

APPROPRIATIONS AND REVENUE SOURCES  
INVESTMENTS

CAK  
(LOCAL)

<b>Purpose Statement</b>	The College District is required under the Public Funds Investment Act (PFIA) Chapter 2256, Texas Government Code, to adopt a written investment policy. The College District is required to comply with the investment policy as approved by the Board in accordance with the standard of care as set forth in Chapter 2256.006, Texas Government Code.
<b>Statement of Intent</b>	The College District will invest public funds in a manner that provides the maximum security while meeting the daily cash flow demands of the College District, providing maximum potential interest earnings, and conforming to all state and local statutes governing the investment of public funds.
<b>Scope</b>	This investment policy applies to all financial assets of the College District. All funds are accounted for in the College District's Annual Financial and Compliance Report.
<b>Prudence</b>	<p>Investments will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.</p> <p>The standard of prudence to be used by investment officers will be the "prudent person" standard and will be applied in the context of managing the overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence will be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.</p> <p>Prudent measures will be used to liquidate any investment that is downgraded to less than the required minimum rating.</p>
<b>Objectives</b>	<p>The primary objectives, in priority order, of the College District's investment activities will be:</p> <ol style="list-style-type: none"><li>1. Safety: Safety of principal is the foremost objective of the College District's investment program. Investments of the College District will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.</li><li>2. Liquidity: The College District's investment portfolio will remain sufficiently liquid to enable the College District to meet all operating requirements that might be reasonably anticipated.</li></ol>

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3. Return on Investments: The College District's investment portfolio will be designed with the objective of attaining a reasonable market yield throughout budgetary and economic cycles commensurate with the College District's investment risk constraints and the cash flow characteristics of the portfolio.

**Designated Officers**

The College District's chief financial officer, the associate vice president of accounting and financial reporting, and the associate vice president/controller are expressly authorized by the Board to cause the investment of all available College District funds consistent with this policy and are therefore designated as the investment officers. Because of the various duties and responsibilities related to managing the investment portfolio, the College District's designated investment officers may delegate specific support duties and responsibilities to the revenues and receivables accountant. No person may engage in an investment transaction except as provided under the terms of this policy.

The College District may contract with a Securities and Exchange Commission (SEC)-registered investment adviser for non-discretionary management of the portfolio.

**Ethics and Conflicts of Interest**

Officers and employees involved in the investment process will refrain from personal business activity that could conflict with proper execution of the College District's investment program or that could impair their ability to make impartial investment decisions. Investment officers who have a personal business relationship with a business organization seeking to sell investments to the College District will file a statement disclosing the relationship to the College District's Board. Any material financial interests in financial institutions that conduct business with the College District, as well as any personal financial/investment positions that could be related to or have an impact upon the performance of the College District's portfolio, will be disclosed.

Additionally, any investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the College District will file a statement disclosing that relationship to the Texas Ethics Commission. A personal business relationship for this disclosure is defined as:

1. Owning ten percent or more of the voting stock or shares of the business organization or owning \$5,000 or more of the fair market value of the business organization;
2. Receiving funds from the business organization exceeding ten percent of gross income for the previous year; or

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3. Acquiring from the business organization during the previous year investments with a book value of \$2,500 or more for a personal account.

**Sellers of  
Investments**

The firm and representatives of brokers/dealers will be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC), and be in good standing with the Financial Industry Regulatory Authority (FINRA). A copy of the policy will be sent to every authorized broker/dealer.

**Authorized Financial  
Dealers and  
Institutions**

The College District will maintain a list of qualified brokers/dealers authorized to engage in investment transactions. The Board will annually review, revise, and adopt this list of qualified brokers.

All approved brokers must have completed a College District broker/dealer questionnaire and will be sent a copy of the investment policy for their records.

Approved brokers will have a current financial statement on file and, if applicable, will have executed a Master Repurchase Agreement.

The District's current investment adviser maintains the brokerage compliance files for the District, and will provide the list of brokers/dealers to the District annually for review and adoption.

Local government pools will be sent a copy of the policy and must certify that they have reviewed that policy.

**Authorized  
Investments**

The College District will pursue a conservative, proactive approach to investment activity, including bond proceeds and pledged revenue to the extent allowed by law, and although other investments may be authorized by law, the College District may invest only in investments authorized by the Board as listed below:

1. Treasury bills, treasury notes, and treasury bonds of the United States and other direct obligations of the agencies and instrumentalities of the United States.
2. Federal Deposit Insurance Corporation (FDIC) insured or collateralized time or demand deposits issued by a state or national bank domiciled in this state that are:
  - a. Insured by the FDIC or its successor; or
  - b. Secured by obligations described by the Public Funds Collateral Act, Chapter 2257.
3. Fully collateralized repurchase agreements, as expressly defined in Section 2256.011, Texas Government Code.

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4. Local government investment pools approved by the College District's Board, by resolution, with a continuous rating of no lower than AAA or an equivalent rating by at least one nationally recognized rating service, and striving to maintain a \$1 net asset value.
5. AAA-rated money market mutual funds meeting the following criteria:
  - a. The fund must be registered with and regulated by the SEC;
  - b. The fund must have a dollar-weighted average stated maturity of not more than 60 days;
  - c. An established objective of the fund must be to maintain a stable net asset value of \$1 for each share;
  - d. The fund must comply with SEC Rule 2a-7; and
  - e. The fund must meet all requirements of the Texas Public Funds Investment Act, as amended.
6. Domestic commercial paper rated A1/P1 or equivalent with a maximum maturity of 270 days.
7. Obligations of states, agencies, counties, cities, and other political subdivisions of any U.S. state rated A or equivalent by a nationally recognized investment rating agency.
8. FDIC-insured brokered certificates of deposit securities issued by any bank in the U.S. delivery-versus-payment (DVP) to the College District's safekeeping agent.
9. Share certificates of credit unions domiciled in the state insured by the National Credit Union Insurance Fund.
10. Interest bearing accounts in any bank in Texas, FDIC insured or collateralized in accordance with this policy.

**Prohibited  
Investments**

The College District is strictly prohibited from investing in any of the following collateralized mortgage obligations (CMO):

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.

3. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years.
4. Collateralized mortgage obligations that have interest rates determined by an index that adjusts opposite to the changes in a market index.

### **Collateralization**

Collateralization will be required on all bank time or demand deposits and repurchase agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102 percent of market value of principal and accrued interest. The custodian will be independent and outside the holding company of the pledging institution or repurchase agreement counter-party.

Acceptable collateral for depository time and demand deposits includes only:

- Obligations of the U.S. government, its agencies, and instrumentalities;
- Obligations of or guaranteed by state and local governmental entities if rated "A" or better; and
- FHLB letters of credit.

Acceptable collateral for repurchase agreements includes only:

- Obligations of the U.S. government, its agencies, and instrumentalities; and
- Obligations of or guaranteed by state and local governmental entities if rated "A" or better.

All these securities are authorized by the Public Funds Collateral Act, Chapter 2257, Texas Government Code.

Additional collateral may be pledged or purchased as required, released as it is not needed, and substituted, if necessary, with the written consent of the investment officer.

### **Safekeeping**

All security transactions, including collateral for repurchase agreements, entered into by the College District will be conducted on a DVP basis. Securities owned by the College District will be held by a College District contracted third-party safekeeping institution. Safekeeping receipts and clearance documents will be required for all securities purchased or sold by the College District and held in safekeeping by an authorized third party.

### **Diversification**

Diversification by investment maturity based on cash flow needs will reduce the impact of adverse market fluctuations.

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<b>Maximum Maturities</b>	<p>To the extent possible, the College District will attempt to match its investments with anticipated cash flow requirements except the College District will not invest in securities maturing more than <del>3660</del> months from the date of purchase.</p> <p>The maximum dollar weighted average maturity of the total portfolio will not exceed <del>4236</del> months.</p>
<b>Internal Controls</b>	<p>Duties related to investment activities will be delegated so that segregation of duties will be maintained with respect to purchasing, recording, authorizing, and reconciling investment accounts. The College District's designated investment officers will be responsible for all investment decisions. Written signature authorization of two of the aforementioned investment officers will be required to execute all investment purchases or sales.</p> <p>As part of the annual financial audit, the external auditors will perform a compliance audit of management controls on investments and adherence to investment policies and procedures.</p>
Delivery Versus Payment	<p>All security transactions (with the exception of pool or money funds) by the College District will be settled "delivery versus payment." That is, the College District authorizes the safekeeping institution to release its funds only after a purchased security has been received by the institution.</p>
Competitive Bidding Required	<p>All investments will be purchased or sold on a competitive basis with bids or offers from a minimum of three College District authorized brokers/dealers for the best yield and maturity. New issue agencies must be compared to comparable securities as a competitive bid.</p>
Monitoring Credit Ratings	<p>The investment officer or investment adviser will monitor, on no less than a weekly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by policy, the investment officer or adviser will notify the CFO of the loss of rating, conditions affecting the rating, and possible loss of principal with liquidation options available, within five days after the loss of the required rating.</p>
Loss of Credit Rating	<p>The College District will monitor the credit ratings on securities that require minimum ratings. This may be accomplished through staff research or with the assistance of brokers/dealers, banks, safekeeping agents, advisers, or other independent sources. In the event that the credit rating of any security falls below the minimum required rating, the College District will take all prudent measures that are consistent with its policy to liquidate the investment.</p>

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The College District is not required to liquidate investments that were authorized investments at the time of purchase. [See 2256.017]

**Monitoring FDIC Coverage**

The investment officer or investment adviser will monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the College District based upon information from the FDIC. If any bank has been acquired, or merged with another bank in which brokered CDs are owned, the investment officer or adviser will immediately liquidate any brokered CD and/or interest-bearing investments that place the College District above the FDIC insurance level.

**Reporting**

Not less than quarterly, a written report of investment transactions for all funds will be prepared and signed by the investment officers and will be submitted to the Board. Reports will be prepared in accordance with requirements as specified in Section 2256.023, Texas Government Code. The quarterly written reports will be reviewed annually during the compliance audit of an independent auditor with the results reported to the Board.

**Market Price**

The investment portfolio will be marked to market monthly. Pricing information will be obtained from sources deemed independent and comparable by the associate vice president of accounting and financial reporting or the associate vice president/controller. If the price of a security is not available, the price may be estimated by analyzing similar securities' market values (matrix pricing).

**Training**

The College District's chief financial officer, the associate vice president of accounting and financial reporting, and the associate vice president/controller, being designated by the Board as the investment officers for the College District, will receive ten hours of instruction in accordance with the PFIA of the State of Texas within the first 12 months of assuming the position. Every succeeding two years the officers will receive at least ten additional hours of training relating to investment responsibility from an independent source approved by the Board.

**Investment Policy Review and Adoption**

The College District's investment policy will be adopted by written resolution of the Board stating that the Board has reviewed the investment policy and strategy and will include any changes made to either. The investment policies and strategies will be reviewed by the Board not less than annually. All revisions will be formally approved by the Board.

**Investment Strategy**

The College District maintains portfolios that use four specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolio(s).

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The weighted average maturity of the overall portfolio will not exceed one year.

Strategies for the investment of College District funds will address:

1. Investment suitability as it relates to the financial requirements and credit concerns of the College District;
2. Preservation and safety of principal to ensure that capital losses are avoided whether they be from defaults or erosion of market value;
3. Liquidity to the extent needed to pay the College District's obligations as they become due;
4. Investment marketability provided the need arises for the College District to liquidate the investment prior to its maturity date, although securities of all types are purchased with the intention of holding until maturity;
5. Investment diversification by maturity and market sector; and
6. Yield to attain the best yield on investments, while considering risk constraints and cash flow needs; the basis or benchmark used to determine whether market yields are being achieved will be the one-year Treasury Bill chosen for its comparability to the portfolio's maximum weighted average maturity.

Operating Fund	The primary objective of the investment strategy for the operating fund will be to ensure that anticipated cash flows are matched with adequate investment liquidity. Maturities will be staggered to meet operating expenditures, based on known and projected cash flows and market conditions. <del>Thirty-six</del> <u>Sixty</u> months is the maximum maturity for the <del>majority of</del> securities in the portfolio.
Building Fund	The primary objective of the investment strategy for the building fund will be to ensure that maturities are matched with anticipated cash flows. Maturities will be staggered so that they coincide with estimated draw down dates based on construction schedules and estimated project completion dates.
Debt Service Fund	The primary objective of the investment strategy for the debt service fund will be to ensure that investment liquidity is adequate to cover each succeeding debt service obligation on the required payment date. No investments may be made that exceed the next unfunded debt service payment date.
Debt Service Reserve Funds	Debt service reserves have no anticipated expenditures. The funds are deposited to provide annual debt service payment protection to bond holders. Market conditions and arbitrage regulation compli-



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ance determine the advantage of security diversification and liquidity. Generally, if investment rates exceed the applicable arbitrage yield for a specific bond issue, the College District is best served by locking in investment maturities and reducing liquidity. If the arbitrage yield cannot be exceeded, the concurrent market conditions will determine the attractiveness of locking in maturities or investing shorter and anticipating future increased yields. Managing the portfolios maturities to not exceed the call provisions of the bond issue will reduce the investment's market risk if the College District's bonds are called and the reserve fund liquidated. No investment maturity will exceed three years. All portfolio investments will be in compliance with bond covenants and insurance requirements of all bond issues.

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

**Information Security Officer**

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

**Information Security Program**

The District President or designee will 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 will 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 District 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 District President or designee will 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 District President or designee ~~shall~~will 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~~will 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**

~~The College District will submit a biennial information security plan to DIR in accordance with law.~~  
~~Information Security Plan~~

Effectiveness of Policies ~~and~~ Procedures, and Practices  
The ISO will report annually to the District 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 will 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 will 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 will assess the significance of a security incident and report urgent incidents to DIR and law enforcement in accordance with law and, if applicable, DIR requirements.

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

The College District will 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.

~~The College District may also work with the United States Computer Emergency Readiness Teams (US-CERT), Information Sharing and Analysis Center (ISAC), or other trusted third-party broker to help research and resolve the issue.~~

*By Vendors and Third Parties*  
The College District will 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.

*Monthly Reports*

~~The College District must provide summary reports of security incidents monthly to DIR in accordance with the deadlines, form, and manner specified by law and DIR.~~

**Insurance Benefits**

The rules and regulations of the Employees Retirement System Benefits (ERS) of Texas, the Group Benefits Program, and the Affordable Care Act (ACA) will be followed in providing basic group life, accident, health, and dental insurance coverage for all active full-time employees.

**ACA Summary**

The ACA is federal legislation passed in 2010. The employer-mandate provisions of the ACA became effective in 2015. The ACA rules are complex and multi-faceted, and impact both employers and individual employees.

Employee Impact

The ACA requires most Americans to have medical insurance by January 1, 2014, and attempts to ensure that Americans have access to medical insurance they can afford, whether they get it from an employer, directly from an insurance company, or from an insurance company offering coverage through a government-sponsored exchange (i.e., a state exchange or, in states that don't have their own exchanges, like Texas, the Healthcare.gov website).

Employer Impact

In general, the ACA requires that any employer that has 50 or more full-time equivalent employees offer to at least 95 percent of its full-time employees and their dependents up to age 26 medical insurance coverage meeting certain minimum standards. Employers that do not offer such coverage must pay a monetary penalty each year to the federal government, known as the "shared responsibility payment." The ACA's definition of a full-time employee is an employee whose actual average monthly hours of service are 130 or more.

Measurement  
Periods

*Standard  
Measurement  
Period*

The Standard Measurement Period is the "look back" period during which the College District must measure the hours of service of its ongoing employees in order to determine who qualifies as full-time under the ACA. Ongoing employees are those who joined the College District before the beginning of the Standard Measurement Period, so that they are employed for all 12 months of the Standard Measurement Period. The College District has selected the period of July 1 of each year through June 30 of the following year as the 12-month period for its Standard Measurement Period.

*Standard  
Administrative  
Period*

The Standard Administrative Period is the period after the end of the Standard Measurement Period during which the College District must evaluate each ongoing employee's work record to determine whether he or she averaged 130 hours or more of service per month during the Standard Measurement Period. During the Standard Administrative Period, the College District will make an offer of health insurance coverage to those ongoing employees determined to be full-time based on their hours worked during the immediately preceding Standard Measurement Period. The College District has selected July 1 through August 31 of each year as the

two-month Standard Administrative Period, which coincides with the College District's existing open enrollment period.

*Standard Stability Period*

The Standard Stability Period is the period during which ongoing employees who were determined to be full-time based on their hours worked during the Standard Measurement Period must continue to be treated as full-time and therefore eligible for coverage during the Standard Stability Period, regardless of their actual hours worked. [See Rehired Employees, below, for employees treated as having been terminated and rehired] The College District's Standard Stability Period coincides with the plan year of its medical plan and is the 12-month period from September 1 of each year through August 31 of the next year.

New Employees

The ACA does not permit an employer to wait until a new employee has completed a Standard Measurement Period to determine whether the employee is full-time. Thus, procedures are required to determine the full-time status of new employees under the ACA. These rules are similar to, but separate from, the rules for determining the full-time status of ongoing employees.

*Full-Time*

A new employee who, at commencement of employment, is reasonably expected to be full-time (i.e., averaging 30 or more hours per week), and who is not a seasonal employee, must be considered full-time for purposes of the ACA, beginning on his or her employment commencement date. (Note that for purposes of determining whether a new employee is full-time based on work expectation, the standard is 30 or more hours per week, not 130 per month.)

Once a new full-time employee has been employed for an entire Standard Measurement Period, the employee becomes an ongoing employee, and his or her status as full-time for purposes of the ACA is governed by the provisions of this policy regarding ongoing employees.

*Non-Full-Time*

A new employee who is hired as a part-time, seasonal, or variable-hour (i.e., who may reasonably be expected to sometimes work 30 or more hours per week and sometimes less) employee is not initially considered full-time, but his or her hours of service must be tracked during an Initial Measurement Period, as follows:

- New employees who are part-time, seasonal, or variable hour (hereinafter, "new non-full-time employees") are tested for ACA full-time status based on an Initial Measurement Period that begins on the first day of the first month following their hire date and ends a year later. Immediately following the end of a new non-full-time employees' Initial Measurement Period, there is a one-calendar-month Initial Administrative Period

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during which the new non-full-time employees' status as full-time or part-time is determined and during which any new non-full-time employees who are determined to have averaged 130 or more hours per month are offered coverage.

- A new non-full-time employee who averages 130 hours or more of service per month during his or her Initial Measurement Period and who is therefore determined to be full-time under the ACA will continue to be full-time for purposes of the ACA during his or her 12-month Initial Stability Period, which is the 12-month period immediately following his or her Initial Administrative Period, regardless of his or her actual hours of service during the Initial Stability Period. [See Rehired Employees, below, for employees treated as having been terminated and rehired]

Note that unless a new non-full-time employee is hired in June (other than June 1st) or on July 1st, his or her Initial Measurement Period will partially overlap his or her first Standard Measurement Period. A new non-full-time employee who does not average 130 hours or more of service per month during his or her Initial Measurement Period, but who does average 130 hours or more of service per month during the Standard Measurement Period that starts during his or her Initial Measurement Period, will be considered full-time under the ACA during the Standard Stability Period following such Standard Measurement Period, even though the first months of such Standard Measurement Period would otherwise include the last months of the employee's Initial Stability Period. In such a case, the employee's Initial Stability Period is effectively cut short.

Change of Status to Full-Time

If a new employee who is a non-full-time employee experiences a change in employment status before the end of his or her Initial Measurement Period, such that if the employee had begun employment in that new status, he or she would reasonably have been expected to be full-time under the 30-hour week standard [see New Employees – Full-Time, above], the employee will be considered full-time, and thus eligible for the College District's medical insurance plan, beginning on the first day of the calendar month after the change in employment status to full-time.

Rehired Employees

An employee who is terminated and rehired will be treated as a new employee upon rehire only if he or she was not credited with an hour of service with the College District for a period of at least 13 consecutive weeks immediately preceding the date of rehire. For purposes of applying this rule, whether an employee has an hour of service is determined after application of the rules for special unpaid leave. [See Rules for Special Unpaid Leave, below]

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Definition of Hours or Service	Under the ACA, “hours of service” is a term that generally includes actual hours worked, determined from payroll records, and hours for which the employee is paid, but does not work, such as paid vacation, holiday, illness, or disability.
Rules for Special Unpaid Leave	Under a special ACA rule, adjunct faculty members must be treated as having 2.25 hours for each contact hour, plus their hours performing other required duties, such as attendance at meetings.
<b>Employee / Retiree Benefits Reserve Fund</b>	<del>The College District’s Employee/Retiree’s Benefits Reserve Fund is established with the general intent to provide funding toward employee/retiree health insurance in the event of a reduction or elimination of state funding that would lower the benefit to less than 100 percent funded for employee-only coverage, and less than 50 percent funding for eligible dependent coverage. Should the state impose a reduction in health insurance funding, the District President will present a plan to the Board for utilizing the fund to help off-set the cost of health insurance formerly paid by the state for benefits-eligible employees and retirees of the College District.</del>
Tax-Sheltered Annuity	Tax-sheltered annuities are available to all benefits-eligible employees.
Supplemental Retirement Account	Full-time, benefits-eligible employees may elect to participate in a College District-sponsored supplemental tax-sheltered retirement plan that includes a dollar-for-dollar match of an employee’s contributions to an individual tax-sheltered retirement account (up to a maximum percentage match of the employee’s full-time salary that is approved as a line item in the budget by the Board each year).  Employer contributions are subject to budget availability.  Contributions to a State of Texas sponsored retirement plan (e.g., the Teacher Retirement System or the Optional Retirement Plan) do not qualify for the employer match. [See the plan document for the “Collin Invests” Enhanced Retirement Savings Plan for requirements and terms]
<b>Educational Benefits</b>	The Board will provide educational benefits for full-time College District employees through a tuition reimbursement program described in the College District’s procedures and guidelines for faculty and staff.
Tuition Waiver Policy	A full-time employee who resides outside Collin County will, upon submission of a written request and appropriate documentation to the College District’s financial aid office, receive a waiver of the difference between the out-of-county or out-of-state and in-county resident tuition.



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**Relocation**

Full-time employees who must relocate to accept a position with the College District may be eligible for a relocation allowance. In no case will the relocation allowance exceed actual documented expenses. Employees who received a relocation allowance reimbursement and who voluntarily terminate prior to completion of one year of employment will reimburse the College District for all relocation monies received, in accordance with the relocation agreement signed by the employee. The amount will be deducted from the final payroll check.

**Wellness**

Full-time faculty and staff may participate in any of the College District's wellness programs and receive matched time for their exercise efforts to a maximum of 30 minutes of paid time per day to a maximum of one and one-half hours per week. Employees will request approval from their supervisor prior to participation in a wellness program.

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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 use of the College District's internal mail system, see CHE.

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### **Academic Freedom**

All faculty members (full-time and associate) will be entitled to academic freedom and bear a concomitant dedication to academic responsibility. (The faculty subscribes to the principles expressed in the Statement of Academic Freedom and Responsibility adopted February 19, 1982, by the Texas Junior College Teachers' Association, the text of which is appended to and made an integral part of this document.) [See Statement of Purpose on Academic Freedom and Responsibility, below]

All faculty members enjoy the constitutional freedoms guaranteed to all citizens by the United States' Constitution and the Constitution of the State of Texas. In the classroom, teaching faculty members have the freedom to discuss any controversial matter and to voice opinions within areas of their professional competence. At the same time, they have an obligation to acquaint students with other scholarly opinions on the subject. Outside the classroom, faculty members are free from institutional censorship or discipline for exercising their rights as private citizens to express themselves freely on matters of public concern, to associate with persons or groups as they so choose, and to participate in political or other kinds of activities. When faculty and support staff speak or write as private citizens, however, they must bear in mind that their actions will inevitably be judged by the public and reflect upon their profession and institution. Therefore, faculty and support staff will strive for accuracy, exercise appropriate restraint, exhibit tolerance for differing opinions, and indicate clearly that they are not an official spokesperson for the College District.

The College District accepts the responsibility to foster and to encourage faculty and support staff to exercise their freedoms and to protect against acts that deny freedom of speech and the related freedoms to be heard, to study, to teach, to administer, and to pursue scholarly activity.

Faculty members acknowledge their responsibility to maintain professional competence in their fields of specialization and to be committed to effective teaching and student service.

### **Statement of Purpose on Academic Freedom and Responsibility**

The Board believes that it is essential that the faculty have freedom in teaching, research, and publication. Faculty members must be free from the fear that others might threaten their professional careers because of differences of opinion regarding such scholarly

matters. To this end, the College District has adopted the following statement of purpose on academic freedom and responsibility.

The College District, like all other institutions of higher education, serves the common good, which depends upon uninhibited search for truth and its open expression. The points enumerated below constitute its position on academic freedom:

1. Faculty members are appointed to impart to their students and to their communities the truth as they see it in their respective disciplines. The teacher's right to teach preserves the student's right to learn.
2. The mastery of a subject makes a faculty member a qualified authority in that discipline and competent to choose how to present its information and conclusions to students. The following are among the freedoms and responsibilities that should reside primarily with the faculty, with the advice and consent of the appropriate dean of instruction: planning and revising curricula, selecting textbooks and readings, selecting classroom films and other teaching materials, choosing instructional methodologies, assigning grades, and maintaining classroom discipline.
3. Faculty members are citizens, and, therefore, possess the rights of citizens to speak freely outside the classroom on matters of public concern and to participate in lawful political activities.
4. Prior restraint or sanctions will not be imposed upon faculty members in the exercise of their rights as citizens or duties as teachers. Nor will faculty members fear reprisals for exercising their civic rights and academic freedom.
5. Faculty members have a right to expect the Board and the College District's administrators to uphold vigorously the principles of academic freedom and to protect the faculty from harassment, censorship, or interference from outside groups and individuals.

The academic freedom of the College District faculty members will be accompanied by equally compelling obligations and responsibilities to their profession, their students, the College District, and their community. Faculty members will defend the rights of academic freedom while accepting willingly the responsibilities enumerated below:

1. Faculty members will be judicious in the introduction of material in the classroom without forfeiting the instructional benefits of controversy.

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2. Faculty members are entitled to all rights and privileges of academic freedom in the classroom while discussing the subjects they teach. No faculty member, however, will attempt to force on his or her students a personal viewpoint intolerant of the rights of others to hold or express diverse opinions. Faculty members will not act in a manner that is perceived as being abusive, either physically or verbally, by their students.
3. Faculty members will recognize their responsibility to maintain competence in their disciplines through continued professional development and to demonstrate that competence through consistently adequate preparation and performance.
4. Faculty members will recognize that the public will judge their institution and their profession by their public conduct. Therefore, faculty members will always make clear that the views they express are their own and will avoid creating the impression that they speak or act on behalf of the College District or of their profession.
5. Faculty members will recognize their responsibility to adhere to the policies and procedures of the institution. Therefore, faculty members who have differences of opinion with existing or proposed policies or procedures will express these views through the standing committee structure of the College District or their supervising administrators.

**Expressive Activities  
by Employees in  
Common Outdoor  
Areas**

Common outdoor areas are designated by state law as traditional public forums.

For purposes of this policy, the terms “expressive activities” and “common outdoor areas” are defined in GD(LOCAL).

All College District employees may engage in expressive activities in common outdoor areas, unless:

1. The person’s conduct is unlawful ([i.e. obscenity, defamation, incitement of lawless action, true threats, fighting words, or intimidation as defined in FLA\(LOCAL\)](#));
2. 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;
3. The use would materially or substantially disrupt or disturb the regular academic program [or other College operations](#); ~~or~~
4.      The use would result in damage to or defacement of property.
5.      [The material constitutes harassment, which means material that is \(i\) hostile, threatening, or intimidating, \(ii\) directed at a](#)

specific person or persons, and (iii) is sufficiently severe, pervasive or persistent, and objectively offensive that it would cause an ordinary and reasonable person to fear violence or bodily harm or creates an objectively hostile or threatening campus environment that unreasonably interferes with the person's ability to access or participate in a College District activity, program, service, or privilege; or

4.6. The material constitutes discriminatory harassment based on membership in a protected class recognized under state or federal law and is sufficiently severe or pervasive to create an objectively hostile campus or academic environment that unreasonably interferes with or diminishes another individual's ability to participate in or benefit from an activity, program, service, or privilege provided by the College District. [See DIAA, DIAB, FFDA, and FFDB for examples of discriminatory harassment based on membership in a protected class.]

Employees do not need a College District permit or a prior reservation for the exercise of expressive activities in common outdoor areas of the College District. Expressive activity may occur in those common outdoor areas of the College District that are not in use by others.

However, employees may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person's or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time.

In addition, when outdoor space is being used, even on a temporary basis, for College District business, operations, events, an educational function, or a research function, it is not part of the common outdoor area available for use for others' expressive activities.

Reservations for assembly or expressive activities in the common outdoor areas of the College District may be made through the Conference Services Department on a form prescribed by them or through a request sent to [reserveCOA@collin.edu](mailto:reserveCOA@collin.edu). If the expected attendance at an assembly or expressive activity is 15 or more people, advance notice and a reservation of no less than two weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

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Time, Place, and  
Manner Rules for  
Common Outdoor  
Areas

In addition to the specific rules addressed in this policy and in DGD, expressive activities by employees in common outdoor areas are subject to the time, place, and manner rules listed in GD(LOCAL).

**Facilities Use**

Other than the use of common outdoor areas, the facilities of the College District will 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 will pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the District President or designee.

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

The distribution of materials by employees or employee organizations in College District common outdoor areas is subject to the same policies set out in GD.

**Requests**

To request permission to meet in College District facilities, interested employees or employee organizations will file a written request with the facilities scheduling coordinator in accordance with administrative procedures.

The employees or the employee organization making the request will 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.

Employees may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person’s or group’s use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time. [See GD]

Approval

Other than the use of common outdoor areas, the ~~Vice President/Provost~~ campus provost of each campus will approve or reject the request for use of College District facilities in accordance with provisions and deadlines set out in this policy, GF(LOCAL), 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.

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Approval will not be granted when the official has reasonable grounds to believe 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;
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. 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. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The ~~Vice President/Provost~~ campus provost, Director of Auxiliary Services, or a designee will provide the applicant a written statement of the grounds for rejection if a request for use of the facilities is denied.

**Announcements and Publicity**

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

**Identification**

Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative or College District police officer.

**Violations of Policy**

Failure to comply with this policy and procedures regarding use of College District common outdoor areas, College District facilities, or distribution of literature will 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/or the confiscation or discarding of nonconforming materials. An em-

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ployee who fails to comply with or violates this policy may be disciplined under applicable procedures provided by other College District policies and rules, and may be referred to a supervisor, dean, or the Human Resources Department for disciplinary action. ~~Community members or off-campus organizations who violate the rules in this policy may also be subject to criminal trespass charges or other lawful measures.~~

**Interference with Expressive Activities in Common Outdoor Areas**

Employees who interfere with the expressive activities permitted by this policy will 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. Unless there is an extension or exigent circumstances, the appeal shall be heard within ten (10) College District business days of the filing of the appeal.

**Publication**

This policy and associated procedures must be posted on the College District's website and distributed to employees in appropriate publications.



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**Note:** This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting students. For legally referenced material relating to this subject matter, see FA(LEGAL). For discrimination, harassment, and retaliation targeting employees based on race, color, national origin, religion, age, or disability, see DIAB.

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**Statement of  
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any student on the basis of race, color, national origin, disability, religion, age, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

**Discrimination**

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, national origin, disability, religion, age, or on any other basis prohibited by law, that adversely affects the student.

Discrimination based on race, color, or national origin includes discrimination, including harassment, based on a student's actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity. This prohibition encompasses antisemitism and discrimination based on religion, including but not limited to discrimination against students of any faith, or of other religions when based on shared ancestry, ethnic characteristics, or citizenship or residency in a country with a dominant religion or distinct religious identity.

"Antisemitism" has the meaning found in Section 448.001 of the Texas Government Code, which "means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities." This definition is provided in policy in accordance with Executive Order GA-44 (2024)

**Prohibited  
Harassment**

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or

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practices, accent, skin color, religious attire, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slur ethnic, racial, or ancestral slurs, or rumors; physical aggression or assault; display of graffiti, symbols, or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

**Retaliation**

The College District prohibits retaliation by a student or College District employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

**False Claims**

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding discrimination or harassment will be subject to appropriate disciplinary action.

**Prohibited Conduct**

In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**Reporting Procedures**

Student Report

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee.

Employee Report

Any College District employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct will immediately notify the appropriate College District official listed in this policy and will take any other steps required by this policy.

*Exceptions*

A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person will not be required to disclose a report of prohibited conduct without the student’s consent.

A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source will not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is

	disclosing information as required for inclusion in the College District's annual security report under the Clery Act. [See GCC]
Responsible Employee	For purposes of this policy, a "responsible employee" is an employee: <ol style="list-style-type: none"><li>1. Who has the authority to remedy prohibited conduct.</li><li>2. Who has been given the duty of reporting incidents of prohibited conduct.</li><li>3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.</li></ol> The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below.
<b>Definition of College District Officials</b>	For the purposes of this policy, College District officials are the ADA/Section 504 coordinator, Title IX coordinators and Deputy coordinators, designated leadership team members, and the District President.
ADA / Section 504 Coordinator	Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The College District designates the following persons to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:
ADA / Section 504 Coordinator for Students	Name: Terrence Brennan Position: District Dean of Students Address: 3452 Spur 399, McKinney, TX 75069 Telephone: (972) 881-5734
ADA / Section 504 Coordinator for Employees	Name: Dr. Jennifer DuPlessis Position: Chief Human Resources Officer Address: 3452 Spur 399, McKinney, TX 75069 Telephone: (972) 985-3702
Other Anti-discrimination Laws	The District President or <u>a</u> designee will serve as coordinator for purposes of College District compliance with all other antidiscrimination laws, <u>including Title VI</u> .

**Complaints  
Involving  
Academic  
Adjustments or  
Accommodations  
for Students**

Complaints over the denial of or a decision pertaining to academic adjustments or accommodations for students must be submitted by a student to the College District's ACCESS office within fifteen (15) College District business days of the date of the denial or decision by the ACCESS office.

The executive vice president or designee will adopt procedures for the informal and formal resolution of such complaints. The procedures will be posted on the College District's website.

The procedures will include an ACCESS Appeals Board and a method for which faculty may challenge an academic adjustment or accommodation decision if they believe the adjustment or accommodation could result in a fundamental alteration. For purposes of this policy, a fundamental alteration is a change to a program, service, or activity that significantly changes the essential nature of the program, service, or activity (i.e. course design or degree requirements).

Faculty will consult directly with the associate dean of counseling and ACCESS or through applicable procedures for complaints involving a fundamental alteration.

The procedures will also include multiple levels of appeals up to the vice president of student and enrollment services or designee. The decision of the vice president of student and enrollment services or designee is final and non-appealable for all complaints involving the denial of or a decision pertaining to academic adjustments or accommodations for students.

**Alternative  
Reporting  
Procedures**

A student will not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the ADA/Section 504 coordinators, may be directed to the District President.

A report against the District President may be made directly to the Board. If a report is made directly to the Board, the Board will appoint an appropriate person to conduct an investigation.

**Timely Reporting**

Reports of prohibited conduct will be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District's ability to investigate and address the prohibited conduct.

**Investigation of the  
Report**

The College District may request, but will not require, a written report. If a report is made orally, the College District official will reduce the report to written form.

Initial Assessment	<p>Upon receipt or notice of a report, the College District official will determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official will immediately authorize or undertake an investigation, except as provided below at Criminal Investigation.</p> <p>If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official will refer the complaint for consideration under the appropriate policy.</p>
Interim Action	<p>If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College District will promptly take interim action calculated to address prohibited conduct prior to the completion of the College District's investigation.</p>
College District Investigation	<p>The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator will have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	<p>If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District will confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District will proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District will promptly resume its investigation.</p>
<b>Concluding the Investigation</b>	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.</p>

	<p>The investigator will prepare a written report of the investigation. The report will be filed with the College District official overseeing the investigation.</p>
<i>Notification of the Outcome</i>	<p>The College District will provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed.</p>
<b>College District Action</b>	
Prohibited Conduct	<p>If the results of an investigation indicate that prohibited conduct occurred, the College District will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures [see FM and FMA].</p>
<i>Corrective Action</i>	<p>Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the College District community, counseling for the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving students in efforts to identify problems and improve the College District climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the College District's policy against discrimination and harassment.</p>
Improper Conduct	<p>If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.</p>
<b>Confidentiality</b>	<p>To the greatest extent possible, the College District will respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.</p>
<b>Appeal</b>	<p>A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members] A party will be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights.</p>
<b>Records Retention</b>	<p>Retention of records will be in accordance with the College District's records retention procedures. [See CIA]</p>

**Access to Policy,  
Procedures, and  
Related Materials**

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, will be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials will also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures will be readily available at the College District's administrative offices and will be distributed to a student who makes a report.

**Distribution of Literature**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District will 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 will not be responsible for, nor will the College District endorse, the contents of any materials or literature distributed by students or registered student organizations that are not sponsored by the College District.

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

[For distribution of materials in College District facilities and common outdoor areas by nonstudents and organizations that are not registered student organizations, see GD]

**Limitations on Content**

Nonschool materials or literature will not be distributed by students or registered student organizations on College District property if:

1. The materials are obscene. Obscenity is a writing, visual image, or performance as defined in Section 43.21 of the Texas Penal Code (or successor provisions).
2. The materials contain defamatory statements. ~~about public figures or others.~~ Defamation is a false statement of fact about another individual that holds the individual up to hatred, ridicule, or contempt and that is not otherwise privileged. If the defamed person is a private individual, the question is whether the speaker knew or should have known that the statement was false. If the defamed person is a public official or public figure, the question is whether the statement was made with knowledge of the falsity or with reckless disregard of the truth.
3. The materials advocate imminent lawless ~~or disruptive~~ action and are likely intended to incite or produce such action.
4. The materials contain a true threat, which is a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The speaker of a true threat need not intend to inflict actual harm; the question is whether the speaker consciously disregarded a substantial risk that the communications would be viewed as threatening violence.



- 4.5. The materials constitute intimidation, which is a type of true threat where a speaker directs a threat to a person or group of persons with the intent of placing the victim(s) in fear of bodily harm or death.
6. The materials constitute fighting words, which are personally abusive epithets that when addressed to ordinary citizens, are, as a matter of common knowledge, inherently likely to provoke a violent reaction.
- 5.7. The materials constitute harassment, which means material that is (i) hostile, threatening, or intimidating, (ii) directed at a specific person or persons, and (iii) is sufficiently severe, pervasive or persistent, and objectively offensive that it would cause an ordinary and reasonable person to fear violence or bodily harm or creates an objectively hostile or threatening campus environment that unreasonably interferes with the person's ability to access or participate in a College District activity, program, service, or privilege.
- ~~6.8. The materials are considered prohibited harassment. The materials constitute discriminatory harassment based on membership in a protected class recognized under state or federal law and is sufficiently severe or pervasive to create an objectively hostile campus or academic environment that unreasonably interferes with or diminishes another individual's ability to participate in or benefit from an activity, program, service, or privilege provided by the College District. [See DIAA, DIAB, FFDA, and FFDB for examples of unlawful harassment based on membership in a protected class.]~~
- 7.9. The materials constitute nonpermissible solicitation. [See FI]
- 8.10. The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and  
Manner Rules

The vice president for student and enrollment services or designee will designate times, locations, and means by which materials or literature 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.

Distribution of the materials will be conducted in a manner that:

1. Is not disruptive; [See FLB]
2. Does not impede reasonable access to College District facilities;

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

Petitions, Handbills,  
and Literature

This section is covered in the [campus](#) provost's office at each campus.

Each petition, handbill, or piece of literature submitted for approval for distribution will include the name of the person or organization wanting to distribute it.

A person or organization will be prohibited from publicly distributing on College District property any nonschool literature that is obscene or libelous or that contains nonpermissible solicitation. Distribution of nonschool literature will be conducted so as not to interfere with the free and unimpeded flow of pedestrian and vehicular traffic or disturb or interfere with academic or institutional activities.

A person or organization will not distribute nonschool literature by accosting individuals or by hawking or shouting. The distributor will ensure the area around which the nonschool literature was distributed is clean and free of discarded or leftover materials.

Signs

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

"Nonpermissible sign" will mean a sign that contains material that is obscene, libelous, or includes nonpermissible solicitation and/or is larger than 11 inches by 17 inches, unless authorized by the director of student life.

A person or organization will not post a nonpermissible sign. [See FI and GD]

A student, registered student organization, department, or community member may publicly post a sign on College District property in areas or locations designated by the assistant director of student engagement in conjunction with the campus provost/~~vice president~~ and the campus manager of facilities or in common outdoor areas as allowed by policy GD. No object other than a sign may be posted on College District property.

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Before publicly posting a sign on College District facilities (outside of common outdoor areas), a student or registered student organization will:

1. Deliver a copy, photograph, or description of the sign to be posted.
2. Provide pertinent information including:
  - a. The name and phone number of the student, registered student organization, department, or community member;
  - b. The proposed general location for posting the sign;
  - c. The length of time the sign will be posted; and
  - d. The signature of the student, authorized representative, and/or adviser.

Rules

Upon receipt, the appropriate student engagement office staff will ensure that the pertinent information listed above is included and that the following guidelines are applied:

1. Approved items, with a maximum size of 11 inches by 17 inches will be posted neatly on appropriate bulletin boards by student engagement office personnel, subject to space availability;
2. Each item to be posted will receive an approval stamp dated and signed by student engagement office personnel;
3. Materials will generally be approved for a maximum period of four weeks; and
4. Materials that do not conform to these posting guidelines will be subject to immediate removal.

A sign will not be:

1. Attached to:
  - a. A shrub or plant;
  - b. A tree, except by string to its trunk;
  - c. A permanent sign installed for another purpose;
  - d. A fence or chain or its supporting structure;
  - e. A brick, concrete, or masonry structure; or
  - f. A statue, monument, or similar structure.

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2. Posted:
  - a. On or adjacent to a fire hydrant;
  - b. Outside of a common outdoor area; or
  - c. In a College District building, except on a bulletin board designated for that purpose.

*Removal*

The student life office will remove all signs no later than one week after the expired approval stamp date. A sign posted or attached in accordance with the provisions of this policy will not be removed by anyone without permission from the director of student life.

Classroom Bulletin  
Boards

Bulletin boards located inside and directly outside each classroom will be under the jurisdiction of the campus provost on each individual campus or designee.

**Expressive Activities  
by Students or  
Student  
Organizations in  
Common Outdoor  
Areas**

Common outdoor areas are designated by state law as traditional public forums.

For purposes of this policy, the terms “expressive activities” and “common outdoor areas” are defined in GD(LOCAL).

Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person’s conduct is unlawful (i.e. obscenity, defamation, incitement of lawless action, true threats, fighting words, or intimidation as defined above in this policy);
2. 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;
3. The use would materially or substantially disrupt or disturb the regular academic program or other College operations; ~~or~~
4. The use would result in damage to or defacement of property; ~~or~~
5. The material constitutes harassment, which means material that is (i) hostile, threatening, or intimidating, (ii) directed at a specific person or persons, and (iii) is sufficiently severe, pervasive or persistent, and objectively offensive that it would cause an ordinary and reasonable person to fear violence or bodily harm or creates an objectively hostile or threatening campus environment that unreasonably interferes with the person’s ability to access or participate in a College District activity, program, service, or privilege; or

6. The material constitutes discriminatory harassment based on membership in a protected class recognized under state or federal law and is sufficiently severe or pervasive to create an objectively hostile campus or academic environment that unreasonably interferes with or diminishes another individual's ability to participate in or benefit from an activity, program, service, or privilege provided by the College District. [See DIAA, DIAB, FFDA, and FFDB for examples of discriminatory harassment based on membership in a protected class.]

Consistent with Section 51.9315(g) of the Texas Education Code, the College may not take action against a student organization or deny a student organization any benefit on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. The prohibition on harassment in this policy applies, however, when the words or conduct satisfy the definition of harassment as stated in items (5) and (6) above.

Students or student organizations do not need a College District permit or reservation for the exercise of expressive activities in common outdoor areas of the College District. Expressive activity may occur in those common outdoor areas of the College District that are not in use by others.

However, students and student organizations may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person's or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time.

In addition, when outdoor space is being used, even on a temporary basis, for College District business, operations, events, an educational function, or a research function, it is not part of the common outdoor area available for use for others' expressive activities.

Reservations for assembly or expressive activities in the common outdoor areas of the College District may be made through the Conference Services Department on a form prescribed by them or through a request sent to [reserveCOA@collin.edu](mailto:reserveCOA@collin.edu). If the expected attendance at an assembly or expressive activity is 15 or more people, advance notice and a reservation of no less than two

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weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

Time, Place, and  
Manner Rules for  
Common Outdoor  
Areas

In addition to the specific rules addressed in this policy for Distribution of Literature, expressive activities by students or student organizations in common outdoor areas are subject to the time, place, and manner rules listed in GD(LOCAL).

**Facilities Use**

Other than the use of common outdoor areas, the facilities of the College District will 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 will pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

The use of and the distribution of materials in College District common outdoor areas are subject to the policies set out in GD.

Requests

To request permission to meet in College District facilities, interested students or registered student organizations will submit a request through Cougar Connect with the Office of Student Engagement in accordance with administrative procedures.

The students or the registered student organization making the request will 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.

Students and student organizations may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time.

*Approval*

The assistant director of student engagement will 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 student's or registered student organization's use of the facility.

Approval will not be granted when the official has reasonable grounds to believe that:

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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. 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. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The assistant director of student engagement will provide the applicant a written statement of the grounds for rejection if a request is denied.

**Identification**

Students or registered student organizations distributing materials on campus or using College District facilities will provide identification when requested to do so by a College District representative or College District police officer.

**Violations of Policy**

Failure to comply with this policy and procedures regarding use of College District common outdoor areas, College District facilities, or distribution of literature will 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/or the confiscation or discarding of nonconforming materials. A student or student organization who fails to comply with or violates this policy may be disciplined under applicable procedures provided by other College District policies and rules, including the student handbook, and may be referred to the Dean of Students Office for disciplinary action.

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**Interference with Expressive Activities in Common Outdoor Areas**

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

**Appeals**

With the exception of disciplinary decisions processed under Policies FM and FMA, a student who is aggrieved by a violation of this policy or by an administrative decision under this policy may file a complaint and seek review. Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable. Unless there is an extension or exigent circumstances, the appeal will be heard within ten (10) College District business days of the filing of the appeal.

**Publication**

This policy and associated procedures must be posted on the College District's website and distributed in the student handbook. They must also be distributed to students at orientation.

**Use of Facilities and Grounds by Students and Registered Student Organizations**

The facilities and grounds of the College District will 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 will pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.

**Requests**

To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations will file a written request through OrgSync with the Office of Student Engagement in accordance with administrative procedures.

The students or the registered student organization making the request will 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 assistant director of student engagement will 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 will not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;



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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. 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. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The assistant director of student engagement will provide the applicant a written statement of the grounds for rejection if a request is denied.

Announcements  
and Publicity

In accordance with administrative procedures, all students and registered student organizations will 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 will provide identification when requested to do so by a College District representative.

Violations of Policy

Failure to comply with this policy and associated procedures will 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 will be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].

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Appeals

Decisions made by the administration with respect to students or student organizations 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 handbook. They must also be distributed to students at orientation.

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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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**Use of College District Facilities**

The College District's facilities and property are intended primarily for the support of the instructional programs of the College District and for the support of programs conducted or sponsored by the College District's academic and administrative departments or organizations affiliated with those departments.

**Definitions**

As used within this policy, the terms "disrupt," "disruptive," "disturb," and "disturbances" are defined as activities or actions that cause disorder or turmoil in the College District's, classes, programs and services or that interfere with or interrupt planned activities, or other operations of the College District by noise or movement.

As used within this policy, the term "expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and which includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech such as advertisements for products or services.

As used within this policy, the term "amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means, such as by a megaphone. The use of a single microphone for a guest speaker, shouting, chanting, and playing acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound, but are subject to the general rules on disruption.

As used within this policy, the term "guest speaker" means an individual speaker or performer who is not a student, faculty member, employee, or Board member of the College District.

**Limited Public Forum and Public Assembly Use**

The buildings, classrooms, libraries, facilities, grounds, and property owned or controlled by the College District are not a traditional public forum open for assembly, debate, demonstrations, or similar activities by members of the general public, subject to some exceptions, and applicable state law concerning common outdoor areas. [See GD(LEGAL)]

**For-Profit Use**

The College District does not permit individuals or for-profit organizations to use its facilities for their own financial gain, including for marketing, promotional, course instruction, or other profit-generating activities. The College District does not permit private academic instruction, courses, or student recruitment by individuals or by for-profit organizations at its facilities. This does not exclude institutions of higher education or third-party organizations from participating in College District-approved or -sponsored transfer and recruitment fairs.

The College District does permit the rental of College District facilities for third-party corporate or employee training programs and educational testing, as well as for public meetings, performances, and presentations so long as no admission fee is charged, when these activities do not conflict with College District use or with this policy.

**Nonprofit Use**

The College District may permit nonprofit organizations to rent space and host events on College District property when these activities do not conflict with College District use or with this policy.

**Private Use**

College District facilities are not available for use or for rental to individuals for private gatherings sponsored by private individuals.

**Fundraising Use**

Only civic, educational, and student organizations and individuals authorized by the College District are allowed to sponsor and engage in fundraising activities using College District facilities. All external requests must be submitted for approval to Conference Services.

**Campaign-Related Use**

The College District permits open forums and town hall events scheduled through Conference Services or hosted by the College District for elected officials and those who have filed to run for elected office, based on space availability and adherence to the College District's standard room reservation approval process. However, except to the extent a College District facility is used as an official polling place, College District facilities are not available for use by individuals or groups for political advertising, campaign communications, or electioneering, as those terms are used in state law. [See Election/Campaign Signs and Tents, below]

In accordance with the Texas Election Code, the following definitions will apply:

1. "Political Advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

- a. In return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or
  - b. Appears:
    - (1) In a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
    - (2) On an internet website.
2. "Campaign communication" means a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure.
3. "Electioneering" includes the posting, using, or distributing political signs or literature:
- a. During the time an early voting polling place is open for the conduct of early voting, a person may not electioneer for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located.
  - b. The entity that owns or controls a public building being used as an early voting polling place may not, at any time during the early voting period, prohibit electioneering on the building's premises outside of the area described in 1.b, above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

The College District does not permit external individuals or groups to use College District facilities to access students, faculty, or staff for private purposes, including gathering signatures for petitions. Limited public forum areas are designated at each campus for this purpose. [See GD(LEGAL)]

### **Recreational Use**

Approval from the Conference Services Department is required for use of the College District's indoor and outdoor recreational facilities, such as the gym, tennis courts, and the like when the facilities are not in use by the College District or for another scheduled purpose.

### **Emergency Use**

In case of emergencies or disasters, the District President or designee may authorize the use of College District facilities by civil defense, health, or emergency service authorities.

**Expressive Activities  
in Common Outdoor  
Areas**

Community members may only engage in expressive activities in common outdoor areas (as defined in this policy) of the College District, as long as the conduct is not unlawful and does not materially and substantially disrupt the functioning and operations of the College District. Common outdoor areas are designated by state law as traditional public forums.

To preserve the functions and operations of the College District, expressive activities in common outdoor areas are subject to the time, place, and manner rules listed in this policy.

The “common outdoor areas” of the College District mean: (1) any outdoor space (such as streets, sidewalks, gathering spaces), (2) that is at least 20 feet from any College District building or area of ingress or egress to buildings, including classrooms, and (3) that is not used, on either a permanent or temporary basis, for the College District’s:

1. Business or operations;
2. Sponsored events;
3. Educational functions; or
4. Research functions.

Common outdoor areas do not include the buildings, classrooms, libraries, facilities, student housing or residential outdoor spaces managed by the College District, the outdoor surfaces of college buildings, the surfaces associated with or connected to a college building, a college structure, the spaces dedicated to temporary outdoor banners, the spaces dedicated to temporary outdoor exhibits, or any other space within the College District’s limited public forum.

**Requests for Use of  
Facilities**

To request permission to meet in College District facilities or limited public forums, interested community members or organizations will file a written application with the Conference Services Department in accordance with administrative procedures.

The community members or organization making the request will 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. The application will be submitted at least ten business days prior to the proposed use but not more than four months prior to the proposed use for all spaces other than conference centers. Conference centers may be booked no more than 12 months in advance. Requests for exceptions to the timeline may be approved by the Conference Services Department. Use of College

District facilities may not commence until it is approved, in writing, by the Conference Services Department.

Requests for community use of College District facilities will be considered on a first-come, first-served basis. However, requests received on the same day will be prioritized as follows:

1. Classroom instruction and other official College District functions and programs;
2. Requests by recognized student organizations and employee organizations;
3. Activities sponsored by non-College District, nonprofit organizations that are open to the public; and
4. Authorized activities that do not fall within the above categories.

Organizations from within the College District's service area will be given priority over requests from organizations located outside the College District's service area.

Events that directly benefit the citizens of the College District will be given priority over events that specifically target larger groups or groups from outside the College District.

Programs offered through the facilities rental program [see items 3 and 4, above] will be made through a signed facilities use agreement between the College District and the renter. The College District name and its trademarked logo may not be used by the requestor or approved user. The College District's name is only authorized for use in marketing materials as it relates to providing the location and directional information for the event.

The College District reserves the right to modify these priorities without notice as deemed necessary to accomplish its objectives.

### **Approval**

The Conference Services Department will 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, or academic viewpoint, or other content of the speech likely to be associated with use of the facility by community members or organizations. The request will be approved or denied in writing within ten business days of receiving the application.

Approval of requests for the use of facilities will not be based upon the applicant's race, religion, age, disability, color, sex, national origin, veteran status, or other legally protected class.

College District facilities will not be available for long-term use. Long-term use will be defined as use of the facility for more than five days per month or for more than three weekends per month. Facilities use requests will be considered for a time period not to exceed four calendar months, coinciding with the fall, spring, and summer College District semesters.

Failure to comply with the conditions outlined in this policy and the facilities use agreement may result in penalties, including but not limited to, restrictions on future rental of College District facilities and/or an additional damage/cleaning fee as provided for in the facilities use agreement. The amount should be included in the contract and/or in procedures.

Approval will not be granted when the Conference Services Department has reasonable grounds to believe 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 subject to a prior sanction [see Violations of Policy, below];
3. The proposed use would constitute an immediate and actual danger to the peace or security of the College District as determined by the College District, including the sole discretion of the District President or designee;
4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
5. The proposed activity would disrupt or disturb the regular academic program, other planned activities, or other operations of the College District;
6. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property at an event;
7. The applicant failed to supply the requested information on the application;
8. The application contains a material misrepresentation of fact as determined at the sole discretion of the College District; or
9. The proposed use is not at a suitable location because the design or dimensions of the event will substantially interfere with pedestrian access, traffic flow, or public safety in or near the same area as the proposed event.



**Written Notice if  
Request Rejected**

The Associate Vice President of Financial Services and Reporting or designee will review any recommendations to deny the use of College District facilities to an external group and communicate with the requestor if a request to rent facilities is denied.

**Use of Common  
Outdoor Areas by  
Community  
Members**

A community member does not need a College District permit or reservation for the exercise of expressive activities in common outdoor areas. Expressive activity may occur in those common outdoor areas of the College District that are not in use by others.

Community members may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful (i.e. obscenity, defamation, incitement of lawless action, true threats, fighting words, or intimidation as defined in FLA(LOCAL));
2. 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;
3. The use would materially or substantially disrupt or disturb the regular academic program or other College operations; ~~or~~
4. The use would result in damage to or defacement of property;
5. The material constitutes harassment, which means material that is (i) hostile, threatening, or intimidating, (ii) directed at a specific person or persons, and (iii) is sufficiently severe, pervasive or persistent, and objectively offensive that it would cause an ordinary and reasonable person to fear violence or bodily harm or creates an objectively hostile or threatening campus environment that unreasonably interferes with the person's ability to access or participate in a College District activity, program, service, or privilege; or
- 4.6. The material constitutes discriminatory harassment based on membership in a protected class recognized under state or federal law and is sufficiently severe or pervasive to create an objectively hostile campus or academic environment that unreasonably interferes with or diminishes another individual's ability to participate in or benefit from an activity, program, service, or privilege provided by the College District. [See DIAA, DIAB, FFDA, and FFDB for examples of discriminatory harassment based on membership in a protected class.]

However, community members may, and are encouraged to, reserve a space to assemble in the common outdoor areas of the College District. Once a person or group reserves a certain space in a common outdoor area for assembly or expressive activities, it is not available for another person's or group's use or reservation at the same time. Therefore, any person or group using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time.

In addition, when outdoor space is being used, even on a temporary basis, for College District business, operations, events, an educational function, or a research function, it is not part of the common outdoor area available for use for others' expressive activities.

Reservations for assembly or expressive activities in the common outdoor areas of the College District may be made through the Conference Services Department on a form prescribed by them or through a request sent to [reserveCOA@collin.edu](mailto:reserveCOA@collin.edu). If the expected attendance at an assembly or expressive activity is 15 or more people, advance notice and a reservation of no less than two weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

**Time, Place, and  
Manner Rules for  
Common Outdoor  
Areas**

In addition to the specific rules addressed in this policy for Required Conduct, Distribution of Literature, and Permissible Solicitation, the following rules will also apply to the use of common outdoor areas:

1. Expressive activities may not be disruptive.
2. Expressive activities may not include statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law, including but not limited to, violence or threats of violence.
3. Literature may be distributed, but not sold.
4. Any person who uses common outdoor areas or distributes literature or materials in common outdoor areas, is responsible for cleaning up any literature, materials, or other trash that was discarded or leftover.
5. Signs may not be larger than 24" x 24". Signs may be held or carried by hand. However, signs may not be attached to sticks, poles, wooden or metal handles, a person (i.e. a sandwich board sign) or other similar assembled items.

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6. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
7. Any person holding or carrying a sign will exercise due care to avoid bumping, hitting, or injuring any other person.
8. Banners on poles may not be carried by individuals.
9. Hand-held banners carried by two or more individuals (without poles) are permitted in temporary banner spaces designated by the College District.
10. Tables may not be set up in common outdoor areas, unless it is requested by a student or student organization in advance through a request submitted to the Conference Services Department. Otherwise, community members may not set up any tables in common outdoor areas of the College District.
11. Amplified sound may not be used in common outdoor areas, particularly when it disrupts College District business, operations, meetings, events, an educational function, or a research function.
12. Guest speakers are allowed in common outdoor areas.
13. Guest speakers may not distribute literature that violates the rules in this policy.
14. Guest speakers may not accost bystanders or others who have chosen not to attend the speech or discussion.
15. Guest speakers may not set up exhibits or tables outside of the common outdoor areas or inside College District buildings or facilities.
16. For any assembly, with or without a guest speaker, that has an expected attendance of 15 or more participants (including counter-demonstrators), advance notice and a reservation are encouraged to help the Conference Services Department improve the safety and success of expressive activity.

If there is uncertainty about applicable rules, the appropriateness of the planned location, or possible conflict with other events, persons, and organizations are encouraged to consult the dean of students. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

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**Written Agreement  
Required for Use of  
Facilities**

Any community member or organization approved for use of College District facilities not related to the College District will be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations prior to a facilities use agreement being approved. This includes an acknowledgment that the College District is not liable for any personal injury or damages to personal property occurring during the use by the community member or organization.

**Fees for Use**

A community member or organization authorized to use College District facilities will be charged a fee for the use of designated facilities.

The Board delegates to the District President or designee the responsibility to 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, media, and technology services. All fees must be paid in advance (or an authorized purchase order) in accordance with the College District's facilities use agreement.

Fees will not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies.

The Board delegates to the District President or designee the authority to waive the facility use rental fee if the requested use serves an appropriate College District or public purpose.

**On-Site Personnel**

When a College District facility is being used, an employee of the College District will be on the premises and will be fully in charge of the facility being used.

The College District's representative is responsible for ensuring compliance with the requirements of this policy during the event.

**Required Conduct**

Community members and organizations using College District facilities will:

1. Conduct business in an orderly manner;
2. Abide by all laws, policies, and procedures, including, but not limited to, those regulating the use, sale, or possession of alcoholic beverages, illegal drugs, tobacco products, and firearms on College District property, and the requirements in the facilities use agreement; [See CHF and GDA]
3. Make no alteration, temporary or permanent, to College District property without prior written consent from the District President or designee; and

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

Additionally, community members and organizations using College District facilities (outside of common outdoor areas) may request table space for students to visit and learn about the table sponsor's activities and may distribute literature, subject to the reasonable time, place, and manner restrictions designated by the College District.

Distribution of literature not published by the College District and activities of the organizations and individuals using College District facilities will be conducted in a manner that:

1. Is not disruptive;
2. Does not impede reasonable access to College District facilities or deny the use of offices or other facilities to students, faculty, staff, or guests of the College District;
3. Does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress or egress to and from property, buildings, or facilities;
4. Does not threaten or endanger the safety of any person on College District premises;
5. Does not harass, badger, coerce, or intimidate another person or force material on an unwilling participant or accost or approach individuals not in the immediate vicinity of the assigned table space or use areas designated by the College District;
6. Does not involve conduct that is likely to result in damage to or destruction of property or cause disruption in utilities;
7. Does not create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate with others and/or the rights of others to listen;
8. Does not attempt to prevent a College District event or other lawful assembly by the threat or use of force or violence;
9. Does not interfere with the rights of others as determined by the College District; and
10. Does not violate local, state, or federal laws or College District policies and procedures.

Location and placement of assigned tables and chairs will be made at the discretion of the Conference Services Department, based on

availability, and the Conference Services Department will ensure that such external events do not interfere with the conduct of any student or College District event.

The consumption of food and beverages will be restricted in accordance with the facilities use agreement.

Groups or organizations using College District facilities will conform to all federal and state statutes, county and municipal ordinances, and fire regulations.

Decorations must be flame retardant and will be erected and taken down in a manner not destructive to College District property or facilities. The use of any material or device that constitutes a hazard to people, equipment, property, and/or facilities is expressly prohibited.

The renter is responsible for clean-up of the space and for clearing the area of discarded or leftover literature.

In addition to the rental fee for use of the facility, the renter will be billed for any cleanup expenses that may result if materials are not removed in a timely manner or if storage of renter-owned materials is required.

Events that include attendance of or participation by minors will require adult supervision by the sponsoring organization.

College District apparatus, furniture, or equipment will not be removed, altered, or displaced without permission from an authorized College District official. Renters are not authorized to bring in their own furniture or fixtures.

The renter is liable for the care and protection of College District property and/or facilities and will be charged for any damages sustained by the premises, furniture, or equipment because of the occupancy.

At the sole discretion of the Conference Services Department, rental agreements for use of any College District facility will be revoked when facilities are misused or when the foregoing rules are violated. Facilities use agreements may not be renewed when revoked for misuse.

The renter is responsible for any and all loss, accidents, neglect, injury, or damage to person, life, property, or facilities that may be the result of, or caused by, the renter's occupancy of the facilities or premises for which the College District might be held liable. The renter will protect and indemnify the College District, the Board, and any officer, agent, or employee of the College District and save

them harmless in every way from all suits or actions at law for damage or injury to person, life, property, or facilities that may arise, or be occasioned in any way, because of the occupancy of the facilities or premises, regardless of responsibility or negligence.

The College District may require each renter to provide a valid certificate of insurance in a type and in an amount specified by the College District.

**Identification**

A community member or organization leasing campus facilities and/or distributing materials on campus will provide identification when requested to do so by a College District representative.

Any student who refuses to identify himself or herself fully may be subject to College District discipline, which may include suspension.

**Distribution of Literature**

Any written or printed materials, handbills, photographs, pictures, films, tapes, giveaways, handouts, or other visual or auditory materials not sponsored by the College District must comply with this policy. Such materials will not be sold, circulated, distributed, or posted on any College District facilities or common outdoor areas by any community member or organization, including a College District-support organization, except in accordance with this policy.

Approved individuals renting or using College District facilities may distribute handouts associated with the event to its members and guests.

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

[See CHE regarding use of the College District's internal mail system and FLA regarding distribution of literature by students and registered student organizations]

Materials or literature will not be distributed by a community member or organization on College District property if, in the sole discretion of the College District:

1. The materials are obscene;
2. The materials contain defamatory statements;
3. The materials advocate illegal conduct, imminent lawless or disruptive action and are likely to incite or produce such action;
4. The materials are considered prohibited harassment [see DIA series and FFD series];

5. The materials constitute unauthorized solicitation [see Solicitation Requirements, below]; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

**Time, Place, and Manner Restrictions for Distribution of Literature**

A community member or organization that has been approved to rent a campus facility, has signed the required written facilities use agreement, and has paid any required fees may distribute literature to its members and guests during the time period covered by the written agreement and in the location covered in the written agreement.

**Permissible Solicitation**

As used in this policy, the word “solicitation” will mean the sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of or request for any gift or contribution by an entity.

The only solicitation permitted in or on any property or facilities either owned or controlled by the College District will be in accordance with the following:

1. The sale or offer for sale of any food or drink item by authorized student organizations in an area designated in advance by the appropriate College District representative.
2. The collection of membership fees or dues by approved student organizations at meetings of such organizations scheduled in accordance with College District regulations on the use of facilities.
3. The collection of admission fees for the exhibition of movies or other programs scheduled in accordance with College District policies and procedures.

**Solicitation Requirements**

Such approved solicitation made pursuant to the terms of this policy must be conducted according to the following:

1. The solicitation will not disturb or interfere with the regular academic or institutional programs and activities being conducted in buildings or on property owned or controlled by the College District.
2. The solicitation will not interfere with the free or unimpeded flow of pedestrian and vehicular traffic on sidewalks and streets and at places of ingress and egress to and from buildings owned or controlled by the College District.
3. The solicitation will not harass, embarrass, or intimidate the person or persons being solicited.



4. Violations will be addressed through the appropriate College District policy and may result in the organization being prohibited from further solicitation for a designated period of time.  
[See FKC(LOCAL)]

For the purposes of this policy, “sign” will be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; “posting” will be defined as any means used for displaying a sign. Requirements for election signs are described below at Election/Campaign Signs and Tents.

No person or organization may post a sign that is obscene, incites illegal activity, is libelous, or contains nonpermissible solicitation.  
[See FI(LOCAL) or FKA(LOCAL)]

Except for nonpermissible signs, as defined herein, an entity may publicly post a sign on College District property or facilities only in designated areas or display a sign in common outdoor areas subject to the procedures in this policy. No object other than a sign may be posted on College District property or facilities.

Before publicly posting a sign, an entity will:

1. Submit the proposed sign to the student engagement office staff or a designated representative for review and consideration.
2. Provide pertinent information including the:
  - a. Name and phone number of the student, approved student organization, department, or community member, which must be included on all items to be posted;
  - b. Proposed general location for posting the sign; and
  - c. Length of time the sign will be posted.

Upon receipt, the student engagement office staff or designated representative will ensure that the pertinent information listed above is included and that the following guidelines are applied:

1. Approved items, with a maximum size of 24” x 24”, will be posted neatly on appropriate bulletin boards by student engagement office personnel or a designated representative, subject to space availability.
2. Items will receive an approval stamp dated and signed by student engagement office personnel or a designated representative for each item to be posted.
3. Materials generally will be approved for a maximum period of four weeks.

4. Materials that do not conform to these posting procedures and guidelines will be subject to immediate removal.

A sign may not be:

1. Attached to:
  - a. A shrub or plant.
  - b. A College District vehicle.
  - c. A permanent sign installed for another purpose.
  - d. A fence or chain or its supporting structure.
  - e. A brick, concrete, or masonry structure.
  - f. A statue, monument, or similar structure.
2. Posted:
  - a. On or adjacent to a fire hydrant.
  - b. On or between a curb and sidewalk.
  - c. In a College District building or facility except on a bulletin board designated for that purpose.

The student engagement office staff or designated representative will remove all signs no later than one week after the expired approval stamp date. No person will remove a sign posted or attached in accordance with this section without permission from the student engagement office or designated representative.

### **Nonpermissible Signs**

No entity will post or carry a sign that:

1. Involves nonpermissible solicitation;
2. Contains material that is obscene or libelous; or
3. Is larger than 24" x 24", unless authorized by the associate dean of student and enrollment services.

### **Election / Campaign Signs and Tents**

Election campaign signs will be limited to five signs per candidate at each College District polling site, at a location designated by the appropriate campus ~~vice president~~/provost, during the period of early voting and on Election Day when the campus is a voting site. Such signs will be limited to a size not to exceed 24" x 24" and must be either hand-held or staked into the ground. However, use of t-posts will not be allowed.

Signs placed outside of the designated location will be removed by the facilities/plant manager or designee and held for pick up in the plant facility for not longer than five days from removal. If not

picked up within five days, the College District will dispose of the signs.

Issues-based campaign signs are limited to three signs per political action committee per issue, either supporting or opposing the issue.

Tents, awnings, and shelters will not be permitted on College District property. Amplified sound will not be permitted within 1,000 feet of the polling location.

All electioneering must comply with applicable election laws.

**Classroom Bulletin Boards**

Bulletin boards located both inside and directly outside each classroom will be under the jurisdiction of the appropriate ~~vice president~~campus provost or designated representative.

**Violations of Policy**

Failure to comply with the policy and procedures regarding community use of College District common outdoor areas, College District facilities, or distribution of literature will 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 or discarding of nonconforming materials. Community members or off-campus organizations who violate the rules in this policy may also be subject to criminal trespass charges or other lawful measures.

**Publication**

This policy and associated procedures must be posted on the College District's website and will also be distributed to students and employees. [See DGC and FLA]

**Alcohol and Drug Use Prohibited**

The use of alcohol and intoxicating beverages is prohibited in classroom buildings, laboratories, auditoriums, library buildings, faculty and administrative offices, intercollegiate and intramural athletic facilities, and all other public campus areas.

Any person who appears to be under the influence of intoxicating liquor or drugs will be denied access to and/or the use of College District property or facilities.

**Alcohol and Drug Use Exception**

With the prior consent and approval of the District President or designee, the provisions herein may be waived for specified culinary instructional programs or with respect to any specific event that is sponsored by the College District and/or the Collin College Foundation. State law will be strictly enforced at all times on all property or facilities controlled by the College District in regard to the possession and consumption of alcoholic beverages.

**Children on Campus**

Unattended children will not be allowed in College District facilities at any time. For the purpose of this policy, children are defined as

minors who are not currently enrolled in College District classes, meeting with College District personnel, or participating in approved programs with the College District.

Students may not bring children to orientations, classes, labs, testing centers, or other academic programs. The parent or guardian who violates this policy will be interrupted from his or her campus activity and be required to supervise the child or make other suitable arrangements.

College District employees are prohibited from bringing children to work other than for approved programs with the College District.

**Animals on Campus**

The College District will allow service animals to accompany a student or visitor on campus in accordance with Board policy. [See FAA]. All other animals will not be permitted on any College District campus or in any College District facility.