, and discipline.

**Prohibited Conduct**

Federal, State, and Local Law

Violations of federal, state, or local law or College District policies, procedures, or rules, including the student handbook shall be prohibited.

Prohibited Weapons and Devices

Possession, distribution, sale, or use of firearms, location-restricted knives, clubs, knuckles, firearm silencers, or other prohibited weapons or devices in violation of law or College District policies and procedures shall be prohibited. [See CHF]

Drugs and Alcohol

Behaviors regarding drugs and alcohol and associated paraphernalia shall be prohibited as described in policy FLBE.

Debts

Owing a monetary debt to the College District that is considered delinquent or writing an "insufficient funds" check to the College District shall be prohibited.

Disruptions

"Disorderly conduct," as defined above, or disruptive behavior shall be prohibited.

Behavior Targeting Others

The following behavior targeting others shall be prohibited:

1. Threatening another person, including a student or employee;
2. Intentionally, knowingly, or negligently causing physical harm to any person;
3. Engaging in conduct that constitutes harassment, sexual assault, dating violence, stalking, or bullying directed toward another person, including a student or employee; [See DIA series, FFD series, FFE, and FFEFM as appropriate]
4. Hazing with or without the consent of a student; [See FLBC]
5. Initiations by organizations that include features that are dangerous, harmful, or degrading to the student, a violation of which also renders the organization subject to appropriate discipline; and
6. Endangering the health or safety of members of the College District community or visitors to the premises.

Property

The following behavior regarding property shall be prohibited:

1. Intentionally, knowingly, or negligently defacing, damaging, misusing, or destroying College District property or property owned by others;
2. Stealing from the College District or others; and
3. Theft, sabotage, destruction, distribution, or other use of the intellectual property of the College District or third parties without permission.

Directives	Failure to comply with directives given by College District personnel, and failure to provide identification when requested to do so by College District personnel shall be prohibited.
Tobacco and E-cigarettes	Possession or use of tobacco products or e-cigarettes on College District property without authorization shall be prohibited. [See FLBD]
Misuse of Technology	<p>The following behavior regarding misuse of technology shall be prohibited:</p> <ol style="list-style-type: none"><li>1. Violating policies, rules, or agreements signed by the student regarding the use of technology resources;</li><li>2. Attempting to access or circumvent passwords or other security-related information of the College District, students, or employees or uploading or creating computer viruses;</li><li>3. Attempting to alter, destroy, disable, or restrict access to College District technology resources including but not limited to computers and related equipment, College District data, the data of others, or other networks connected to the College District's system without permission;</li><li>4. Using the internet or other electronic communications to threaten College District students, employees, or volunteers;</li><li>5. Sending, posting, or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal;</li><li>6. Using electronic means to engage in or encourage illegal behavior or threaten the safety of the College District, students, employees, or visitors; and</li><li>7. Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten the safety of the College District, students, employees, or visitors.</li></ol>
Dishonesty	The following behavior regarding dishonesty shall be prohibited:

	<ol style="list-style-type: none"><li>1. Scholastic dishonesty, as defined above;</li><li>2. Making false accusations or perpetrating hoaxes regarding the safety of the College District, students, employees, or visitors;</li><li>3. Intentionally or knowingly providing false information to the College District; and</li><li>4. Intentionally or knowingly falsifying records, passes, or other College District-related documents.</li></ol>
Gambling and Other Conduct	Gambling or engaging in any other conduct that College District officials might reasonably believe will substantially disrupt the College District program or incite violence shall be prohibited.
<b>Discipline</b>	A student shall be subject to discipline, including suspension, in accordance with FM and FMA if the student violates this policy: <ol style="list-style-type: none"><li>1. While on College District premises;</li><li>2. While attending a College District activity; or</li><li>3. While elsewhere if the behavior adversely impacts the educational environment or otherwise interferes with the College District's operations or objectives.</li></ol>
<b>Publication</b>	The student conduct rules contained in this policy and any other conduct rules of the College District developed by the College President shall be published in the student handbook.

**Alcohol** A student shall be prohibited from using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of intoxicating beverages on College District property, in College District vehicles, and at College District-related activities. With the prior consent of the Board or the ~~College President~~College President, these provisions may be waived with respect to a specific location on College District property or a specific event that is sponsored by the College District.

State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.

**Controlled Substances** No student shall possess, use, control, store, manufacture, transmit, distribute, sell, or attempt to possess, use, control, store, manufacture, transmit, distribute, sell, or be under the influence of, any of the following substances on College District property, in College District vehicles, or at College District-related activities:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Any abusable glue, aerosol paint, or any other volatile chemical substance for inhalation.
3. Any performance-enhancing substance, including steroids.
4. Any designer drug.
5. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances shall also be prohibited under this policy.

**Exceptions** It shall not be considered a violation of this policy if the student:

1. Uses ~~or possesses~~, possesses, or stores a controlled substance or drug authorized by a licensed physician through a prescription specifically for that student's use;
2. Possesses or stores a controlled substance or drug that a licensed physician has prescribed for the student's child or other individual for whom the student is a legal guardian;
3. Cultivates, possesses, transports, or sells hemp as authorized by law; or
4. Possesses, sells, or distributes Dextromethorphan.

<b>Paraphernalia</b>	The use, possession, control, <b>storage</b> , manufacture, transmission, distribution, or sale of paraphernalia related to any prohibited substance is prohibited.
<b>Violation</b>	Students who violate this policy shall be subject to appropriate disciplinary action. [See FM and FMA] Such disciplinary action may include referral to drug and alcohol counseling or rehabilitation programs or student assistance programs, suspension, expulsion, and referral to appropriate law enforcement officials for prosecution.
<b>Notice</b>	Each student taking one or more classes for any type of academic credit except for continuing education units shall be given a copy of the College District's policy prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol, a description of the applicable legal sanctions under local, state, or federal law, and a description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

<b>Guiding Principles</b>	<p>The College District encourages students to discuss their concerns with the appropriate instructor or other campus administrator who has the authority to address the concerns.</p>
<b>Informal Process</b>	<p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
<b>Formal Process</b>	<p>A student may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, students are encouraged to seek informal resolution of their concerns. A student whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall 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 "mini-trial" at any level.</p>
<b>Freedom from Retaliation</b>	<p>Neither the Board nor any College District employee shall unlawfully retaliate against any student for bringing a concern or complaint.</p>
<b>Notice to Students</b>	<p>The College District shall inform students of this policy through appropriate College District publications.</p>
<b>Complaints</b>	<p>In this policy, the terms "complaint" and "grievance" shall have the same meaning.</p>
<b>Other Complaint Processes</b>	<p>Student complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FLD after the relevant complaint process:</p> <ol style="list-style-type: none"><li>1. Complaints alleging discrimination or harassment based on race, color, sex, gender, national origin, disability, age, or religion. [See FFDA and FFDB]</li><li>2. Complaints concerning retaliation relating to discrimination and harassment. [See FFDA and FFDB]</li><li>3. Complaints concerning disciplinary decisions. [See FMA]</li><li>4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHACGF]</li><li>5. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]</li></ol>

<b>Notice to Students</b>	The College District shall inform students of this policy through appropriate College District publications and on the College District's website.
<b>Informal Process</b>	<p>The College District encourages students to discuss their concerns with the appropriate faculty member or campus administrator who has the authority to address the concerns.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
<b>Formal Process</b>	<p>A student may initiate the formal process described below by filing a written complaint form within 15 business days of the date the student first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.</p> <p>The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem.</p> <p>If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the College President, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.</p> <p>If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.</p> <p>The process described in this policy shall 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 "mini-trial" at any level.</p>
<b>Option to Continue Informal Process</b>	Even after initiating the formal complaint process, students are encouraged to seek informal resolution of their concerns. A student whose concerns are resolved may withdraw a formal complaint at any time.
<b>Freedom from Retaliation</b>	Neither the Board nor any College District employee shall unlawfully retaliate against any student for bringing a concern or complaint.

<b>General Provisions</b>	
Filing	Complaint forms and appeal notices may be filed by hand-delivery, <a href="#">by</a> electronic communication, including email and fax, or <a href="#">by</a> U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
Scheduling Conferences	The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the student's absence.
Response	At Levels One, Two, and Three, "response" shall mean a written communication to the student from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's email address of record, or sent by U.S. Mail to the student's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean College District business days, <a href="#">unless otherwise noted</a> . In calculating <del>time lines</del> <a href="#">timelines</a> under this policy, the day a document is filed is "day zero." The following <a href="#">business</a> day is "day one."
Representative	<p>"Representative" shall mean any person who or organization that is designated by the student to represent the student in the complaint process.</p> <p>The student may designate a representative through written notice to the College District at any level of this process. If the student designates a representative with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's counsel. The College District may be represented by counsel at any level of the process.</p>
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.

**Untimely Filings** All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student, at any point during the complaint process. The student may appeal the dismissal by seeking review in writing within ~~ten~~10 days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

**Costs Incurred** Each party shall pay its own costs incurred in the course of the complaint.

**Complaint and Appeal Forms** Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student unless the student did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

**Level One**

**Complaint forms must be filed:**

6. ~~Within 15 days of the date the student first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and~~
7. ~~With the lowest level administrator who has the authority to remedy the alleged problem.~~

~~In most circumstances, students shall file Level One complaints with the department chairperson or student services counselor. If the only administrator who has authority to remedy the alleged problem is the Level Two or Level Three administrator, the complaint may begin at Level Two or Level Three, respectively, following the procedure, including deadlines, for filing the complaint form at Level One.~~

~~If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint~~

~~form was received and immediately forward the complaint form to the appropriate administrator.~~

~~The appropriate administrator shall investigate as necessary and schedule a~~  
~~Remand Conference with the student within~~  
~~tenRecord~~

A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the student who filed the complaint, documents determined relevant by College District personnel, and the decision.

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

If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

### Investigation

The College District may conduct an investigation at any level in the complaint process. If the College District and the student mutually agree, all deadlines shall be suspended during an investigation.

### Audio Recording

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

### Complaint Levels

#### Level One

The appropriate administrator shall schedule a conference with the student within 10 days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student a written response within ~~ten~~10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any ~~other~~ relevant documents or information the administrator believes will help resolve the complaint.

#### Level Two

If the student did not receive the relief requested at Level One or if the time for a response has expired, the student may request a conference with the academic dean or dean of students to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten~~10 days of the date of the written Level One response or, if no response was received, within ~~ten~~10 days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ~~ten~~10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One *and identified in the Level Two appeal notice*. At the conference, the student may provide information concerning any documents or information relied ~~on~~upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the student a written response within ~~ten~~10 days following the conference. The written response shall 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 the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

#### Level Three

If the student did not receive the relief requested at Level Two or if the time for a response has expired, the student may request a conference with the ~~College President~~*College President* or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten~~10 days of the date of the written Level Two response or, if no response was received, within ~~ten~~10 days of the Level Two response deadline.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two complaint to the Level Three administrator. The student may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The Level Three administrator shall schedule a conference within ~~ten~~10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level Two. At the conference, the student may provide information concerning any documents or information relied ~~on~~upon by the administration for the Level Two decision. The Level Three administrator may set reasonable time limits for the conference.

The Level Three administrator shall provide the student a written response within ~~ten~~10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Three administrator may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant documents or information the Level Three administrator believes will help resolve the complaint.

Recordings of the Level One, Level Two, and Level Three conferences, if any, shall be maintained with the Level One, Level Two, and Level Three records.

#### Level Four

If the student did not receive the relief requested at Level Three or if the time for a response has expired, the student may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten~~10 days after receipt of the written Level Three response, or, if no response was received, within ~~ten~~10 days of the Level Three response deadline.

The ~~College President~~College President or designee shall inform the student of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The ~~College President~~College President or designee shall provide the Board the record of the Level Three complaint. The student may request a copy of the Level Three record.

The Level Three record shall include:

1. The Level One record.

2. The Level Two record.
3. The written response issued at Level Three and any attachments.
4. All other documents relied upon by the **administrationLevel Three administrator** in reaching the Level Three decision.

The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the student notice of the nature of the evidence at least three days before the hearing.

The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the student or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.

<b>Complaints</b>	In this policy, the terms "complaint" and "grievance" shall have the same meaning.
<b>Other Complaint Processes</b>	Complaints from the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GB after the relevant complaint process: <ol style="list-style-type: none"><li>1. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CGF]</li><li>2. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]</li></ol>
<b>Guiding Principles</b>	The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns.
<b>Informal Process</b>	Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.
<b>Formal Process</b>	An individual may initiate the formal process described below by <b>timely</b> filing a written complaint form <b>within 15 business days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.</b>  <del>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. The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem.</del>  If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the College President, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.  If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.  The process described in this policy shall 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 “mini-trial” at any level.

**Option to Continue  
Informal Process**

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.

**Freedom from  
Retaliation**

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

**Complaints**

~~In this policy, the terms “complaint” and “grievance” shall have the same meaning.~~

**Other Complaint  
Processes**

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

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

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

**General Provisions**

**Filing**

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

**Scheduling  
Conferences**

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, the College District may hold the conference and issue a decision in the individual's absence.

**Response**

At Levels One and Two, “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.

Days	"Days" shall mean College District business days, <b>unless otherwise noted</b> . In calculating <del>time lines</del> <ins>timelines</ins> under this policy, the day a document is filed is "day zero." The following <b>business</b> day is "day one."
Representative	"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.
	The individual may designate a representative through written notice to the College District at any level of this process. If the individual designates a representative with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's counsel. The College District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.  <i>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.</i>
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent.  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. The individual may appeal the dismissal by seeking review in writing within <del>ten</del> <ins>10</ins> days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms	Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.  Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, <b>they</b> <ins>copies</ins> may be presented at the Level One conference. After the Level One conference, no new docu-

ments may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

**Level One**

~~Complaint forms must be filed:~~

- ~~2. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and~~
- ~~3. With the lowest level administrator who has the authority to remedy the alleged problem.~~

~~If the only administrator who has authority to remedy the alleged problem is the College President or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.~~

~~The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten Record~~

A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the individual who filed the complaint, documents determined relevant by College District personnel, and the decision.

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

If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

**Investigation**

The College District may conduct an investigation at any level in the complaint process. If the College District and the complainant mutually agree, all deadlines shall be suspended during an investigation.

**Audio Recording**

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

**Complaint Levels**  
Level One

The appropriate administrator shall schedule a conference with the individual within 10 days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ~~ten~~10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any **other** relevant documents or information **the administrator believes will help resolve the complaint.**

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, ~~he or she~~**the individual** may request a conference with the ~~College President~~**College President** or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten~~10 days of the date of the written Level One response or, if no response was received, within ~~ten~~10 days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ~~ten~~10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One **and identified in the Level Two appeal notice.** At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the individual a written response within ~~ten~~10 days following the conference. The written response shall 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 the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

**Level Three** If the individual did not receive the relief requested at Level Two or if the time for a response has expired, ~~he or she~~ the individual may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten~~10 days of the date of the written Level Two response or, if no response was received, within ~~ten~~10 days of the Level Two response deadline.

The ~~College President~~College President or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The ~~College President~~College President or designee shall provide the Board with the record of the Level Two complaint. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the ~~administration~~Level Two administrator in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or ~~his or her~~the individual's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board ~~does not make~~fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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**Note:** For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA. For expression and use of College District facilities by employees and employee organizations, see DGC. For use of the College District's internal mail system, see CHE.

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## Expressive Activities

Community members and community organizations may engage in expressive activities in accordance with this policy. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

### Prohibited Speech and Conduct

The term "expressive activities" does not include the following speech and conduct, which is prohibited on College District facilities and grounds and through the use of College District technology and networks:

1. Defamatory statements about public figures or others;
2. Prohibited harassment [see DIAA, DIAB, FFDA, and FFDB];
3. Incitement to imminent lawless or disruptive activity;
4. Obscenity; or
5. Threats to engage in unlawful activity.

The following conduct is also prohibited:

1. Engaging in unlawful conduct.
2. Engaging in expressive activities that materially and substantially disrupt College District operations at any time, including from 10:00 p.m. to 8:00 a.m. and during the last two weeks of each semester or term.
3. Engaging in expressive activities that materially and substantially disrupt College District operations by inviting speakers to speak on campus or by using drums or other percussive instruments during the last two weeks of a semester or term.
4. Using a sound amplification device while engaging in expressive activities during class hours, between 10:00 p.m. to 8:00 a.m., and during the last two weeks of each semester or term to intimidate others, interfere with campus operations, or interfere with a College District employee's or a peace officer's lawful performance of a duty.

1. Camping or erecting tents or other living accommodations, with the exception of reasonable use and modifications of assigned College District housing consistent with administrative regulations. This prohibition applies to shelters that are erected for the purpose of residing within the shelter. It does not apply to other shelters that are erected on a temporary basis to provide protection from the weather or, with approval granted by the vice president for administrative services in accordance with administrative procedures, for special events.
2. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities with the intent, as determined by the vice president for administrative services or a law enforcement officer to:
  - a. Obstruct the enforcement of law or College District policies and regulations by avoiding identification;
  - b. Intimidate others; or
  - c. Interfere with a College District employee's or a peace officer's lawful performance of a duty.
3. Lowering the College District's U.S. or Texas flag with the intent to raise another nation's flag or the flag representing an organization or group of people.
4. Engaging in expressive activities in a manner that would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts.
5. Damaging or defacing property.

**Use of College District Facilities**

The grounds and facilities of the College District shall be made available to members of the College District community and community organizations, including College District support organizations, when such use is for educational, recreational, civic, or social activities and the use does not conflict with use by, or any of the policies and procedures of, the College District.

**Requests to Use Facilities**

To request permission to meet in College District facilities, interested community members or organizations shall file a written request with the ~~vice president for administrative services~~ **vice president for administrative services** in accordance with administrative procedures.

The community members or organization making the request shall indicate that they have read and understand the policies and rules

governing use of College District facilities and that they will abide by those rules.

Approval

Requests for community use of College District facilities shall be considered on a first-come, first-served basis.

The ~~vice president for administrative services~~vice president for administrative services shall approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the community members' or organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that the use would be prohibited conduct, described above, or that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
1. The applicant is subject to a sanction [see Violations of Policy, below] prohibiting the use of the facility;
- 2.1. ~~The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;~~
3. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
- 4.2. ~~The proposed activity would disrupt or disturb the regular academic program; or~~
- 5.3. The ~~proposed use would result in damage to or defacement of property or the~~ applicant has previously damaged College District property.

<p><i>Common Outdoor Area Exception</i></p> <p><del>Common outdoor areas are traditional public forums and are not subject to the approval procedures.</del></p> <p><del>Community Designated Public Forums</del></p>	<p>The Board shall designate common outdoor areas where community members and organizations may engage <del>in expressive activities in common outdoor areas, unless:</del></p> <p><del>6. The person's conduct is unlawful;</del></p> <p><del>7. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;</del></p> <p><del>8. The use would materially or substantially disrupt or disturb the regular academic program; or</del></p> <p><del>The use would result in damage to or defacement of property, without prior approval, in expressive activities that do not constitute prohibited speech or conduct. Those areas will be published on the College District website and in other appropriate publications.</del></p>
<p><i>For-Profit Use</i></p>	<p>The College District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the College District shall permit private academic instruction, as well as public performances or presentations so long as no admission fee is charged, when these activities do not conflict with College District use or with this policy.</p>
<p><i>Nonprofit Use</i></p>	<p>The College District shall permit nonprofit organizations to conduct fundraising events on College District property when these activities do not conflict with College District use or with this policy.</p>
<p><i>Campaign-Related Use</i></p>	<p>Except to the extent a College District facility is used as an official polling place, College District facilities shall not be available for use by individuals or groups for political advertising, campaign communications, or electioneering, as those terms are used in state law.</p>
<p><i>No Approval Required</i></p>	<p>No approval shall be required for nonschool-related recreational use of the College District's unlocked, outdoor recreational facilities, such as the track, tennis courts, and the like, when the facilities are not in use by the College District or for another scheduled purpose.</p>
<p><i>Written Notice if Request Rejected</i></p>	<p>The <del>vice president for administrative services</del> <i>vice president for administrative services</i> shall provide the applicant a written statement of the grounds for rejection if a request is denied.</p>
<p><i>Emergency Use</i></p>	<p>In case of emergencies or disasters, the <del>College President</del> <i>College President</i> may authorize the use of College District facilities by civil defense, health, or emergency service authorities.</p>
<p><i>Repeated Use</i></p>	<p>The College District shall permit repeated use by any community member or organization in accordance with administrative procedures.</p>

<i>Exception</i>	Any limitations on repeated use by a community member or organization shall not apply to any group or organization when the primary participants in the activities are College District students, faculty, or staff.
Scheduling	Academic and extracurricular activities sponsored by the College District shall always have priority when any use is scheduled. The <del>vice president for administrative services</del> <ins>vice president for administrative services</ins> shall have authority to cancel a scheduled use by a community member or organization if an unexpected conflict arises with a College District activity.
Use Agreement	Any community member or organization approved for a nonschool use of College District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the College District is not liable for any personal injury or damages to personal property related to the nonschool use.
Fees for Use	A community member or organization authorized to use College District facilities shall be charged a fee for the use of designated facilities.  The Board shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.
<i>Exception</i>	Fees shall not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies.
Required Conduct	Community members and organizations using College District facilities shall: <ol style="list-style-type: none"><li>1. Conduct business in an orderly manner;</li><li>2. Provide identification when requested to do so by a College District representative;</li><li>3. Abide by all laws, policies, and procedures, including, but not limited to, those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products or e-cigarettes on College District property; [See CHF and GDA]</li><li>4. Make no alteration, temporary or permanent, to College District property without prior written consent from the <del>College President</del><ins>College President</ins>; and</li></ol>

5. Be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the College District for the cost of any such repairs.

**Distribution of Literature**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any community member or organization, including a College District support organization except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by a community member or organization.

**Limitations on Content**

Materials shall not be distributed by a community member or organization on College District property if:

1. ~~The materials are obscene;~~
2. ~~The materials contain defamatory statements about public figures or others;~~
3. ~~The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;~~
- 4.1. ~~The materials are considered prohibited harassment [see DIA series and FFD series]~~ constitute prohibited speech, described above;
- 5.2. The materials constitute unauthorized solicitation [see Use of College District Facilities, above]; or
- 6.3. The materials infringe upon intellectual property rights of the College District [see CT].

**Time, Place, and Manner Restrictions**

Distribution of materials shall be conducted in a manner that:

1. Is not ~~materially and substantially~~ disruptive ~~to College District operations~~ [see FLB];
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The ~~vice president for administrative services~~vice president for administrative services shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by community members or organizations to others in College District facilities and in areas that are not considered common outdoor areas.

*Posting of Signs*

For the purposes of this policy, “sign” shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and “posting” shall be defined as any means used for displaying a sign.

No signs may be posted on College District property by a community member or organization unless the posting qualifies as a permitted campaign-related use or is in a common outdoor area subject to administrative procedures.

Exception

A College District support organization may post a sign in College District facilities with prior approval of the ~~vice president for administrative services~~vice president for administrative services in accordance with the procedures developed for that purpose.

**Identification**

A community member or organization distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative engaging in official duties.

**Violations of Policy**

Failure to comply with law or this policy and associated procedures shall result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities and the confiscation of nonconforming materials.

Interference with Expression

Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]

**Appeals**

Decisions made by the administration in accordance with this policy may be appealed in accordance with GB(LOCAL), DGBA(LOCAL), and FLD(LOCAL) as applicable.

**Publication**

This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.