

## NEW POLICY

### Accreditation Principles

Institutional integrity is essential to the purpose of higher education. Integrity functions as the basic covenant defining the relationship between the College District and the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), The College District's accreditation body requires that the governing board of the institution adopt appropriate and fair processes for the dismissal of a Board member. Therefore, Board members may be removed from office or sanctioned as provided in this policy. [See Southern Association of Colleges and Schools Commission on Colleges, Principle 4.2.e]

### Resignation by Board member or member-elect

A Board member may resign by providing written notice to the Chair or to the Secretary of the Board of Trustees.

A Board member-elect may submit a declination of office by submitting written notice to the Chair or to the Secretary of the Board of Trustees.

The Board may not refuse to accept a resignation or declination submitted under this policy.

### Effective Date

If a Board member or member-elect submits a resignation or declination, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation or declination is accepted by the Board, or on the eighth calendar day after the date of its receipt by the Board Chair or Secretary, whichever date is earlier.

### Holdover Doctrine

All public officers will continue to perform the duties of their offices until their successors will be duly qualified and sworn in. Until the vacancy created by a public officer's resignation is filled by a successor, the public officer continues to serve and have the duties and powers of office and continues to be subject to the nepotism rules and all Board policies. A holdover public officer may not vote on the appointment of the officer's successor. [See DBE]

### Immediate Removal for Lack of Residency

A Board member is required to remain a resident of the College District throughout the term of elected office. A Board member who ceases to reside in the College District vacates his or her office immediately.

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### Immediate Removal for Conviction

A Board member who is convicted of official misconduct, including a purchasing offense under Education Code 44.032 [see CF(LEGAL), IMPERMISSIBLE PRACTICES], is subject to immediate removal from office. See Local Gov't Code 87.031.

### Involuntary Removal from Office under Quo Warranto

A Board member who usurps, intrudes into, or unlawfully holds or executes a public office may be involuntarily removed by a quo warranto action as described in BBC(LEGAL). See Civ. Prac. and Rem. Code 66.001-.002.

A Board member who engages in an act, or allows an action, that by law causes forfeiture of office may also be involuntarily removed by a quo warranto action as described in BBC(LEGAL). See Civ. Prac. and Rem. Code 66.001-.002.

### Involuntary Removal from Office by Petition and Trial

A Board member may be removed from office by a petition filed by any resident of this state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county, under Local Gov't Code 87.015.

### Reasons for Removal from Office

A Board member may be removed by a quo warrant action or by petition and trial for:

1. Incompetency. "Incompetency" means:
  - a. Gross ignorance of official duties;
  - b. Gross carelessness in the discharge of those duties; or
  - c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the officer's election.
2. Official misconduct. "Official misconduct" means intentional, unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law.
3. Intoxication on or off duty caused by drinking an alcoholic beverage. Intoxication is not grounds for removal if it appears

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at the trial that the intoxication was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician practicing in this state.

4. The conviction of a board member by a jury for any felony or for misdemeanor official misconduct, including a purchasing offense under Education Code 44.032.
5. Nonattendance of board meetings if the member is absent from more than half of the regularly scheduled and posted board meetings, including committee meetings, that the member is eligible to attend during a calendar year, not counting an absence for which the member is excused by a majority vote of the board.

Tex. Const. Art. V, Sec. 24; Local Gov't Code 87.011(2)-(3), .013, .031; Education Code 44.032, 130.0845

### Other Sanctions

The Board has an interest in directly addressing ethical and other misconduct by a Board member. Board members will not engage in Misconduct as defined in this policy.

#### Misconduct Defined

Under this policy, Misconduct means: (1) violating the Code of Ethics in BBC(LOCAL); (2) failing to uphold Board member responsibilities as listed in BBC(LOCAL); (3) violating applicable Board policies, including, but not limited to, conduct constituting criminal offenses and nepotism [BBFB(LEGAL)] and conflicts of interest [BBFA(LEGAL)]; (4) failing to file required conflict of interest disclosures [BBFA(EXHBIT)]; and/or (5) engaging in other unethical or dishonest conduct, in fraud, or in making false or misleading representations during a term of office.

Each Board member has a duty to report Misconduct. The Board may investigate Misconduct reports and issue sanctions in accordance with this policy and applicable law.

#### Reporting Misconduct

Any community member or any Board member may file a written Misconduct report with the Board Chair, or with the Board Secretary if the report regards the Board Chair.

The report recipient must advise the Board in writing that a Misconduct report was received. The recipient may request an investigation of the Misconduct report. Upon a majority vote of the Board, an investigation of the Misconduct report may be initiated.

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### Investigating Misconduct

An Independent Third Party will conduct the investigation. Independent Third Party under this policy means any person appointed by a majority vote of the Board to conduct this investigation.

During the investigation, the respondent Board member will be provided by the Independent Third Party a list of the allegations lodged in the Misconduct report. The respondent Board member has the opportunity to respond to the specific allegations, either in writing or by meeting with the Independent Third Party.

The Independent Third Party will prepare investigative findings or an investigative report for the Board's review.

### Sanctions Upon a Finding of Misconduct

The Board will have the authority to sanction a Board member for Misconduct. The Board may find that Misconduct has occurred by a majority vote of the Board.

Upon such finding, the Board may sanction the Board member found to have engaged in Misconduct. Sanctions may include, but are not limited to: (1) removing the board member from serving in any Board committee, (2) limiting travel and fee reimbursement for the Board member, (3) requiring the Board member to attend additional training at the Board member's expense to be completed within a specified period of time; (4) censuring the Board member, and/or (5) any other sanction or action allowed by applicable law. For purposes of this policy, "censure" means a public reprimand by the Board of a person through means of a written order or resolution for specified conduct. Sanctions imposed are to be read at the next scheduled Board meeting.

### Filling a Vacancy

Any vacancy occurring on the Board through death, resignation, or otherwise, will be filled by a special election ordered by the Board or by appointment by resolution or order of the Board.

#### By Special Election

A special election to fill a board vacancy is conducted in the same manner as the College District's general election except as provided by the applicable provisions of the Election Code. [See BBB]

If a vacancy in office is to be filled by special election, the election will be ordered as soon as practicable after the vacancy occurs. A special election to fill a vacancy will be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered. For a vacancy to be filled by a special election to be held on the date of the general election for state and

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county officers (November of even-numbered years), the election will be ordered not later than the 78th day before election day.

In all elections to fill vacancies of office in this state, it will be to fill the unexpired term only.

### By Appointment

An appointment to the governing body of a local government will be made as required by the law applicable to that local government and may be made with the intent to ensure that the governing body is representative of the constituency served by the governing body. A local government that chooses to implement this provision will adopt procedures for the implementation. *Local Gov't Code 180.005(b)-(c)*

A vacancy on the Board may be filled by appointment through a resolution adopted by a majority of the remaining Board members. The Board may adopt procedures on a case-by-case basis, which may include an application process, or the Board may appoint a person who has expressed an interest in serving with or without an application process. Any person appointed must meet the qualifications set forth at Election Code 141.001(a) and Education Code 130.082(d).

The person appointed to fill the unexpired term will serve until the next regular election of members to the Board, at which time the position will be filled by election for a term appropriately shortened to conform with what regularly would have been the length of the term for that position. *Tex. Const. Art. XVI, Sec. 27; Education Code 130.082(d)*

### Temporary Replacement of Board Member on Military Active Duty

An elected or appointed Board member who enters active duty in the Armed Forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the appropriate authority may appoint a replacement to serve as a temporary active Board member as provided by Texas Constitution Article XVI, Section 72 if the elected or appointed Board member will be on active duty for longer than 30 days.

The Board member who is temporarily replaced may recommend to the Board the name of a person to temporarily fill the office. The Board will appoint the temporary acting Board member to begin service on the date specified in writing by the Board member being temporarily replaced as the date the Board member will enter active military service.

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A temporary acting Board member under this policy has all the powers, privileges, and duties of the office. A temporary acting Board member will perform the duties of office for the shorter period of either:

1. The term of the active military service of the Board member who is temporarily replaced; or
2. The term of office of the Board member who is temporarily replaced.

“Armed Forces of the United States” means the U.S. Army, the U.S. Navy, the U.S. Air Force, the U.S. Marine Corps, the U.S. Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

**Statement of Code of Ethics**

As a member of the Board, I will strive to improve community college education, and to that end I shall adhere to all state and federal laws, College District policies, and the following code of ethical standards:

1. Attend all regularly scheduled Board meetings insofar as possible and become informed concerning issues to be considered at those meetings.
2. Bring about desired changes through legal and ethical procedures, upholding and enforcing all applicable statutes, regulations, and court decisions pertaining to community colleges.
3. Work with other Board members to establish effective Board policies and to delegate authority for the administration of the College District to the District President, District President, and act on behalf of the Board only with the official authorization of a majority of the members of the Board.
4. Work with other Board members to establish and adhere to policies and practices prohibiting unlawful discrimination, including ~~conduct that constitutes sexual~~ harassment on any basis prohibited by law.
5. ~~Recognize that I should endeavor to m~~Make policy decisions only after full consideration of agenda items presented discussion at publicly held Board meetings.
6. Render all decisions based on the available facts and my own independent judgment, while avoiding undue influence from individuals outside of the College District community, political, religious, or other special interest groups, and thus protecting the institution from such influence.
7. Encourage the free expression of opinion by ~~all~~ Board members and seek transparency in communications between ~~the~~ Board members and students, staff, and community members, and all elements of the community.
8. Communicate to other Board members and the District President ~~College President~~ expressions of public reaction to Board policies and College District ~~college~~ programs.
9. ~~Inform myself~~ Stay informed about current educational issues by individual study and through participation in programs providing ~~needed~~ information necessary in the performance of my Board member role, such as those sponsored by the Texas Association of Community Colleges, the American Association of Community Colleges, and the Association of



Community College Trustees. I will not seek and will not accept appointments or leadership positions with such organizations without the express authority of the Board.

10. Support the employment of those persons best qualified to serve as College District staff, and insist on a regular and impartial evaluation of all staff, and respect the role and responsibilities of College District employees and contractors to empower them to work without my interference.
11. Act with integrity, avoid being placed in a position of conflict of interest, and refrain from using my Board position for actual or apparent personal or partisan gain.
12. Take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law, including all deliberations of the Board in closed/executive session.
13. Regularly conduct a Board of Trustees' self-assessment to give individual Board members an opportunity to assess how effectively they fulfill their responsibilities as a Trustee and how effectively the full Board fulfills its duties.
14. Remember always that my first and greatest concern must be the educational welfare of the students attending the College District.
- ~~14-15.~~ Refrain from any attempt to influence any operational decision of the College District, including but not limited to individual admissions, personnel, management, or purchasing decisions except when such an issue is being presented for consideration at a Board meeting; and do not engage in any communications about a specific grievance with any person with a pending grievance before the College District.

REFERENCES: Referenced in part from the National School Boards Association and Southern Association of Colleges and Schools Commission on Colleges

**Leadership  
Responsibilities**

The Board of Trustees sets a constructive tone for the entire College District. The Board strives to create a positive, future-oriented climate of integrity, innovation, and excellence and works to build effective relationships with all stakeholders. The Board understands and adheres to its governance roles and responsibilities under Board policies and applicable laws.

Trustees treat one another with respect and work as a team to accomplish the Board's work. Trustees prepare for Board meetings.



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avoid real or apparent conflicts of interest, adhere to ethical conduct, and vote on behalf of the entire community. The Board accommodates differing opinions when debating issues and bases decisions on information relevant to agenda items presented at each Board meeting. The Board considers the political ramifications of its actions and stands up for what it believes is right for students, employees, and the community. A member of the Board of Trustees is responsible to the entire College District rather than to any individual part or constituency within the College District or community. Trustees do not request or demand action that violates any law, Board policy, or College District procedure.

**Policy-Making and  
Advocacy  
Responsibilities**

The Board adopts policies to direct and guide the College District. Board policies define and uphold a vision and mission reflecting student and community expectations. Trustees act strategically, focus on priority items and on the community's future learning needs. Trustees engage in creative, thoughtful discussions as they plan for the future and envision what is best for the College and community. Policies set standards for quality, ethics, and prudence in College operations.

The Board balances and integrates the community's interests and needs into policies benefitting the common good and the College District's future. Trustees are aware of the community they serve by learning issues affecting the community and its demographic, economic, and social trends. Because the Board protects the public interest and represents the community's voice, Trustees understand what benefits the College District confers on the community, learn about community and regional needs and expectations, purposefully involve community discussion on issues that impact the community, and maintain good relationships with other community leaders.

Trustees advocate for and protect the College. They promote the College in the community and seek support for the College District from local, state, and national policymakers. They protect the College District's ability to fulfill its mission and promise to its communities. Trustees: (1) know the college's history, mission, and Core Values; (2) recognize the college's accomplishments; (3) actively support the college's mission and strategic plans; (4) positively represent the college in the community; (5) serve as leaders in the community; (6) participate in community activities as college representatives, where permissible; (7) adhere to ethical and SACSCOC accreditation standards; (8) educate the community about the college's needs and issues; (9) are informed of relevant state laws and regulations; (10) understand state and national educational

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policy issues; (11) advocate for college interests to state and national personnel and legislators; (12) actively seek political and civic support for the college; (13) work to secure adequate public funding for the college; (14) actively support the college's foundation and fundraising efforts; and (15) understand and protect the faculty's academic freedom.

### **Public Comment at Posted Meetings**

At posted meetings, the Board will allot time within the meeting to hear persons who desire to make comments to the Board. Persons who wish to participate in this portion of the meeting will sign up ~~with the presiding officer or designee~~ before the meeting begins and ~~will~~ indicate the topic or agenda item(s) about which they wish to speak.

Public comment cards are available from and accepted by the Executive Assistant to the District President and Secretary to the Board of Trustees or designee for one hour prior to the start of the meeting. Citizens who wish to speak must complete the public comment cards and indicate the agenda item or topic on which they wish to address the Board.

Comment cards are not transferable to other speakers.

At Regular board meetings, citizens may address agenda or non-agenda items in their public comments.

At all other board meetings, public comment shall be limited to items on the agenda posted with notice of the meeting.

Comments addressing agenda items will be heard at the beginning of the board meeting, in order of the corresponding agenda item, for the allotted thirty (30) minutes or until all agenda-related comments have been heard.

If time remains within the allotted thirty (30) minutes, comments addressing non-agenda items will be heard.

All comments related to non-agenda items that are not heard during the allotted thirty (30) minutes will be heard at the end of the regular board meeting.

No presentation by an individual will exceed three minutes, except when a speaker uses a translator, in which case, the presentation cannot exceed six minutes. The Board encourages, but does not require, delegations of more than five persons to appoint one person to present their views before the Board.

### **Meeting Management**

When necessary for effective meeting management or to accommodate large numbers of individuals wishing to address the Board, the presiding Board officer may make adjustments to public comment procedures, including:

- Adjusting when public comment will occur during the meeting;
- Reordering agenda items;

- Deferring public comment on non-agenda items; and
- Continuing agenda items to a later meeting.

However, public comment on agenda items shall not be moved after the agenda items have been heard. The presiding officer may also provide expanded opportunity for public comment, establish an overall time limit for public comment, and adjust the time allotted to each speaker. However, no individual shall be given less than three minutes to make comments.

**Board's Response**

Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board will not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

**Complaints and Concerns**

The presiding officer or designee will determine whether a person addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the person will be referred to the appropriate policy (see list below) to seek resolution:

1. Employee complaints — DGBA
2. Student complaints — FLD
3. Public complaints — GB

**Disruption**

The Board will not allow disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any person continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the person removed from the meeting.

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### Nepotism Prohibited

The College District will not employ any person who is related by blood (within the third degree), or by marriage (within the second degree), to a member of the Board or to any officer of the College District. [For an explanation of prohibited degrees, see DBE(EX-HIBIT)].

A member of the Board or officer of the College District will not use his or her position to influence another College District employee to hire a member of his or her family in violation of this policy.

### Independent Contractor

This nepotism policy also governs the hiring by the College District of an individual as an independent contractor.

### Exception

This policy does not apply to an employee who has been continuously employed by the College District for a period of at least six months prior to the election of the member of the Board or the appointment of the officer of the College District.

### Job Applicants

In all cases involving employment, fair and equitable hiring practices will be observed. Persons responsible for employment decisions in the College District will avoid any act or practice that might be interpreted as preferential consideration shown a family member of the Board member or an officer of the College District.

### Financial Interests

In compliance with the College District's accreditation standards, the Chair of the Board and a majority of other voting members of the Board must be free from any contractual, employment, personal, or familial financial interest in the College District and will comply with the requirements for disclosing conflicts of interest or for abstention, as set forth in BBFA(LLEGAL).

### Effect of Board Member Resignation

All public officers will continue to perform the duties of their offices until their successors are duly qualified, i.e., sworn in. Until the vacancy created by a Board member's resignation is filled by a successor, the Board member continues to serve and have the duties and powers of office, and a relative within a prohibited degree of relationship is barred from employment by the College District during that time period.

### Source of Funds

The rules against nepotism apply to employees paid with public funds, regardless of the source of those funds.

### Penalties

An individual who violates this policy in violation of Government Code Chapter 573, Subchapter C or Government Code 573.062 (the nepotism prohibitions) will be removed from the individual's position.

<b>Violations</b>	Employees will comply with the <del>standards of conduct set out in this policy</del> <u>Code of Ethics set out in DH(EXHIBIT), the standards set out in this policy,</u> and with any other policies, regulations, and guidelines that impose duties <del>or,</del> requirements, <del>or standards</del> attendant to their status as College District employees. Violation of any policies, <u>Core Values,</u> regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCC and DM series]
<b>Record Retention</b>	An employee will comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA <u>and GCB</u> ]
<b>Safety Requirements</b>	All employees will adhere to College District safety procedures and guidelines and will report unsafe conditions or practices to the appropriate supervisor.
<b>Alcohol and Drugs</b>	<p>A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, will be provided to all new employees and will be available on the College District human resources' website.</p> <p>Employees will not unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on College District property or while engaged in College District-related activities during or outside of usual working hours:</p> <ol style="list-style-type: none"><li>1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.</li><li>2. Alcohol or any alcoholic beverage.</li><li>3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.</li><li>4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.</li><li>5. Any drug paraphernalia used for controlled substances as defined under Health and Safety Code Section 481.002.</li></ol> <p>An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.</p>
<b>Exceptions</b>	It will not be considered a violation of this policy if the employee:

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

The District President is authorized by the Board to permit the serving and consumption of alcohol at special fundraising functions for the College District, at specially designated events in College District facilities, and as a part of specifically defined and approved academic curricular programs/classes (e.g., culinary arts).

**Notice**

In addition to a copy of this policy, each employee will be given a copy of the College District's statement regarding a drug-free workplace and drug-free schools and a description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

**Reporting Violations of the Law**

Each employee will report violations of law to his or her supervisor, a human resources representative, the appropriate vice president or provost, or the District President as soon as he or she may become aware of the same. Failure to make such a report and/or failure to ~~timely~~ report as required by Board policies may compromise the integrity of the College District depending upon the severity of any concealment and may subject the employee to disciplinary action, including termination of employment with the College District.

In instances in which an employee asserts that he or she is being suspended, terminated, or discriminated against on account of the good faith reporting of a violation of law, the employee has all rights and protections afforded by law and in particular under Government Code 554.001, et seq., whereby such action is a form of unlawful retaliation. Employees claiming retaliation under this section will exhaust all administrative remedies to correct an alleged injustice, including filing a resolution of employee concern form [see DGBA(LOCAL)] and following the appropriate procedures thereafter.

**Weapons on Campus**

The College District prohibits the use, possession, or display of any illegal knife, club, or prohibited weapon, in violation of the law or College District policies and procedures, on College District property or at a College District-sponsored or -related activity, unless



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written authorization is granted in advance by the District President or designee. [See CHF]

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

An employee (or designee, if the employee is incarcerated) will notify his or her immediate supervisor through a written letter via certified (verifiable) email or certified mail and sent/postmarked within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or any offense involving moral turpitude.

Moral Turpitude

Moral turpitude includes but is not limited to:

1. Dishonesty, fraud, deceit, theft, or misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

**Smoke and Tobacco Free Workplace**

The College District prohibits smoking and the use of tobacco products or other electronic smoking devices on all College District property. Violators of this policy may be subject to disciplinary action, including, but not limited to, termination of employment. [\[See FLBD\]](#)

[An employee will not give or sell tobacco products or e-cigarettes to a person in violation of law.](#)

Employees seeking assistance or related educational materials should contact the human resources office.

**Use of College District Equipment at an Off-Campus Location**

College District employees may use College District equipment for College District-related purposes at off-campus locations, including a personal residence, by completing an equipment check-out form and by following the related procedures. Failure to comply with the published guidelines may result in disciplinary action. An employee will not use College District facilities, secretarial assistance, office supplies and equipment, or other College District resources for personal gain or benefit; such use of College District resources for

	<p>personal gain or benefit is a violation of College District policy and state law.</p>
<b>Fraternization / Consensual Relationships</b>	<p>Employees with direct teaching, supervisory, advisory, or evaluative responsibility over other employees, students, or student employees are expected to recognize and respect the ethical and professional boundaries that must exist in such situations. Employees must also avoid putting themselves in a compromising position, such as meeting alone with a student in a private residence or non-public place.</p> <p>While personal relationships between consenting adults are a personal matter, they can create potential conflicts in the workplace and in the educational setting. Such relationships also have the potential for exploitation of an employee, student, or student employee and can possibly create professional or academic disadvantages for third parties.</p>
Definitions	<p>Consensual Relationship – a mutually acceptable, dating, romantic, or sexual relationship.</p> <p>Consensual Relationship in the Workplace – a mutually acceptable, dating, romantic, or sexual relationship between a College District employee (including a student employee) with teaching, supervising, advising, evaluating, or grading authority, and an employee, student, or student employee who is, directly or indirectly, taught, supervised, advised, evaluated, or graded by that College District employee.</p> <p>Conflict of Interest – Even when there is no actual conflict of interest, a potential conflict of interest or an appearance of impropriety may arise when individuals with the authority and the responsibility to evaluate the work or performance of an employee, student, or student employee initiate, acquiesce to, or engage in an intimate, dating, romantic, or sexual relationship with that employee, student, or student employee.</p>
Prohibited Conduct	<p>Employees are prohibited from having a consensual relationship in the workplace that is not reported in accordance with this policy.</p> <p>This policy applies to all College District faculty, staff, and students. As used in this document, the terms “faculty, staff, and students” include individuals serving as interns or as volunteers, such as volunteer coaches.</p>
Reporting Responsibility	<p>When a consensual relationship in the workplace exists, the individual in the position of authority must immediately (and no later than within five days of commencing such a relationship) notify his</p>

or her immediate supervisor of the relationship. Failure of the individual in the position of authority to report the consensual relationship in the workplace immediately may result in disciplinary action up to and including termination.

If a conflict of interest or the appearance of a conflict of interest exists as a result of the consensual relationship in the workplace, the individual reporting the relationship will cooperate with his or her supervisor in making all the necessary arrangements to resolve the conflict of interest. If the conflict of interest cannot be resolved by the supervisor, the supervisor will refer the issue to the Human Resources Department for further resolution, including the removal of the reporting relationship, the reassignment of the reporting employee, other resolution of the conflict of interest, and/or termination of employment. If a consensual relationship in the workplace does not result in a conflict of interest or the conflict of interest is resolved, the relationship will be allowed by the supervisor.

If an allowed consensual relationship in the workplace ends and as a result has a negative impact on either employee's work, it is the employees' responsibility to inform their supervisor(s) and to take appropriate steps to mitigate any conflicts at work. If employees are unable to resolve conflicts at work, the employees will be asked to mutually agree which employee will be reassigned or resign from the College District's employment. If employees are unable to agree on that decision, the College District may elect to terminate the employment of one or both employees at the same time.

Immediate  
Supervisor  
Responsibility

A supervisor who is notified, or becomes aware, of a consensual relationship in the workplace will inform Human Resources. Human Resources will take steps to confirm that the consensual relationship in the workplace exists by meeting with the parties involved and advising that this type of relationship must conform to the guidelines of this policy. Human Resources will work with all parties to alter the conditions that create an actual or potential conflict of interest or the appearance of impropriety caused by the relationship. In most instances, providing alternative arrangements for either party will alter the conditions. In providing alternative arrangements, the College District must ensure no harm comes to the person in the relationship who holds less power or authority. These alternative arrangements must be documented, kept in the employee's personnel file, and reported to the vice president in the reporting line of the employee in the position of authority in the relationship.

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Procedures for  
Failure to  
Cooperate

Employees in positions of authority in consensual relationships in the workplace must fully cooperate in efforts to eliminate any conflict of interest or appearance of impropriety and are subject to disciplinary action up to and including termination for failure to do so. The College District will presume that the relationship was not consensual if the subordinate party complains of sexual harassment related to an undisclosed consensual relationships in the workplace. Allegations of sexual misconduct will be investigated in accordance with College District policy and procedures.

Procedure for  
Grievances of  
Disciplinary Actions

An individual who is disciplined under this policy may grieve or appeal through DGBA.

## NEW EXHIBIT

### Code of Professional Ethics

Since all college employees interface with or serve students, the College District holds all of its employees to the ethical standards of professional educators as expressed in the [Texas Community College Teachers Association Code of Professional Ethics \(PDF\)](#) set forth in large part below:<sup>1</sup>

1. The Professional Educator shall treat all persons with dignity and respect; discriminating against no one on any basis protected by law.
2. The Professional Educator shall strive to help each student realize his or her full potential as a learner and as a human being.
3. The Professional Educator shall by example and action encourage and defend the unfettered pursuit of truth by both colleagues<sup>1</sup> and students supporting the free exchange of ideas, observing the highest standards of academic honesty and, integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.
4. The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.
5. The Professional Educator shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor which might damage or embarrass or violate the privacy of any other person.
6. The Professional Educator shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate preparation and performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.
7. The Professional Educator shall make the most judicious and effective use of the College District's time and resources.
8. The Professional Educator shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which he or she is not qualified nor assign tasks to unqualified persons.

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<sup>1</sup> The term "colleague" refers to all persons employed by or who contracts with the College District.

## NEW EXHIBIT

9. The Professional Educator shall support the goals and ideals of the College District and shall act in public affairs in such a manner as to bring credit to the College District.
10. The Professional Educator shall not engage in unlawful harassment or sexual harassment of students or colleagues and shall adhere to the College District's policies on unlawful harassment and other conduct.
11. The Professional Educator shall observe the stated policies and procedures of the College District, reserving the right to seek revision in a judicious and appropriate manner.
12. The Professional Educator shall participate in the governance of the College District by accepting a fair share of committee and institutional responsibilities.
13. The Professional Educator shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offense so long as the colleague's innocence may reasonably be maintained.
14. The Professional educator shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.
15. The Professional Educator shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of his or her public position for private or partisan advantage.

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<sup>1</sup> Texas Community College Teachers Association Code of Professional Ethics (PDF): <http://www.tccta.org/wp-content/uploads/2016/01/TCCTA-Ethics.pdf>

ASSIGNMENT, WORK LOAD, AND SCHEDULES

DJ  
(LOCAL)

**Assignment**

All employees will be subject to assignment and reassignment by the District President at any time when the District President determines that the assignment or reassignment is in the best interests of the College District. The District President may, from time to time, assign or reassign a contract or noncontract employee to other or additional duties for which the employee is professionally certified or otherwise qualified to perform. Reassignment of a contract employee will be defined as a transfer to another position, department, or facility that does not necessitate a change in the employment contract.

**Exempt**

Full Time

Administrators and other full-time employees in positions identified as exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) will be expected to work a minimum of 40 hours per week. Holiday hours will be considered as hours worked.

Regular Faculty  
Assignment

The responsibilities of regular faculty assignments will be described in the full-time faculty position description and include, but are not limited to, teaching assigned courses and maintaining appropriate office hours for student advising and divisional and College District service responsibilities.

Extra Service  
Assignments

Full-time faculty employed on a nine-month contract may be employed during the summer based on a recommendation from the appropriate dean. No guarantee exists for summer or for any extra service assignment. Noncontractual extra service assignments or supplemental duties for which supplemental pay is received may be discontinued by either party at any time. An employee who wishes to relinquish a paid extra service assignment or supplemental duty may do so by notifying the appropriate supervisor in writing. Paid extra service assignments or supplemental duties are not part of the College District's contractual obligation to the employee, and an employee will hold no expectation of continuing assignment to any extra duty assignment or supplemental duty.

**Nonexempt**

Full Time

Full-time employees in positions identified as not exempt from the overtime provisions of the FLSA will work 40 hours each week. All hours worked in excess of 40 will be compensated at a rate equal to one and one-half the employee's regular hourly rate or as defined by the FLSA. [See DEA]

Hours recorded for paid leave including, but not limited to, vacation, holidays, or sick leave will not be considered worked hours for the purposes of determining overtime. A full-time nonexempt employee will record all hours worked in the College District's time and attendance system.



No College District employee will have the authority to request or require that another College District employee falsify his or her time worked.

**Part Time**

A part-time employee in a position identified as not exempt from the overtime provisions of the FLSA will work the total number of hours for which he or she is individually hired.

A part-time nonexempt employee will record all hours worked in the College District's time and attendance system. No College District employee will have the authority to request or require that another College District employee falsify a time sheet.

**Service Definition**

College District service will be defined as the total length of full-time, benefits-eligible employment with the College District.

**Nepotism**

An employee will not initiate nor participate in, directly or indirectly, decisions involving a direct benefit (e.g., initial employment or appointment, retention, promotion, salary, course or work assignments, research funds, leave of absences, and the like) to members of his or her immediate family or household or to a partner in a dating relationship. For the purpose of this policy, the following definitions will apply:

1. Immediate family includes husband and wife; son and daughter (including stepchildren); grandchildren; son- and daughter-in-law; parents (including stepparents); grandparents; father- and mother-in-law; brother and sister (including stepbrother and stepsister); and brother- and sister-in-law.
2. Household includes individuals regularly sharing the employee's residence.
3. A dating relationship means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. A casual acquaintanceship or ordinary fraternization in a business or social context may not constitute a dating relationship.

It may be that other personal relationships are such that objective and equitable supervisory decisions are not possible; in all such cases, the human resources office will be consulted to ensure consistency with the spirit and intent of this policy.

A person will not be employed on a full-time or part-time basis in a department or position in which:

- An immediate family or household member or partner in a dating relationship is also employed;

ASSIGNMENT, WORK LOAD, AND SCHEDULES

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- He or she will be subject to the close supervisory authority by an immediate family or household member or partner in a dating relationship; or
- An immediate family or household member or partner in a dating relationship, in the ordinary course of business, makes or informs decisions concerning the employee's direct benefits, or may compromise the confidentiality of employment records or other materials.

An employee is responsible for reporting to his or her supervisor any personal relationships that limit objective and equitable supervision or hiring practices.

**Required  
Disclosure**

Employees must disclose to their supervisor within ten (10) business days if they become related, as defined in this policy, to: (1) an employee in the same department; or (2) whom they directly or indirectly supervise; or (3) whom directly or indirectly supervises them; or (4) whose relationship may create a violation of this policy.

An employee's failure to report to the appropriate supervisor a relationship as defined by this policy may result in disciplinary action, up to and including termination.

The supervisor must promptly notify Human Resources upon becoming aware of such potential conflict. Human Resources will work with the supervisor and appropriate college administrators to resolve the conflict, which may include relocating one of the parties to another position, campus, or department, if such reassignment or position is available.

An employee or job applicant may apply for a waiver of the nepotism policy which may be considered based on a case-by-case assessment recommended by either a supervisor or a department head, up through and as approved by the District President.

TERMINATION OF EMPLOYMENT

DM  
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**At-Will Employees**

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the College District. At-will employees who are dismissed may request review of that decision through DGBA(LOCAL) and ~~shall~~will receive pay through the end of the last day worked.

**Severance Benefits**

The College District must continually assess its operations, evaluate personnel, and allocate staffing wisely to operate efficiently and effectively. When a position(s) or an individual's employment with the college is no longer supportable, the College District will take appropriate action.

In the case of an organizational change or position elimination, reasonable effort will be made to reassign displaced employees to available positions. If these efforts are not successful, severance benefits may be provided to ease the transition from employment. Exceptions to this severance benefits policy may be granted by the District President.

**Eligibility**

Under this policy, regular full-time non-contract staff who have completed their 90-day probationary period are eligible for severance benefits if the position they hold is eliminated and reassignment to a comparable or available position is not offered, if they are part of an early exit incentive program, or if their employment is otherwise involuntarily terminated.

Employees within their 90-day probationary period, temporary employees, adjunct faculty, part-time employees, grant employees (unless allowed under the applicable grant) and contract employees are not eligible for severance benefits under this policy.

In the event of a position elimination or other organizational change, the College District will attempt to provide reasonable advance notice to these employees, when feasible.

**Severance Pay**

Eligible employees will be provided all benefits and compensation normally due to separating employees and COBRA or other insurance continuation options, if applicable.

Subject to receipt by the College District of a fully-executed release of all claims in a form acceptable to the College District, severance-eligible employees may also be provided:

1. two (2) calendar weeks of pay at the final base salary rate as notice- or pay in-lieu-of notice; and
2. one (1) week of base pay as severance for each year of full-time service with the College District, generally to a maximum of 6 calendar weeks, which will be provided at the final base salary rate (excluding any other forms of final

TERMINATION OF EMPLOYMENT

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or additional pay due to the employee under applicable law); and

3. outplacement assistance and career counseling services of the Human Resources department, if available.

Severance pay will not exceed the District President's contracting authority as set by Board policy CF.

**Distribution of Severance Benefits**

If pay-in-lieu of notice is provided, the employee will remain on the payroll on administrative leave until that period is exhausted. Severance pay will be distributed as a lump sum payment, that will be issued after the employee signs the release and any required notice period is exhausted.

**Re-Employment**

Employees who have received severance pay benefits are not eligible for reemployment with the College District until the notice period and severance pay distribution period have been fully exhausted or an agreement to reimburse severance pay for future weeks has been executed.

**Resignation**

The College District President or designee ~~shall be~~ authorized to accept the resignation of an at-will employee at any time. The College District has the sole discretion to designate a resigning employee's earlier final day at work, whether or not the intended notice period has been fully satisfied. Once submitted and accepted, the resignation of an at-will employee may not be withdrawn without the consent of the College District President or designee. [See DMD]

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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.

**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 practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti 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:

1. Who has the authority to remedy prohibited conduct.
2. Who has been given the duty of reporting incidents of prohibited conduct.
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.

The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below.

**Definition of College District Officials**

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: ~~Linda Qualia Terrence Brennan~~  
Position: ~~Associate Dean of Counseling and ACCESS~~ District Dean of Students  
Address: ~~2800 East Spring Creek Parkway, Plano, TX 75074~~ 3452 Spur 399, McKinney, TX 75069  
Telephone: (972) 881-~~5903~~ 5604

ADA / Section 504 Coordinator for Employees

Name: Floyd Nickerson  
Position: Chief Human Resources Officer  
Address: 3452 Spur 399, McKinney, TX 75069  
Telephone: (972) 599-3159

Other Anti-discrimination Laws

The District President or designee will serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

**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.



FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
OTHER PROTECTED CHARACTERISTICS

FFDB  
(LOCAL)

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>

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
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	<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>
<p><i>Notification of the Outcome</i></p>	<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>
<p><b>College District Action</b></p>	
<p>Prohibited Conduct</p>	<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>
<p><i>Corrective Action</i></p>	<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>
<p>Improper Conduct</p>	<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>
<p><b>Confidentiality</b></p>	<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>
<p><b>Appeal</b></p>	<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>
<p><b>Records Retention</b></p>	<p>Retention of records will be in accordance with the College District's records retention procedures. [See CIA]</p>

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**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.

COMMUNITY USE OF COLLEGE DISTRICT FACILITIES  
CONDUCT ON COLLEGE DISTRICT PREMISES

GDA  
(LOCAL)

**Withdrawal of  
Consent to Remain  
on Campus**

In accordance with law, during a period of disruption, the District President or designee may notify a person, a group, or an organization that consent to remain on a College District campus or facility has been withdrawn for no longer than 14 days if there is reasonable cause to believe that the person, group, or organization willfully disrupted the orderly operation of the College District and that his or her presence on College District property will constitute a substantial and material threat to the orderly operation of the College District.

Hearing Procedures

A party from whom consent has been withdrawn may request a hearing on the withdrawal to be held in accordance with law.

Appeal

The person or a group or organization (through a representative member of the group or organization) may appeal the outcome of the hearing 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.]

**Tobacco and  
E-cigarettes**

The College District prohibits smoking and the use of tobacco products and e-cigarettes on College District property, in College District vehicles, and at College District-related activities.