

**Emergency
Operations Plan**

In accordance with state requirements, the College District will maintain a multihazard emergency operations plan that provides for appropriate employee training; adequate communications technology and infrastructure, including employee access to emergency communication devices; coordination with state and local entities; ~~and~~ implementation of a safety and security audit; and any other requirements established by the Texas School Safety Center (TxSSC).

**Emergency
Response and
Evacuation
Procedures**

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

**Emergency Alert
System**

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

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

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

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

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

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

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

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

Any person commissioned by the College District must be a certified peace officer who satisfies the requirements of the Texas Commission on Law Enforcement (TCOLE). Peace officers will discharge the responsibilities provided in Section 51.203 of the Texas Education Code and Articles 2.12 and 2.13 of the Code of Criminal Procedure. All certified peace officers will possess a valid Texas driver's license at all times.

Appointing a Chief The Chief of Police is appointed by the Board of Trustees upon the recommendation of the District President. The Chief of Police is

subject to state and federal law, the policies of the Collin College Board of Trustees, and the regulations, guidelines, and directives implemented by the District President or designee.

The Chief of Police will, as a condition of employment, complete the course of training prescribed for Chiefs of Police by the TCOLE.

Subject to pertinent state and federal laws, Board policy, and administrative regulations and directives, the Chief of Police has authority to manage the members of the police department. The Chief of Police will promote the discipline, training, efficiency, and morale of the department. The Chief of Police is authorized to establish the schedule of work for all department personnel.

Subject to review and approval by the District President or designee, the Chief of Police will prepare a handbook or manual of procedures, guidelines, and regulations to implement Board policy and to guide officers in the discharge of their responsibilities. The handbook or manual will address arrests, search and seizure, use of force, evidence handling, use of vehicles and equipment, protection of criminal history information and other confidential information, use of firearms and qualifications, officer standards of conduct and training, interaction with other law enforcement agencies, interaction with mentally impaired individuals, traffic control, compliance with state and federal mandates, and other subjects as may be determined by the Chief of Police. The handbook or manual will address communication and cooperation between the police department and Collin College campus administrators with authority for the administration of student discipline.

The Chief of Police may promulgate oral and written orders, commands, directives, and verbal instructions that are not inconsistent with the law, Board policy, or orders and instructions from the District President or designee.

Security Authority and Powers

While within the jurisdiction set out in this policy, peace officers employed and commissioned by the College District will have all the powers, privileges, and immunities of peace officers. Subject to limitations in law, College District peace officers will have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the College District and protect the property of the College District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, College District peace officers may serve

search warrants in connection with College District-related investigations in compliance with the Texas Code of Criminal Procedure.

3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce College District policies, rules, and regulations on College District property or at College District functions.
6. Investigate violations of College District policies, rules, and regulations as requested by the ~~District President~~District President or designee and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the Chief of Police and approved by the District President.
8. Carry out all other duties as directed by the Chief of Police or District President.

Peace Officers and Telecommunicators

For additional policies regarding the employment of peace officers and telecommunicators, see DC.

For provisions regarding the fitness-for-duty examination of a peace officer or telecommunicator, see DBB.

For provisions regarding the investigation of allegations of misconduct by peace officers and telecommunicators, see DH.

For provisions regarding personnel files maintained with respect to peace officers and telecommunicators, see DBA.

Limitations on Outside Employment

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

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

**Relationship with
Outside Agencies**

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

Use of Force

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

Guiding Principles

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

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

**Duty to Intervene
and Report**

Any College police officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances will, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law will promptly report these observations to a supervisor.

**Standards for Using
Force**

Officers will use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officers at the time of the event to accomplish a legitimate law enforcement purpose.

An officer may use reasonable force to effect an arrest, search, prevent escape, or overcome resistance. If it is not reasonably apparent to the person being arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search the person and identify themselves as peace officers before using force.

When determining whether to apply force and evaluating whether an officer has used reasonable force, officers will take the following

factors into consideration, as time and circumstances permit.

These factors include, but are not limited to:

1. Immediacy and severity of the threat to officers or others;
2. The conduct of the individual being confronted as reasonably perceived by the officer at the time;
3. The officer's personal circumstances (e.g., age, size, relative strength, prior training and skill level, injuries sustained, level of exhaustion or fatigue, the number of other officers available);
4. The effect of drugs or alcohol on the subject;
5. The subject's mental state or capacity;
6. Proximity of weapons or dangerous improvised devices;
7. The degree to which the subject has been effectively restrained and his or her ability to resist despite being restrained;
8. The availability of other options and their possible effectiveness;
9. Nature of the offense or reason for contact with the individual;
10. Likelihood of injury to officers, suspects, and others;
11. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer;
12. The risk and reasonably foreseeable consequences of escape;
13. The apparent need for immediate control of the subject or a prompt resolution of the situation;
14. Whether the conduct of the individual being confronted reasonably appears to pose an imminent threat to the officer or others or whether the risk of imminent threat has subsided;
15. Prior contacts with the subject or awareness of any propensity for violence; or
16. Any other exigent circumstances.

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

1. An officer may use deadly force to protect himself or herself or other persons from what the officer reasonably believes would be an imminent threat of death or serious bodily injury.

2. An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended.

By Drone

The College District will not use force by means of a drone.

Reporting and
Analysis

Officers are discouraged from discharging a firearm at a moving vehicle. An officer may discharge a firearm at a moving vehicle only when there is an imminent threat of death or serious bodily injury, and the officer reasonably believes that use of deadly force is necessary to defend the life of the officer or any other person. Any use of force by a College police officer will be documented promptly, completely, and accurately in an appropriate report, and a copy will be sent to the District President. To collect data for purposes of training, resource allocation, analysis, policy development, and related purposes, the Chief of Police or designee may require the completion of additional report forms, as specified in department procedure or law. The Chief of Police will objectively evaluate the use of force by the department's officers to ensure that their authority is used lawfully, appropriately, and consistently with training and policy.

Annual Report

Each year, the Chief of Police or designee will submit to the District President a written report summarizing and analyzing the use of force incidents in the preceding year that resulted in death, visible injury, or unconsciousness; that would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort; that used methods of restraint other than handcuffs or approved devices; that involved individuals who were struck or kicked; or that involved claims by individuals that the officer used excessive force or caused injury. The District President or designee will evaluate the need for additional training or policy modifications.

Training

In addition to initial and supplementary training on use of force, all College police officers will participate no less than annually in regular and periodic department training addressing this policy and protecting the public.

**Emergency Driving
in Pursuit and Non-
Pursuit Situations**

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The College District's police officers will make every reasonable effort to apprehend a fleeing suspect and to respond to emergency calls quickly and safely. The pursuit or call response should never be

carried to such an extent as to endanger the lives or property of innocent users of the street, the highway, the violator, or the officer.

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

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

Emergency Driving in General

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

Unmarked vehicles and police vehicles and College-owned vehicles without emergency lights and sirens will not be operated as emergency vehicles.

Non-Pursuit Situations

Emergency responses will be made only when the incident involves a life-threatening situation or a violent crime in progress. Emergency responses must be approved by a supervisor. When deciding to initiate or continue driving under emergency conditions, officers will consider such factors as traffic volume, time of day, weather conditions, and potential hazard or liability to themselves and the public. Officers will have sufficient information to justify the decision to drive under emergency situations. Officers responding to a call from another officer needing assistance will remember that one must arrive at the scene safely in order to be of assistance.

Pursuit Situations

Probable cause must exist for the belief that a felony offense has been committed and failure to apprehend a suspect immediately may result in loss of life or serious bodily injury to another. A crime against property, by itself, will not justify pursuit.

Pursuits will be utilized only in instances necessary to pursue suspected perpetrators of felony crimes, which occurred on property owned, operated, or controlled by the College District. No pursuit will be initiated or continued on or off property owned, operated, or controlled by the College District by any officer unless a supervisor approves such pursuit. The supervisor will control the pursuit and have the authority to terminate the pursuit at any time. Supervisors should be within radio contact at all times and continually assess the advisability of commencing and continuing the pursuit. The supervisor will determine whether a back-up police vehicle is necessary and appropriate. The supervisor will notify other jurisdictions if the pursuit is likely to enter or cross into another jurisdiction.

The pursuing officer will consider the following factors before initiating a pursuit:

1. Nature of the offense;
2. The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others;
3. Performance capabilities of the pursuit vehicle;
4. Vehicle speeds, road, traffic, and pedestrian conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape;
5. Weather and environmental factors such as rain, fog, ice, snow, or darkness that could substantially increase the danger of pursuit;
6. Age of offender, whether the identity is known, and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time;
7. Officer's familiarity of area and his or her ability to accurately describe location and direction of travel;
8. Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors; and
9. Availability of other resources and back-up assistance.

When the suspect's identity has been established at a point where later apprehension can be accomplished, and there is no logical need for immediate apprehension, the pursuit will be terminated.

Officers should not continue an emergency response or pursuit when conditions escalate to a degree that places the safety of the officers or others in an unacceptable level of jeopardy. All officers involved in vehicular pursuits will be held accountable for the continuation of a pursuit when traffic hazards and other circumstances indicate, by danger level, that it should have been discontinued.

Officers will not use their vehicle as a ramming device, to box in or surround a suspect vehicle, to overtake or force a suspect vehicle off the roadway, or to create roadblocks.

**Pursuits Initiated by
Other Law
Enforcement
Agencies**

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

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

**Reporting and
Analysis**

After a pursuit, the pursuing officer and supervisor monitoring the pursuit will each prepare a written report detailing the factual circumstances surrounding the pursuit. The report will be evaluated by the Chief of Police or his or her designee to ensure compliance with this policy and other department procedures. Each year, the Chief of Police will submit to the District President or designee a report summarizing and analyzing the pursuits taken in the previous year. The District President or designee will evaluate the need for additional training or policy modifications.

Training

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

Video Monitoring

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

**Access to
Recordings**

Recordings will be considered law enforcement records, will remain in the custody of the Chief of Police, and will be maintained as required by the department regulations manual and in accordance with applicable law. An original complete copy of all dash cam and body camera recordings will be archived by the Information Technology Department in accordance with records retention guidelines. [See CR(LOCAL) for additional information]

Training

All College District officers will receive at least the minimum amount of education and training as required by law.

Peace Officer Mental Health Leave

For provisions regarding mental health leave for peace officers and telecommunicators and quarantine leave for peace officers, see DEC.

Racial Profiling

Officers will actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity, or national origin. Officers are prohibited from engaging in bias-based profiling when making traffic stops, field interview stops, or initiating asset seizure and forfeiture efforts. This policy is applicable to all persons, whether drivers, passengers, or pedestrians. Officers will conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by governmental agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Bias-based profiling is an unacceptable patrol tactic and will not be condoned.

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

The Chief of Police will disseminate written regulations to all members of the police department that strictly prohibit racial profiling; define acts constituting racial profiling; describe the complaint process by which an individual may file a complaint if the individual believes that he or she has been subjected to racial profiling; and require appropriate corrective action to be taken against a peace officer who, after an investigation, is shown to have engaged in racial profiling in violation of this policy. The written regulations will comply with state law requirements regarding the collection of data regarding arrests and the annual reporting to TCOLE and the Board regarding the data.

The Chief of Police or designee will provide periodic training regarding this policy and the department's procedures regarding racial profiling.

Complaints

Complaints against police officers must be in writing and signed by the person making the complaint. A copy of the complaint will be given to the officer within a reasonable time after it is filed [see Complaint Against Peace Officer at CHA(LEGAL)], and no disciplinary action will be taken against the officer as a result of the complaint unless a copy is given to the officer and the matter has been

investigated. A signed letter from a supervisor or other employee with knowledge of the facts may fulfill the requirements of a complaint.

Complaints involving allegations of misuse of force, brutality, felony misconduct, misdemeanors involving moral turpitude, corruption, or police conduct involving serious injury or death will be investigated by an impartial supervisor who did not have involvement in the underlying matter. However, the District President or designee, in his or her sole discretion, may appoint an investigator outside the department when circumstances warrant such action.

Grievances and concerns by police department employees concerning wages, promotions, hours of work, working conditions, workplace conflict, discrimination, performance evaluations, assignments, reprimands, or disciplinary action will be processed in accordance with the Board's personnel policies located in DAA of the Board's policy manual.

Appeals regarding this complaint process will be filed in accordance with DGBA, FLD, or GB, as appropriate.

Complaints against the Chief of Police will be submitted to the District President or designee who will appoint an appropriate investigator.

**Assistance in
College Hearings**

As employees of the College, the College's police officers have a duty to assist the College administration in College disciplinary hearings or other College hearings when the officer has information pertinent to the hearing, regardless of whether the hearing involves criminal or noncriminal charges and regardless of whether criminal charges are pending. Officers may be called to provide expertise, information, records, or testimony that may be pertinent to the matter pending. In extenuating circumstances, the District President or his or her designee may excuse an officer's participation.

**School Marshal
Program**

Purpose and
Responsibilities

The sole purpose of a school marshal is to prevent the act of murder or serious bodily injury on the College's premises, acting only within the authority granted in this policy and applicable law.

A school marshal may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, staff, or visitors on school premises.

A school marshal may not issue a traffic citation.

Appointment

An individual who is employed by the College District and is interested in serving as a school marshal will express such interest by completing a designated application form available in the District President's Office.

In addition to holding a current and valid License to Carry (LTC), to be eligible for appointment as a school marshal at the College, an applicant must:

1. Successfully complete all prerequisite commission training;
2. Pass the state licensing exam;
3. Be currently employed by the College District;
4. Be appointed by the Board; and
5. Meet all statutory requirements and TCOLE requirements, including psychological fitness established through a psychological examination.

To be eligible for an appointment, an employee must also meet all additional requirements as outlined in Occupations Code 1701.260 and 37 Administrative Code 227.3.

The College District is not obligated to appoint any individual as a school marshal, and the selection or removal of a school marshal will be at the sole discretion of the College District, subject to applicable laws. An applicant who is appointed as a school marshal must continue to meet all relevant statutory, commission, and College District requirements at all times.

Once appointed, a school marshal will:

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

Possession and
Use of Handgun

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

as the Use of Force guidelines and police department procedures are more restrictive.

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

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

Training

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

Equipment

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

Renewal of
Appointment

An individual serving as an appointed school marshal is reviewed and considered for reappointment annually by the Chief of Police. Individuals recommended for appointment and renewal are then considered by the Board in closed Executive Session.

Appointments may be withdrawn at any time for any reason or no reason by action of the Board in its sole discretion taken in executive session, without the right to appeal.

If a school marshal's status becomes inactive for a reason spelled out in Texas Higher Education Code Section 51.220(g) or other law, that school marshal will cease being a marshal for the College and will notify the Chief of Police immediately of the change in status.

Confidentiality

Except as provided in Section 1701.260(j) of the Texas Occupations Code, the identity of a school marshal is confidential. The identity of a school marshal will not be disclosed by the College District in response to a request under the Texas Public Information Act.

However, if the College District receives an inquiry in writing from a parent or guardian of a student enrolled at the College District, the Board will provide the parent or guardian written notice indicating whether any employee of the public junior college is currently appointed as a school marshal. Such notice will not disclose any information confidential under this section, including the identity of any particular school marshal.

Research Requests

From time to time the College District receives requests for authorization to conduct research that is expected to involve human subjects and to utilize limited College District facilities, personnel, students, data, and/or other resources. This policy will govern the approval of the College District with respect to all research requests, including those that may require the use of college resources, to ensure that college resources are expended for the benefit of the college and the general public.

All research involving human subjects to be conducted at the College District must be reviewed and approved through the procedures of the Institutional Review Board (IRB) to protect the rights and safety of persons participating in research in accordance with Board policy. Any approval granted by the College District to support a research request with college resources is made conditionally upon approval by the IRB. Priority for the use of Collin College resources will generally be given to requests originating from students, faculty members, or staff members of Collin College.

This policy will apply to any request to conduct research at or through any campus, center, or facility of the College District that involves:

1. Student participation;
2. Faculty/Staff participation;
3. Use of College District facilities; or
4. The compiling or processing of data from College District sources or utilizing College District services.

Purpose of the Research Request Review Committee

The District President or designee will implement a Research Request Review Committee. The Research Request Review Committee is charged with evaluating research proposals according to the approval criteria defined in this policy with particular attention being paid to the impact such proposals may have upon the operations of the College District and to the potential benefit that may accrue to the College District by allocating College District resources to support the proposal.

Composition of the Research Proposal Review Committee

The composition of the Research Request Review Committee shall include two representatives from the Institutional Research Office, two administrators from Student and Enrollment Services, two faculty members, and one academic administrator.

Approval Criteria

Criteria used to make a determination of whether the College District will support a request will include, among other things:

1. The feasibility of the research in terms of the availability of data and other resources;
2. The appropriateness of the research;
3. Potential disruption to College District and/or college activities; and
4. The extent to which the College District will benefit from the research.

Notification Procedures

Notification of approval or disapproval of college support for a research request will be made to the individual proposing the project by the Vice President of Academic Affairs. Proposals approved for College District support will be directed to the IRB for its consideration along with written notification indicating that the proposal is approved to be supported with college resources.

Role of the Institutional Review Board (IRB)

Safeguarding the rights and welfare of human subjects in such research, development, and related activities is of prime concern to the College District and, therefore, it is the policy of this institution to review these research studies through the IRB. The purpose of the IRB is to minimize the risks of injury to human subjects and to ensure maximum protection for their rights and welfare. Operating guidelines of the IRB shall be consistent with the 2018 Requirements of the Revised Common Rule (Part 46 of Title 45 of the Code of Federal Regulations).

Research Security

The College District will promote the security of the College District's academic research so as to achieve the highest level of compliance with applicable ethical, legal, regulatory, contractual, and College District standards and requirements for securing and protecting the College District's research portfolios.

Research Security Officer

The College District's Vice President of Academic Affairs will serve as the research security officer (RSO) and will be responsible for administering the College District's research security program consistent with law, this policy, and associated administrative procedures. The RSO will maintain classified information, maintain controlled unclassified information, conduct foreign influence reporting, maintain the export control program, and coordinate the National Security Presidential Memorandum 33 (NSPM-33) requirements. The RSO will also be the point of contact for communication with federal and state agencies on research security matters.

The RSO will attend the annual academic security and counter exploitation program seminar offered by Texas A&M University.

Research Security Program

The RSO will develop, administer, and annually review and approve a research security program designed in accordance with

law and applicable standards to address the security of College District research against unauthorized disclosure or foreign interference. The program will include procedures for risk assessment and mitigation, research security awareness education for employees when hired and periodically thereafter, and advising College District employees and officials on research security practices.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

DBA
(LOCAL)

**Social Security
Number**

The College District will not use an employee's social security number as an employee identifier, except for tax purposes [see DC]. In accordance with law, the College District will keep an employee's social security number confidential.

**Custodian of
Personnel Records**

The College District designates the chief human resources officer as the custodian of personnel records to serve as the agent of the District President and maintain all records relating to all present and past employees of the College District.

**Law Enforcement
Personnel Files**

The District President or designee of the College District police department will develop regulations, in accordance with law, for the compilation and retention of, and access to, personnel files maintained with respect to peace officers and telecommunicators.

**Employee
Credentials**

Degrees, credit hours, and certificates will be evaluated and recognized by using the following criteria:

1. The degree and/or credit hours are from a college/university accredited (or in pre-accreditation status) by a nationally recognized accrediting agency or an accrediting agency recognized by the Coordinating Board. Accredited institutions and nationally recognized accrediting agencies will be determined by using the following:
 - a. Accredited Institutions of Higher Education.
 - b. U.S. Department of Education.
 - c. Coordinating Board.
 - d. Council for Higher Education Accreditation.
 - e. Other agencies or publications that will establish national recognition or accreditation.
2. If the degree/certificate is from a college, university, school, institution, or association outside the United States, it must be verified through a nationally recognized independent foreign transcript evaluation service or by a university in the United States qualified to conduct such evaluations.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

**Examinations During
Employment**

The District President or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or
2. Poses a direct threat to the health or safety of the employee or others. A communicable or other infectious disease may constitute a direct threat.

The College District may designate the physician to perform the examination. If the College District designates the physician, the College District ~~shall~~will pay the cost of the examination. The College District may place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

The physician ~~shall~~will provide information that states whether the employee can perform the essential functions of the position with or without accommodations. The employee ~~shall~~will be returned to his or her job position if it is determined that the employee is able to perform the essential functions of the job, with or without reasonable accommodations, and if the employee poses no direct threat to the workplace.

If the impairment does interfere with the employee's ability to perform essential job functions or poses a direct threat, the chief human resources officer ~~shall~~will review the employee's information and submit a recommendation to the District President or designee regarding whether the employee has a disability, and, if so, whether the disability requires reasonable accommodation, including the use of available leave. The granting of additional unpaid leave may be a reasonable accommodation in some circumstances. If the employee does not have a disability, the chief human resources officer or designee ~~shall~~will evaluate the employee's eligibility for leave. [See DEC(LOCAL)]

[See DAA for information on disabilities and reasonable accommodation]

**Exclusion from
Work**

An employee may be excluded from work if the District President or designee, in accordance with this policy, determines that the employee poses a direct threat to health or safety within the College District or to his or her own health by remaining on the job, or the employee's physical or mental condition interferes with the performance of job-related functions without posing a direct threat to self or others.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

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| | <p>The employee may present evidence to the human resources of- fice regarding any information relevant to the employee's fitness to continue the performance of regular duties.</p> |
| Leave of Absence | <p>Employees who are excluded from work may use any accrued paid leave to which they are entitled or may request temporary disability leave, as appropriate. [See DEC]</p> |
| Termination of Employment | <p>In accordance with appropriate policies and guidelines, employees who are excluded from the workplace in accordance with this pol- icy may have their employment terminated when all earned but un- used leave to which they are entitled has been exhausted.</p> |
| Communicable Diseases | <p>Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection) and AIDS, leprosy, and tuberculosis. Employees with communica- ble diseases, whether acute or chronic, shall<u>will</u> be subject to the following provisions.</p> |
| Confirmation | <p>The information that an employee has a communicable disease shall<u>will</u> be confirmed by one of the following methods:</p> <ol style="list-style-type: none">1. The employee brings the information to the College District's attention.2. The employee confirms the information when asked. <p>The employee may be asked to submit to a medical examina- tion to determine whether his or her physical condition inter- feres with the performance of job-related functions or poses a direct threat to the health or safety of the employee or others if the District President or designee has reason to believe that the employee has a communicable disease and is unable to perform the job or poses a threat to self or others.</p> <p>The results of such an examination shall<u>will</u> be kept confiden- tial except that the District President or designee shall<u>will</u> be informed of restrictions in duties and necessary accommoda- tions. First aid and safety personnel may also be informed to the extent appropriate.</p> |
| Medical Factors | <p>The District President or designee shall<u>will</u> obtain medical advice from local health authorities or private physicians on:</p> <ol style="list-style-type: none">1. The nature of the risk, i.e., how the disease is transmitted;2. The duration of the risk, i.e., how long the employee will be in- fectious; |

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

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3. The severity of the risk, i.e., what is the potential harm to third parties;
4. The probabilities that the disease will be transmitted and will cause varying degrees of harm; and
5. Whether the employee's condition interferes with the performance of regular duties. This determination ~~shall~~will be made by a physician who has performed a medical examination of the employee.

Medical and Psychological Examination of a Peace Officer, Telecommunicator, or School Marshal

The District President or designee of the College District police department will develop regulations, in accordance with law, addressing the fitness-for-duty examination of a peace officer, telecommunicator, or school marshal who is licensed, or a person for whom the College District police department seeks a license, under Occupations Code Chapter 1701. The regulations must address:

1. The criteria for requiring an examination;
2. The provision of notice to the license holder or applicant that includes the reasons for the examination;
3. The examination procedures;
4. The determination of the license holder's or applicant's duty status during and following the examination;
5. Appeals of the application or interpretation of the regulations; and
6. The submission of a report to the Texas Commission on Law Enforcement (TCOLE):
 - a. If the license holder or applicant refuses to submit to the examination; or
 - a.b. Absent the successful completion of a treatment program, if the license holder or applicant fails the examination.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LOCAL)

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. The College District will also not employ any individual who lives in the same household as a Board member or as an officer of the College District.

[For an explanation of prohibited degrees, see the graphic illustration in DBE(EXHIBIT)].

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.

Exceptions and Restriction on Promotion

This nepotism policy does not apply to an employee who has been continuously employed by the College District for a period of at least six (6) months prior to the election of the member of the Board, or for a period of at least 30 days before the appointment of ~~the~~ the member of the Board or an officer of the College District.

An employee who falls within the exception listed in this policy, may remain employed.

If the employee does not fall within this exception or has not been continuously employed by the College District for the required time periods listed above, then the employee will be terminated from the individual's position and the College District's employment.

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(LEGAL).

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

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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.

An individual commits an offense involving official misconduct if the individual violates (1) Government Code Chapter 573, Subchapter C, or (2) Government Code Section 573.062(b), or (3) Government Code Section 573.083.

The College District will adhere to established principles and guidelines in the selection of employees. All hiring and employment practices will be in accordance with the College District's affirmative employment plan and focused on the employment of outstanding applicants with the requisite knowledge, skills, and abilities to meet the demands of the position and to help the College District achieve its strategic goals. The College District human resources office is responsible for establishing employment procedures and for ensuring that the guidelines and procedures are followed through monitoring and providing staff support throughout the process. The Board may establish special procedures and criteria for hiring the District President.

New, including rehired, full-time employees will be placed on probationary employment status for a period of 90 days following the date of full-time employment. Employees in a new employee probationary status may be dismissed at any time during the probationary period for any reason and without the right to appeal.

The following general guidelines apply to the selection of College District employees:

1. All Board-approved and budgeted full-time positions opened externally will be advertised for a minimum of ten working days. Positions opened only on an internal basis will be advertised for a minimum of five working days. (Subject to the exception noted in item 7, below.) For the purpose of applying for positions, any employee on the College District's payroll on the date a position is posted is considered an internal applicant.
2. All applicants for employment will complete the application furnished by the College District. It is the responsibility of the applicant to furnish accurate information and credentials. Any falsification of either information or credentials is cause for dismissal or denial to employ at any time.
3. Individuals who are retired from the Teachers' Retirement System of Texas (TRS) after September 1, 2005, are generally not eligible to be employed by the College District in a TRS-eligible position due to the pension surcharge. [See TAC Title 34.3.31.D, Rule 31.41]
4. Search committees will be used for regular, full-time faculty positions. Search committees may be used for full-time administrative positions but will not generally be used for other types of positions. Search committees will review and follow the procedures outlined in the College District's search committee guidelines.

5. Regardless of the method used in the selection of personnel, it is the primary responsibility of the hiring supervisor, with review and oversight by all College District leaders in the approval path, to ensure a fair and impartial evaluation of all applicants for the position.
6. Employment for full-time positions is valid only upon completion of all personnel papers, submission of all required documentation of credentials/qualifications, and approval of the appropriate Leadership Team member, a cabinet member, and the District President.
7. An individual offered employment in a Board-approved and budgeted full-time position may begin employment upon approval by the District President. Information of new full-time employees, employee promotions, changes, retirements, and separations will be provided in a personnel report that is included as an information item in Board meeting agendas. Board members may also access specific information of employees through an employee dashboard provided as part of the administrative systems of the College District.
8. The District President may, based upon need, employ personnel on a full-time temporary basis without advertising for the position.
9. In no event will an employee be assigned to a position for which the employee is not qualified as determined by the College District, using the job description for a particular position.
10. The College District human resources office, in conjunction with appropriate administrators, will maintain records of positions that are security sensitive.
11. The advertisement, application, and search committee provisions of this policy are not applicable when a position is filled by a lateral transfer, which is a reassignment of an employee between positions on the same salary schedule level, or by a transfer to a position at a lower level on the salary schedule.

Criminal History Checks

The criminal history record of applicants selected to fill designated security-sensitive positions within the College District will be checked through the Crime Records Division of the Texas Department of Public Safety and through other designated resources, when appropriate.

Security-sensitive positions are identified in the job postings and in the College District's position description.

Section 51.215 of the Texas Education Code entitles an institution of higher education to obtain criminal history record information for positions identified by the institution as security sensitive, i.e., those responsible for handling currency or those having access to the College District's computer network, drugs/chemicals, or a master key.

The chief human resources officer, director of human resources/employment and professional development, and designated human resources personnel are the College District's authorized agents to obtain the criminal history information. All information obtained is considered privileged and confidential and may not be released or disclosed to any person or agency except by court order.

Unauthorized release of conviction information constitutes official misconduct, is a violation of Texas law, and subjects the individual to Texas Public Information Act penalties.

The College District may deny employment to an applicant for a security-sensitive position who fails to provide a complete set of fingerprints upon request. Further, the College District may deny employment to an applicant for a security-sensitive position who fails to submit to, or authorize, a criminal background check. Should the criminal background check on an applicant for employment reveal a criminal history, the following will be considered before extending an offer of employment:

- Nature of the crime;
- When the crime was committed; and
- The relevance of the crime to the position being sought by the applicant.

**Employment of
Certain Law
Enforcement
Personnel**

The District President or designee and the College District police department will develop regulations, in accordance with law, for the employment of peace officers and telecommunicators. The regulations will address:

1. The investigation of the applicant's background;
2. Medical and psychological examination and drug screening of the applicant;
3. The applicant's qualification to carry a firearm, if applicable;
4. A provisional hiring period applicable upon employment;
and

5. The submission of any required forms to the Texas
Commission on Law Enforcement (TCOLE).

EMPLOYEE STANDARDS OF CONDUCT

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Violations

Employees will comply with the Code of Ethics set out in DH(EX-HIBIT), the standards of conduct set out in this policy, and with any other policies, regulations, and guidelines that impose duties or requirements attendant to their status as College District employees. Violation of any policies, core values, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCC, DIAA, and DM series]

**Misconduct by
Certain Law
Enforcement
Personnel**

The District President or designee of the College District police department will develop regulations, in accordance with law, addressing the investigation of allegations of misconduct by peace officers and telecommunicators.

Record Retention

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 and GCB]

Safety Requirements

All employees will adhere to College District safety procedures and guidelines and will report unsafe conditions or practices to the appropriate supervisor.

**Alcohol and
Drugs**

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.

Employees will be prohibited from using, possessing, controlling, manufacturing, transmitting, distributing, dispensing, selling, or being under the influence of any of the following substances while conducting College District business or while on College District property, in College District vehicles, or at College District-related activities, whether during or outside of usual working hours:

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

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

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

Exceptions

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

1. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee’s personal use;
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 law; or
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).

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

Paraphernalia

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

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 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.

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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 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]

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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 personal gain or benefit is a violation of College District policy and state law.

Fraternization / Consensual Relationships

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.

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.

Definitions

Consensual Relationship – a mutually acceptable, dating, romantic, or sexual relationship.

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.

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,

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| | <p>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 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.</p> <p>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.</p> <p>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.</p> |
| Immediate Supervisor Responsibility | <p>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</p> |

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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.

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.

Note: This policy addresses complaints of sex and gender discrimination, sexual or gender-based harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation made by employees. For legally referenced material relating to this subject matter, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, dating violence, domestic violence, and retaliation targeting students, see FFDA. For other employee complaints not covered by Title VII or Title IX laws, see DIAB.

Definitions

Solely for purposes of this policy, the term “employee” includes former employees, applicants for employment, and unpaid interns.

Statement of Nondiscrimination

The College District prohibits discrimination, including harassment, against any employee on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of sex or gender that adversely affects the employee’s employment.

Sexual Harassment

For purposes of this policy, sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee;
2. It is based on unwelcome conduct that a reasonable person would determine is so severe, persistent, pervasive, and objectively offensive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment; or
3. Any instance of sexual assault, as defined in the Jeanne Clery Disclosure of Campus Security Policy Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA).

Note: Quid pro quo harassment, Clery Act, and VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because such misconduct is considered sufficiently serious to deprive a student of equal access.

Sexual Violence

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability. For purposes of this policy, consent is defined as an informed, voluntary, affirmative, and mutual agreement between the participants to engage in a specific sexual act. Consent is further defined by the consent guidelines in FFDA(LOCAL).

Examples

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; offensive or derogatory language of a sexual nature directed at another person; and other sexually motivated conduct, communication, or contact. Examples may also include forms of dating violence, domestic violence, or stalking. Specific examples may be found in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

**Dating Violence,
Domestic Violence,
and Stalking**

For purposes of this policy, the terms "dating violence," "domestic violence," and "stalking" are incorporated into this policy as defined in FFDA(LOCAL).

Prohibited Conduct

In this policy, the term "prohibited conduct" includes dating violence, domestic violence, sexual violence, stalking, sex discrimination, sexual or gender-based harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**Reporting
Procedures**

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor.

Alternatively, the employee may report the alleged acts to one of the College District officials below or electronically through the College District's online complaint form located on its website.

An employee who experiences prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.

For the purposes of this policy, “College District officials” are the Title IX coordinators listed below and the District President.

**College District’s
Mandatory Response
Obligations**

The College District will respond promptly to sexual harassment, as defined in this policy, in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of known circumstances, or as otherwise required by applicable Title IX regulations. The College District’s response obligations are listed in FFDA(LOCAL).

**Definition of College
District Officials**

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment as defined in this policy, may be directed to the Title IX coordinators. The College District designates the following persons to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Title IX Coordinator: ~~Floyd Nickerson, Chief Employee Success Officer, Dr. Jennifer DuPlessis, Chief Human Resources Officer~~/Title IX Coordinator for Employees

Address: 3452 Spur 399, McKinney, TX 75069

Telephone: (972) ~~599-3159~~985-3702

Email: [Title IX Coordinator email](#)¹

Webpage: [Title IX/Sexual Misconduct webpage](#)²

Deputy Title IX
Coordinator for
Human Resources

Name: Tonya Jacobson

Position: Manager HR/Employee Relations

Address: 3452 Spur 399, McKinney, TX 75069

Telephone: (972) 758-3856

Email [Deputy Title IX Coordinator for Human Resources](#)³

**Alternative
Reporting
Procedures**

An employee will not be required to report prohibited conduct to the person alleged to have committed the prohibited conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinators, may be directed to the District President or designee.

A report under this policy 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

Employee reports of prohibited conduct will be made immediately after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the College District’s ability to investigate and address the prohibited conduct.

**Consolidate Reports
and Other
Requirements**

When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may also consolidate the complaints.

The College District will also provide other measures required by Title IX and applicable law, including, but not limited to, assistance by advisors, supportive measures, and notices to parties. Such requirements are described in detail in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

Notice of Report

Any College District supervisor who receives a report of prohibited conduct will immediately notify the appropriate College District official listed above and take any other steps required by this policy.

**Investigation of the
Report**

The College District may request, but will not require, a written report or formal complaint as defined in FFDA(LOCAL). If a report is made orally, the College District official receiving the report will reduce the report to written form.

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, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

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. The College District official will also consider requests not to investigate made by a complainant and an informal resolution process as detailed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

If appropriate, the College District will promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

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. When appropriate, the supervisor will be involved in or informed of the investigation.

The investigation of prohibited conduct under this policy will be conducted in accordance with the investigation procedures and guidelines contained in FFDA(LOCAL). The College District may

dismiss complaints, as mandated or on a discretionary basis, under the procedures and guidelines listed in FFDA(LOCAL). Investigation and resolution procedures and guidelines are detailed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

Concluding the Investigation and Hearing

Absent extenuating circumstances, the investigation and live hearing 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.

The investigator will prepare a written report of the investigation. The written report will be prepared in accordance with the reporting procedures and guidelines contained in FFDA(LOCAL).

Hearings

Consistent with applicable Title IX regulations, the College District will provide for a live hearing of complaints arising under this policy. The live hearing will be conducted in accordance with the procedures and guidelines contained in FFDA(LOCAL) and detailed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

College District Action

If the results of an investigation and live hearing indicate that prohibited conduct occurred using a preponderance of the evidence standard (i.e., more likely than not to have occurred), the College District will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The College District may take action based on the results of an investigation and live hearing, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Examples of disciplinary or corrective action:

Disciplinary or Corrective Action

1. Implementing the disciplinary measures described in DH and DM Board policies for employees, including but not limited to, coaching and counseling, written disciplinary action, unpaid administrative leave, and/or recommendation for termination;
2. Providing a training program for those involved in the complaint;
3. Permitting the victim or student engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
4. Taking other actions allowed by Board policy.

Exception

The College District will minimize attempts to require a complainant to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution

method, the College District will be involved in an appropriate manner.

Improper Conduct

If the Title IX decision-maker designated by the executive vice president or designee determines that improper conduct occurred 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.

Confidentiality

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. Applicable federal Title IX regulations protect the privacy of a party's medical, psychological, and similar treatment records by stating that the College District cannot access or use such records unless the College District obtains the party's voluntary, written consent to do so.

Retaliation

The College District prohibits retaliation against an employee who makes a complaint alleging to have experienced prohibited conduct, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.

False Claims

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding harassment or discrimination is subject to appropriate discipline. Charging an individual with a violation(s) for making a false claim, materially false statement, or refusing to cooperate during the course of an investigation regarding discrimination or harassment does not constitute retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a false claim or a materially false statement.

Appeal

A party who is dissatisfied with the outcome of the investigation may appeal on the grounds listed in FFDA(LOCAL) through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees and GB(LOCAL) for community members]. Appeals under this policy will be submitted to the appeals officer or administrator designated by the College District. The applicable appeal deadlines and guidelines of DGBA(LOCAL) or GB(LOCAL) will be followed for appeals made under this policy.

Informal Resolution

After a formal complaint is filed, the College District may permit the voluntary use of an information resolution process at any time prior to a final determination. The parties must provide their voluntary consent in writing to participate in such a process. The informal resolution process will be handled in accordance with the procedures and guidelines contained in FFDA(LOCAL).

Informal resolution is prohibited in any case where a College District employee is accused of sexual harassment against a student.

The College District will not require the parties to waive their rights to a formal process and agree to information resolution as a condition of enrollment or employment.

The party may have a right to file a complaint with appropriate state or federal agencies.

Records Retention

Retention of records will be in accordance with the College District's records retention procedures. [See CIA]

Records of formal complaint resolutions and informal resolutions will be retained by the College District for a period of seven years. The College District will retain all materials used to train institutional participants in the various phases of the resolution process, including the Title IX coordinators and decision-makers. All materials utilized to train Title IX coordinators, investigators, hearing panel participants, and decision-makers will be made available in accordance with applicable federal Title IX regulation requirements.

In instances where the College District receives a report of sexual harassment, but a formal complaint is not filed, the institution will maintain a record of all actions taken, including supportive measures, for a period of seven years. In these instances, the College District will include a written rationale explaining why a formal complaint was not filed.

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 to applicants for employment and 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, related materials, and required training 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 an employee who makes a report.

Mandatory Reporting under State Law for Incidents of Dating Violence, Sexual Violence, Sexual Harassment, and Stalking

In accordance with the Education Code Section 51.252, an employee who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment as defined in this policy, and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College District at the time of the incident, will promptly report the incident to the College District's Title IX coordinator or deputy Title IX coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

An employee who is designated by the College District as a person with whom students may speak confidentially concerning sexual harassment as defined in this policy or who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law will, in making a report under this section, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This requirement does not affect the employee's duty to report an incident under any other law.

Exceptions

An employee is not required to make a report concerning:

1. An incident in which the employee was a victim of dating violence, sexual assault, sexual harassment, or stalking; or
2. An incident in which the employee received information due to a disclosure made at a dating violence, sexual assault, sexual harassment, or stalking public awareness event sponsored by the College District or by a student organization affiliated with the College District.

Peace Officer

A College District peace officer who received information regarding the incident from an employee who chooses to complete a pseudonym form as described by law will only be required to disclose the type of incident reported and may not disclose the employee's name, phone number, address, or other information that may directly or indirectly reveal the employee's identity.

Anonymous Reports

In accordance with Education Code Section 51.9365, College District students and employees can report prohibited conduct anonymously as provided on the Dean of Students page on the College

District's website. However, the submission of an anonymous report may impair the College District's ability to investigate and address the prohibited conduct.

¹ Title IX Coordinator email:

<mailto:fnickerson@collin.edu> <mailto:jduplessis@collin.edu>

² Title IX/Sexual Misconduct webpage: <https://www.collin.edu/titleix>

³ Deputy Title IX Coordinator for Human Resources email: <mailto:tjacobson@collin.edu>

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| 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 | 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. |
| Full Time | |
| 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 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] |
| Full Time | 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 pay or 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 in a position in which:

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

- 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 pay, evaluation, or 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 arise under this policy. ~~limit objective and equitable supervision or hiring practices.~~

Required Disclosure

Employees must disclose to their supervisor within ten business days if they become related, as defined in this policy, to an employee:

1. In the same department;
2. Whom they directly or indirectly supervise;
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 District administrators to resolve the conflict to the extent possible, 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 or designee. If any nepotism waivers are granted for employees at the level of associate vice president or above, then an information item or report will be provided to the Board each September listing all such waivers by employee name(s), relationship(s), and the dates granted.

Note: This policy addresses complaints of dating violence, domestic violence, gender-based harassment, sex discrimination, sexual violence, sexual harassment, and stalking, targeting students participating in the College District's education program or activity. For legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL), **FAA(LEGAL)**, and FFDB(LOCAL). For sex discrimination, sexual harassment, sexual violence, and retaliation targeting employees, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any student on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

**College District's
Education Program
or Activity**

The College District's education program or activity includes locations, events, or circumstances over which the institution exercises substantial control over both the respondent and the context in which the sexual harassment occurred. This policy applies to all of the College District's education programs and activities, whether such programs or activities occur on campus or off campus. The College District may address sexual harassment affecting its students that falls outside the jurisdiction of this policy in any manner it chooses, including, but not limited to, providing supportive measures or pursuing disciplinary action.

Sex Discrimination

Sex discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

**Sexual Harassment
By an Employee**

For purposes of this policy, sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct in order to participate in a College District program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct (i.e., quid pro quo harassment);
2. It is based on unwelcome conduct that a reasonable person would determine is so severe, persistent, pervasive, and ob-

jectively offensive that it limits or denies the student's educational access and/or ability to participate in or benefit from the College District's educational program; or

3. Any instance of sexual assault, as defined in the Jeanne Clery Disclosure of Campus Security Policy Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA).

Note: Quid pro quo harassment, Clery Act, and VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because such misconduct is considered sufficiently serious to deprive a student of equal access.

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive, and objectively offensive that it limits or denies a student's ability to participate in or benefit from the College District's educational program. Physical contact not reasonably construed as sexual in nature is not sexual harassment.

Sexual Violence

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

College District's
Definition of
Consent to Sexual
Activity

For purposes of this policy, sexual activity requires consent, which is defined as an informed, voluntary, affirmative, and mutual agreement between the participants to engage in a specific sexual act. The following guidelines will be used to determine whether consent was obtained:

1. Consent to sexual activity can be communicated in a variety of ways, but one should not presume consent has been given in the absence of a clear, positive agreement.
2. Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. The absence of the word "no" or the like (e.g., "stop") does not imply consent.
3. Although consent can be nonverbal, verbal communication is the most reliable form of asking for and obtaining consent.

Discussing desires, needs, and limitations with sexual partners provides a basis for positive sexual experiences shaped by mutual willingness and respect.

4. Presumptions based upon contextual factors (e.g., provocative clothing or dancing, etc.) are unwarranted, and should not be considered grounds for consent.
5. As defined in the State of Texas Penal Code 22.011 Sexual Assault, the age of sexual consent is 17. Therefore, consent cannot be obtained from someone who is under the age of 17, as that person is legally considered to be a minor.
6. Consent cannot be obtained from someone who is asleep, unconscious, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition (e.g., an intellectual or other disability). A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual violence.
7. Consent to some sexual acts does not constitute consent to other sexual acts.
8. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. If you proceed despite your partner's verbal and/or nonverbal communication to stop, you have committed sexual violence.
9. Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.
10. A prior sexual encounter or pre-existing relationship does not indicate consent to current or future sexual activity.

Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, pervasive, and objectively offensive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

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| Examples | Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property. Examples may also include forms of dating violence, domestic violence, or stalking. Specific examples may be found in the College District's <i>Title IX Complaint Resolution Process Handbook for Students and Employees</i> . |
| Dating Violence | The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship will be determined based on a consideration of the following factors: <ol style="list-style-type: none"><li data-bbox="565 848 1013 882">1. The length of the relationship;<li data-bbox="565 905 997 938">2. The type of relationship; and<li data-bbox="565 961 1419 1031">3. The frequency of interaction between the persons involved in the relationship. <p data-bbox="565 1052 1409 1115">(Office on Violence Against Women, United States Department of Justice)¹</p> |
| Domestic Violence | The term "domestic violence" includes felony or misdemeanor crimes of violence committed by: <ul style="list-style-type: none"><li data-bbox="565 1234 1393 1268">• A current or former spouse or intimate partner of the victim;<li data-bbox="565 1291 1377 1325">• A person with whom the victim shares a child in common;<li data-bbox="565 1348 1425 1417">• A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;<li data-bbox="565 1440 1398 1509">• Any other member of the victim's family as defined by state law;<li data-bbox="565 1533 1425 1602">• Any other current or former member of the victim's household as defined by state law;<li data-bbox="565 1625 1409 1717">• Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs. |
| Stalking | The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. |

For the purposes of this definition:

1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

False Claims

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding dating violence, domestic violence, gender-based harassment, sex discrimination, sexual violence, sexual harassment, and/or stalking will be subject to appropriate disciplinary action.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes dating violence, domestic violence, sexual or gender-based harassment, sex discrimination, sexual violence, stalking, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**College District's
Mandatory Response
Obligations**

Deliberate
Indifference
Standard

The College District will respond promptly to sexual harassment, as defined in this policy, in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of known circumstances, or as otherwise required by applicable Title IX regulations. The College District's response obligations include, but are not limited to:

1. The College District must offer supportive measures to the person making the allegations (hereafter referred to as the "complainant").
2. The Title IX coordinator or designee must promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of supportive measures available with or without filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
3. The College District must follow a grievance process that complies with applicable federal Title IX regulations before the imposition of any disciplinary sanctions (or other actions that are not supportive measures) against a respondent.
4. The College District must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth

Amendment, and Fourteenth Amendment, when complying with applicable federal Title IX regulations and this policy.

5. Under applicable federal Title IX regulations, the College District is required to investigate allegations of prohibited conduct as defined in this policy in any formal complaint, which can be filed by a complainant or submitted by a Title IX coordinator.
6. The federal Title IX regulations affirm that a complainant's wishes with respect to whether the institution investigates the complaint should be respected, unless the Title IX coordinator determines that submitting a formal complaint to initiate an investigation against the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
7. The College District will dismiss the allegations in a formal complaint if such allegations do not meet the definitions of prohibited conduct outlined in this policy or did not occur in the institution's education program or activity. However, the College District may still address the allegations in any manner it deems appropriate (e.g., general investigation for violation of the Student Code of Conduct in the Student Handbook).

Definitions

When responding to prohibited conduct, applicable federal Title IX regulations provide clear definitions of a "complainant," "respondent," "formal complaint," and "supportive measures" so that recipients, students, and employees clearly understand how the College District must respond to incidents of prohibited conduct in a way that supports the alleged victim and treats both parties fairly. The College District adopts those definitions as outlined in applicable federal Title IX regulations which are listed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

Formal Complaint

In accordance with applicable federal Title IX regulations, a "formal complaint" is a document filed by a complainant or submitted by the Title IX coordinator that alleges prohibited conduct against a respondent and requests that the College District investigate the allegation of prohibited conduct, and meets the following requirements:

1. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in a College District education program or activity as defined in this policy.
2. A formal complaint may be filed with the Title IX coordinator in person, by mail, or by email by using the contact information required to be listed for the Title IX coordinator and by any additional method designated by the College District.

3. The phrase “document filed by a complainant” means a document or electronic submission (e.g., by email or through an online portal provided by the College District specifically for this purpose) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
4. Where the Title IX coordinator submits a formal complaint, the Title IX coordinator is not a complainant or a party during the grievance process and must comply with the requirements for Title IX personnel to be free from conflicts and bias.

**Reporting
Procedures**

In accordance with applicable federal Title IX regulations, the College District utilizes a consistent, transparent grievance process for resolving formal complaints of prohibited conduct.

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 the appropriate Title IX coordinator, deputy Title IX coordinator, another employee, or, alternatively, submit the report electronically through the College District’s website.

Employee Report

Any College District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct will immediately notify the Title IX coordinator or deputy Title IX coordinator and take any other steps required by this policy. Additionally, an employee may submit the report electronically via the College District’s website or report it to the District President or designee.

**Mandatory Reporting
Under State Law for
Incidents of Dating
Violence, Sexual
Violence, Sexual
Harassment, and
Stalking**

In accordance with Education Code Section 51.252, an employee who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual violence, dating violence, or stalking as defined in this policy, and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College District at the time of the incident, will promptly report the incident to the College District’s Title IX coordinator or deputy Title IX coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

An employee who is designated by the College District as a person with whom students may speak confidentially concerning sexual

harassment, sexual violence, dating violence, or stalking as defined in this policy, or who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law will, in making a report under this section, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This requirement does not affect the employee's duty to report an incident under any other law.

Exceptions

An employee is not required to make a report concerning:

1. An incident in which the employee was a victim of dating violence, sexual violence, sexual harassment, or stalking; or
2. An incident in which the employee received information due to a disclosure made at a dating violence, sexual violence, sexual harassment, or stalking public awareness event sponsored by the College District or by a student organization affiliated with the College District.

Peace Officer

A College District peace officer who received information regarding the incident from a student who chooses to complete a pseudonym form as described by law will only be required to disclose the type of incident reported and may not disclose the student's name, phone number, address, or other information that may directly or indirectly reveal the student's identity.

Anonymous Reports

In accordance with Education Code Section 51.9365, College District students and employees can report prohibited conduct anonymously as provided on the Dean of Students page on the College District's website. However, the submission of an anonymous report may impair the College District's ability to investigate and address the prohibited conduct.

Designated Title IX Coordinators

For the purposes of this policy, the following are designated as the College District's Title IX coordinators.

Title IX Coordinators

Reports of dating violence, domestic violence, sex discrimination, sexual violence, sexual or gender-based harassment, and stalking may be directed to the Title IX coordinators. The College District designates the following persons to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Title IX Coordinator for Students

Title IX Coordinator: Terrence Brennan, District Dean of Students
Address: 3452 Spur 399, McKinney, TX 75069
Telephone: (972) 881-5734

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| | Email: | Title IX Coordinator email² |
| | Webpage: | Title IX/Sexual Misconduct webpage³ |
| <i>Deputy Title IX Coordinator for Students</i> | Name: | Amy Throop |
| | Position: | Associate Dean of Students |
| | Address: | 2200 W University Drive, McKinney, TX 75074 <u>2550 Bending Branch Way, Allen, TX 75013</u> |
| | Telephone: | (972) 881-5667 <u>(972) 599-3126</u> |
| | Email | Deputy Title IX Coordinator for Students⁴ |
| <i>Title IX Coordinator for Employees</i> | Name: | Floyd Nickerson <u>Dr. Jennifer DuPlessis</u> |
| | Position: | Chief Employee Success <u>Human Resources</u> Officer |
| | Address: | 3452 Spur 399, McKinney, TX 75069 |
| | Telephone: | (972) 599-3459 <u>985-3702</u> |
| <i>Deputy Title IX Coordinator for Employees</i> | Name: | Tonya Jacobson |
| | Position: | Manager, HR/Employee Relations |
| | Address: | 3452 Spur 399, McKinney, TX 75069 |
| | Telephone: | (972) 758-3856 |

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 Title IX coordinators, may be directed to the District President.

A report under this policy 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.

Amnesty

In accordance with Education Code Section 51.9366, the College District will give amnesty to (i.e., not take disciplinary action against) a student who reports, in good faith, that the student was the victim of or a witness to an incident of prohibited conduct as defined by this policy. This amnesty policy applies regardless of the location at which the incident occurred or the outcome of the College District's disciplinary process regarding the incident, if any.

This amnesty policy does not apply to a student who reports his or her own commission or assistance in the commission of prohibited conduct as defined by this policy.

Consolidation of Reports and Other Requirements

When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may consolidate the complaints.

The College District will also provide other measures required by Title IX and applicable law, including, but not limited to, assistance by advisors, supportive measures, and notices to parties. Such required measures are described in detail in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

Notice of Rights and Options

In accordance with requirements under federal law, the College District will provide victims with written notification of their rights and options, which will outline appropriate on- and off-campus resources as well as steps a victim may want to take depending on the services the victim needs.

Investigation of the Report

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

Initial Assessment

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 notify the parties to the complaint of the allegations and the formal and informal options for resolution of the complaint in writing.

Request Not to Investigate

A complainant may request that the College District not investigate allegations or prohibited conduct. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District will promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District will take reasonable steps to protect the health and safety of the College District community.

Formal Resolution

If any of the parties decline to participate in informal resolution of the complaint or the College District official finds informal resolution of the complaint to be inappropriate, the College District official will authorize or undertake an investigation, except as provided below at Criminal Investigation.

Interim Action

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.

If, after engaging in an individualized safety and risk analysis, the College District determines that an immediate threat to the physical health or safety of any student or other individual, arising from the allegation of prohibited conduct, justifies the removal of the respondent, the College District will provide the respondent with written notice of this interim action and afford the respondent an opportunity to challenge the decision immediately after the removal.

College District Investigation

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. The investigator will conduct a prompt, fair, and impartial process from the initial investigation to the final result. Investigation and resolution procedures and guidelines are also detailed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

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. Both the victim and student respondent may have an observer(s) present during any meeting with the investigator.

During the investigation:

1. The burden of gathering evidence and burden of proof must remain on the College District, not on the parties.
2. The College District must provide equal opportunity for the parties to present facts and expert witnesses and other inculpatory and exculpatory evidence.
3. The College District must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders").
4. The parties must have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.

5. The College District must send written notice of any investigative interviews, meetings, or hearings to the parties. This written notice must include a statement that the respondent is presumed not responsible and that a determination will not be made until the conclusion of the grievance process. If the scope of the investigation expands, the College District must issue a supplemental written notice to the parties providing additional details that also meet this standard.
6. The College District must send the parties and their advisors evidence directly related to the allegations, in electronic format or hard copy, and provide at least ten days for the parties to inspect, review, and respond to the evidence.
7. The College District must dismiss allegations of conduct that do not meet the federal Title IX definition of prohibited conduct or did not occur in the institution's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the College District from addressing the conduct in any manner the institution deems appropriate (e.g., general discrimination or harassment complaint, Student Code of Conduct violation).
8. The College District may, at its discretion, dismiss a formal complaint or allegations contained therein, if:
 - a. The complainant informs the Title IX coordinator in writing that the complainant desired to withdraw the formal complaint or allegations contained therein;
 - b. The respondent is no longer enrolled at or employed by the College District; or
 - c. Specific circumstances prevent the College District from gathering sufficient evidence to reach a determination.
9. The College District must give the parties written notice of a dismissal, whether mandatory or discretionary, and the reasons for the dismissal.

Privacy Rights

Federal Title IX regulations protect the privacy of a party's medical, psychological, and similar treatment records by stating that the College District cannot access or use such records unless the College District obtains the party's voluntary, written consent to do so.

Criminal or
Regulatory
Investigation

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 regula-

tory investigation. The College District will proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation and in compliance with applicable federal Title IX regulations. After the law enforcement or regulatory agency has completed gathering its evidence, the College District will promptly resume its investigation. Any delay under this provision will constitute good cause for an extension of timelines established by this policy and associated procedures.

Concluding the Investigation and Hearing

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation and hearing 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.

The investigator will prepare a written report of the investigation. The report will be filed with the College District official overseeing the investigation. The investigation must result in an investigation report that fairly summarizes the investigation, and the report must be completed at least ten College District business days prior to the hearing. Access to this report must be given so that the complainant, respondent, and their respective advisors can meaningfully respond to the evidence prior to the conclusion of the investigation. The College District must send the evidence to each party and their advisors in electronic form and provide at least ten College District business days for them to submit a written response, which the investigator must consider before finalizing the investigation. The College District must make the evidence available again at any hearing, including for use in cross-examination.

Hearings

In accordance with applicable federal Title IX regulations, the College District will provide for a live hearing. During this live hearing:

1. A decision-maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those bearing on credibility.
2. Cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice, and never by a party personally.
3. If a party is unable to obtain an advisor, the College District must provide one, free of charge, for the purpose of conducting cross-examination for the party. The advisor provided does not have to be, but may be, an attorney.
4. While the hearing must be "live," at either party's request, the College District must provide the parties with separate rooms

and use technology so the decision-maker and parties may simultaneously see and hear the questions.

5. At the hearing, the decision-maker has the responsibility to determine the relevancy of questions and explain in real time any decision not to permit a certain line of questioning.
6. During the investigation or hearing, questioning concerning a complainant's sexual history is generally not permitted, unless allowed by Title IX regulations.
7. A party or witness may refuse to submit to cross-examination during a live hearing. If a party or witness does not submit to cross-examination during a live hearing, that individual's statements may be relied on by the decision-maker(s) in reaching a determination regarding responsibility. The College District is not permitted to draw an adverse inference based on the mere fact that an individual refused to submit to cross-examination.
8. During the hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be considered irrelevant, unless offered to prove that someone other than the respondent committed the alleged misconduct or to prove consent.
9. The College District must make an audio or video recording of the hearing, or a transcript, and make it available to the parties for inspection and review.
10. The decision-maker(s) facilitating the live hearing must not be the same person(s) as the Title IX coordinator or investigator(s).
11. After the hearing, the decision-maker(s) must issue a written determination of responsibility applying the preponderance of the evidence standard (i.e., more likely than not to have occurred). The written determination must include the following elements:
 - a. Identification of the allegations at issue;
 - b. A description of the procedural steps taken throughout the case;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding application of the College District's Title IX policy;

- e. A statement and rationale as to the determination for each allegation;
 - f. A statement of any disciplinary sanction and whether any remedies will be provided to the complainant; and
 - g. A description of the procedures and permissible ground for appeal.
12. The decision-maker's written determination must be sent simultaneously to the parties along with information about how to file an appeal.

Notification of the Outcome

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. The parties will be given the opportunity to respond to the report.

Upon written request, the College District will disclose to the alleged victim of a crime of violence, as defined in Title 18 Section 16, United States Code, or non-forcible sex offense (i.e., incest or statutory rape) the report on the results of any disciplinary proceeding conducted by the College District against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the College District will treat the victim's next of kin as the alleged victim.

College District Action

Prohibited Conduct

The College District will determine, based on the results of the investigation, whether each individual allegation of misconduct occurred using the preponderance of the evidence standard (i.e., more likely than not to have occurred). If the results of an investigation and live hearing 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]

Corrective Action

Examples of corrective action may include, but are not limited to, the following:

1. Implementing the disciplinary measures or penalties described in FM(LOCAL) for students;
2. Providing a training program for those involved in the complaint;
3. Providing a comprehensive education program for the College District community;
4. Providing counseling for the complainant and respondent;

5. Permitting the complainant or respondent to drop a course in which they both are enrolled without penalty;
6. Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
7. Involving students in efforts to identify problems and improve the College District climate;
8. Increasing staff monitoring of areas where prohibited conduct has occurred;
9. Reaffirming the College District's policy against dating violence, domestic violence, gender-based harassment, sex discrimination, sexual violence, sexual harassment, and stalking;
10. Taking other actions allowed by Board policy.

Exception

The College District will minimize attempts to require a student who complains of prohibited conduct as defined by this policy to resolve the problem directly with the person who engaged in the prohibited conduct; however, if that is the most appropriate resolution method, the College District will be involved in an appropriate manner.

Improper Conduct

If the College District 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 may take other appropriate disciplinary action in accordance with College District policy and procedures or other corrective action calculated to address the conduct.

**Dismissal of
Complaint**

Mandatory
Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law. Mandatory dismissal provisions include the following:

1. The alleged conduct is determined to not constitute sexual harassment, as defined in this policy;
2. The alleged conduct is determined not to have occurred within a College District's education program or activity; or
3. The alleged conduct is determined not to have occurred against a person in the United States.

Permissive
Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

Permissive or discretionary dismissal provisions include the following:

1. The complainant would like to withdraw the complaint;
2. The respondent is no longer enrolled at or employed by the College District; or
3. Specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the designated Title IX coordinator or the deputy Title IX coordinator will provide the parties written notice of the dismissal.

Confidentiality

To the greatest extent possible, the College District will respect the privacy of the complainant, respondent, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

Either the complainant or respondent may appeal the determination rendered as a result of the investigation and live hearing, or any discretionary dismissal of the complaint, on the following permissible grounds:

1. Procedural irregularity that affected the outcome;
2. New evidence not reasonably available that could affect the outcome; and/or
3. Conflict of interest or bias by the College District's participants that affected the outcome.

The College District will ensure that the following elements are present during the course of the appeal:

1. The non-appealing party will be notified of the appeal and allowed to submit a written statement in response.
2. The appeal decision-maker(s) cannot be the same individuals as the hearing decision-maker(s). Nor can the appeal decision-maker(s) be the Title IX coordinator or the investigator(s) on the case.
3. The appeal must conclude with a written decision describing the appeal and the rationale for the result that is provided to the complainant and respondent simultaneously.

Appeals under this policy will be submitted to the appeals officer or administrator designated by the College District. The applicable appeal deadlines and guidelines detailed in the College District's *Title*

IX Complaint Resolution Process Handbook for Students and Employees will be followed. The College District will provide written notice of the outcome of any appeal, within the extent permitted by FERPA or other law, to the complainant and the respondent.

Upon written request, the College District will disclose to the alleged victim of a crime of violence, as defined in Title 18, Section 16, United States Code, or non-forcible sex offense (i.e., incest or statutory rape) the report on the results of any disciplinary proceeding conducted by the College District against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the College District will treat the victim's next of kin as the alleged victim.

Informal Resolution

After a formal complaint is filed, the College District may permit the voluntary use of an informal resolution process at any time prior to a final determination. The parties must provide their voluntary consent in writing to participate in such a process.

Prior to commencing an informal resolution process, the College District will provide the parties with the required written notice of the allegations and a description of the parameters of the informal resolution process. The notice will include a statement that a party is permitted to withdraw from the informal resolution process and resume the formal process at any time prior to a resolution being reached.

Informal resolution is prohibited in any case where a College District employee is accused of committing prohibited conduct against a student.

The College District will not require the parties to waive their rights to a formal process and agree to informal resolution as a condition of enrollment or employment.

Retaliation

Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited. Neither the College District nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by applicable federal Title IX regulation; this policy; or because the individual has made a report or complaint, testified, assisted with, participated in, or refused to participate in a Title IX investigation, proceeding, or hearing.

Charging an individual with a violation(s) that does not involve sexual harassment, but arises out of the same facts or circumstances as a formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by applicable federal Title IX regulations, constitutes retaliation.

In an effort to prevent acts of retaliation, the College District will keep confidential and not disclose the identities of complainants, respondents, and witnesses, except as permitted by FERPA, required by law, or necessary to investigate and resolve a Title IX complaint.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a violation(s) for making a materially false statement in bad faith during the course of a Title IX grievance proceeding does not constitute retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

Complaints alleging retaliation in connection with a complaint or investigation of prohibited conduct will be addressed in accordance with this policy. Complaints alleging retaliation in connection with other policies or laws may be filed in accordance with the College District's prompt and equitable grievance procedures. [See FFDB and FLD]

Other Appeals

Appeals for complaints of prohibited conduct or Title IX violations will be processed as detailed in the College District's Title IX Complaint Resolution Process Handbook for Students and Employees. All other appeals outside of this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FMA(LOCAL) for students, and GB(LOCAL) for community members]

The College District will provide written notice of the outcome of any appeal(s), within the extent permitted by FERPA or other law, to the victim and the person against whom the complaint is filed. The parties will be given the opportunity to respond to the report.

Complaints Filed
with OCR

A party will also be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).

Records Retention

Retention of records will be in accordance with the College District's records retention procedures. [See CIA]

Records of formal complaint resolutions and informal resolutions will be retained by the College District for a period of seven years. The College District will retain all materials used to train institutional participants in the various phases of the resolution process, including the Title IX coordinators and decision-makers. All materials utilized to train Title IX coordinators, investigators, hearing panel participants, and decision-makers will be made available in accordance with applicable federal Title IX regulation requirements.

In instances where the College District receives a report of prohibited conduct, but a formal complaint is not filed, the institution will maintain a record of all actions taken, including supportive measures, for a period of seven years. In these instances, the College District will include a written rationale explaining why a formal complaint was not filed.

**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 or employee who makes a report.

¹ Office on Violence Against Women, United States Department of Justice: <https://www.justice.gov/ovw/dating-violence>

² Title IX Coordinator email: <mailto:tbrennan@collin.edu>

³ Title IX/Sexual Misconduct webpage: <https://www.collin.edu/titleix>

⁴ Deputy Title IX Coordinator for Students email: <mailto:athroop@collin.edu>