

CHIEF EXECUTIVE OFFICER  
QUALIFICATIONS AND DUTIES

BFA  
(LOCAL)

The chief executive officer of the College District ~~shall~~will be the ~~District~~College President.

**Qualifications**

The qualifications of the ~~District~~College President are:

1. ~~Graduate-Doctoral~~ degree from a regionally accredited institution. ~~Doctorate is preferred;~~
2. ~~A minimum of f~~Five years of executive-level administrative experience with ~~some-significant~~ experience reporting to a ~~board~~Board as CEO;
3. Progressive multi-campus/system community and technical college leadership experience ~~is~~ preferred;
4. Proven, successful, executive-level experience in higher education (community college experience desired);
5. A distinguished record of professional accomplishments;
6. A reputation as a leader with a vision for the future of higher education/community colleges;
7. A record of actions reflecting concern for the success and well-being of students; and
8. A proven track record in negotiating strategic alliances and in working effectively with both internal and external groups/constituencies.

**Duties**

**President's Office**

The ~~District~~College President ~~shall~~will:

1. Serve as chief executive officer of the College District with responsibility to the Board for ensuring that the College District's strategic direction and operations are consistent with its mission, purpose, and core values and in compliance with state and federal laws and regulations and accreditation guidelines. The ~~District~~College President ~~shall~~will effectively implement policies and regulations established by the Board related to:
  - a. Academics and curriculum development;
  - b. Investments, budgeting, and funding;
  - c. Student services;
  - d. Community relations and ~~fundraising~~fund-raising; and
  - e. Personnel.
- ~~2. Serve as investment officer designee of the Board.~~
- ~~3.2.~~ Represent the College District at public events and preside at public exercises of the College District, such as graduation. The ~~District~~College President ~~shall~~will confer degrees and

CHIEF EXECUTIVE OFFICER  
QUALIFICATIONS AND DUTIES

BFA  
(LOCAL)

certificates recommended by the faculty and authorized by the Board.

- 4.3. Regularly provide information to the members of the Board regarding:
  - a. Current educational trends and the College District's initiatives to maintain relevant and appropriate academic programs and services; and
  - b. Proposed legislation and the potential impact on the College District.
- 5.4. Implement College District policies and develop appropriate controls and management practices that achieve efficient and effective use of the College District's resources, ~~and. The District~~ College President shall recommend operational policies for consideration by the Board.
- 6.5. Direct the strategic planning efforts of the College District, including the development of the master plan and annual budget recommendations, toward meeting established strategic goals and achievement indicators in support of the College District's ~~mission~~ missions and consistent with its purpose and core values.
- 7.6. Enhance academic quality through a comprehensive curriculum, development of new academic and administrative initiatives, and through the employment, professional development, and retention of a well-qualified, diverse, student-oriented faculty and administrative team, while ensuring that criteria required for continued regional accreditation are maintained.
- 8.7. Encourage a student- and community-oriented climate consistent with the College District's mission, purpose, and core values, and promote the College District through active involvement in state, national, and local professional and community organizations.
- 9.8. Direct and participate in initiatives to foster relationships and establish partnerships with legislators, local governmental officials, and business leaders to enhance and strengthen programs and opportunities offered through the College District to its students.
- 10.9. Initiate resource development/enhancement strategies and review internal and external proposals related to funding from grants and contracts to enhance the College District's academic and service programs.

CHIEF EXECUTIVE OFFICER  
QUALIFICATIONS AND DUTIES

BFA  
(LOCAL)

~~41.10.~~ Ensure timely and accurate submission of state and federal reports, as well as other required reports, such as regional accreditation reports.

~~42.11.~~ Maintain responsibility for and exercise administrative and fiscal control over the College District's intercollegiate athletics program and related budgets to promote high standards of academics, athletic achievement, and integrity for its student athletes, employees, and support groups.

12. Perform other responsibilities as assigned by the Board.

Delegation

To the extent permitted by law, the District President may delegate responsibilities to other employees of the College District but ~~shall~~ will remain accountable to the Board for the performance of all duties, delegated or otherwise.

**Salary Deductions**

The College District will make deductions from an employee's salary or wages or will reduce an employee's wages in accordance with law or salary reduction agreements executed between the College District and its employees.

**State Employee  
Charitable  
Contribution  
Program**

By April 1 of each year, the Board ~~shall~~**will** decide whether to participate in the ~~s~~State ~~e~~Employee ~~e~~Charitable ~~e~~Contribution (SECC) program for the following fiscal year.

**Additional Amounts**

In addition to legally required deductions, the Board has determined it ~~to~~**will** serve a public purpose and benefit employees to permit voluntary deductions for:

1. Approved insurance programs;
2. Annuities/deferred compensation programs;
3. College District cafeteria **benefit** plan options authorized by the Internal Revenue Service;
4. Area credit unions as specified in administrative procedures; and
5. Charitable organizations as approved by the Board. If the Board participates in the SECC program, an employee may choose not to participate in the program and may authorize a deduction(s) for charitable organizations approved by the Board.

To qualify for a deduction listed above, **in accordance with administrative procedures**, the employee must submit a request in writing, specifying the category of the deduction, the amount to be deducted, and the entity to which the deducted amount is to be transferred, **in accordance with administrative procedures**. The procedures must address:

1. Enrollment periods, if any; and
2. Any administrative fee to cover the cost of making a deduction.

**Excess Leave**

Deductions ~~shall~~**will** be made for unauthorized leave or leave taken in excess of earned leave. [See DEC]

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

**Jurisdiction** The primary jurisdiction of College District peace officers ~~shall~~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; and
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 rules and regulations promulgated by the Board and the Administration.

Any person commissioned by the College District must be a certified ~~police peace~~ officer who satisfies the requirements of the Texas Commission on Law Enforcement. ~~Sworn Peace~~ officers ~~shall~~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 ~~police peace~~ officers ~~shall~~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 ~~shall~~will, as a condition of employment, complete the course of training prescribed for Chiefs of Police by the Texas Commission on Law Enforcement (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 ~~shall~~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 ~~shall~~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 ~~shall~~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 ~~shall~~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 ~~shall~~will have all the powers, privileges, and immunities of peace officers. College District peace officers ~~shall~~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

SITE MANAGEMENT  
SECURITY

CHA  
(LOCAL)

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 on College District property or at College District functions.
6. Investigate violations of College District policy, rules, and regulations as requested by the District President and participate in administrative hearings concerning the 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.

**Limitations on  
Outside Employment**

No officer commissioned under this policy ~~shall~~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 ~~shall~~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 ~~shall~~will review the memorandum of understanding at least once every year. The memorandum of understanding ~~shall~~will be approved by the Board.

**Use of Force**

The use of force, including deadly force, ~~shall~~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 ~~shall~~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 ~~shall~~will promptly report these observations to a supervisor.

Standards for Using  
Force

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

An officer may use reasonable force to effect an arrest, search, prevent escape, or overcome resistance. If it is not reasonably apparent to the person ~~to be 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 ~~shall~~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. 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;



SITE MANAGEMENT  
SECURITY

CHA  
(LOCAL)

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.

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 shall be documented promptly, completely, and accurately in an appropriate report, and a copy shall be sent to the District President. To collect data for

SITE MANAGEMENT  
SECURITY

CHA  
(LOCAL)

purposes of training, resource allocation, analysis, policy development, and related purposes, the Chief of Police shall will objectively evaluate the use of force by the department's officers to ensure that their authority is used lawfully, appropriately, and consistently with training and policy.

Annual Report

Each year, the Chief of Police or designee shall 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 shall 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 shall 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 shall 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 shall/will immediately activate all emergency lights and sirens and shall/will immediately notify the dispatcher. Officers shall/will not operate a police vehicle in emergency status if it is occupied by any passenger other than another police officer.

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

Non-Pursuit  
Situations

Emergency responses shall/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 shall/will consider such factors as traffic volume, time of day, weather conditions, and potential hazard or liability to themselves and the public. Officers shall/will have sufficient information to justify the decision to drive under emergency situations. Officers responding to a call from another officer needing assistance shall/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, shall/will not justify pursuit.

Pursuits shall/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 shall/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 shall/will control the pursuit and have the authority to terminate the pursuit at any time. Supervisors should be within radio contact at all times and continually assess the advisability of commencing and continuing the pursuit. The supervisor shall/will determine whether a back-up police vehicle is necessary and appropriate. The supervisor shall/will notify other jurisdictions if the pursuit is likely to enter or cross into another jurisdiction.

The pursuing officer shall/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

SITE MANAGEMENT  
SECURITY

CHA  
(LOCAL)

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 shall 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 shall will be held accountable for the continuation of a pursuit when traffic hazards and other circumstances indicate, by danger level, that it should have been discontinued.

Officers shall 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 shall 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 shallwill have arrest responsibility.

Reporting and  
Analysis

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

Training

In addition to initial and supplementary training on pursuits, all sworn memberspolice officers of the department shallwill 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 shallwill 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 shallwill be considered law enforcement records, shallwill remain in the custody of the Chief of Police, and shallwill be maintained as required by the department regulations manual and law.

**Training**

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

**Racial Profiling**

Officers shallwill 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 shallwill 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 shallwill not be condoned.

The District President or designee shallwill provide a complaint process so that students, employees, and other citizens may report violations of this policy. The District President or designee shallwill

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 shall/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 individuals may file a complaint if the individual believes that he or she has been subjected to racial profiling; and require appropriate corrective action to be taken against a peace officer who, after an investigation, is shown to have engaged in racial profiling in violation of this policy. The written regulations shall/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 shall/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 shall/will be given to the officer within a reasonable time after it is filed, and no disciplinary action shall/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 shall/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 shall/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 shall/will be filed in accordance with DGBA, FLD, or GB, as appropriate.



Complaints against the Chief of Police ~~shall~~will be submitted to the District President or designee who ~~shall~~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 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;
- (4) be appointed by the college's Board of Trustees; and
- (5) meet all statutory requirements and Texas Commission on Law Enforcement (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 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, subject to applicable laws. An applicant who is appointed as a school marshal must continue to meet all relevant statutory, commission, and College 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 them unqualified and unauthorized to act as a school marshal by virtue of their 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 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 a school marshal 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 a school marshal 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 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 of Trustees 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 of Trustees in closed Executive Session.

Appointments may be withdrawn at any time for any reason or no reason by action of the Board of Trustees 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 in response to a request under the Texas Public Information Act.

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

SITE MANAGEMENT  
WEAPONS

CHF  
(LOCAL)

**Concealed Carry and  
Other General  
Provisions**

The purpose of this policy is to implement Texas Government Code, Section 411.2031, Carrying of Handguns by License Holders on Certain Campuses, at Collin County Community College effective August 1, 2017, and to outline prohibited firearms and weapons on all College District campuses.

**Firearms**

The College District prohibits the use, possession, or display of a firearm on College property or at a College-sponsored or -related activity in violation of the law or College policies and procedures, unless written authorization is granted in advance by the District President or designee.

**Procedures**

After consulting with students, staff, and faculty of Collin College regarding the nature of the student population, specific safety considerations, and the uniqueness of Collin College, the District President has established the following rules regarding the carrying of concealed handguns by license holders on the campuses of Collin College:

1. Only individuals with a valid License to Carry a Handgun (LTC) issued by the Texas Department of Public Safety, under Texas Government Code Chapter 411, Subchapter H, as well as licenses\* from other states, the validity of which is recognized by the state of Texas, may carry a concealed handgun on or about his or her person on the property of the College. \*Licenses are collectively referred to as LTC herein.
2. The College prohibits the use, possession, or display of any illegal knife, club, or prohibited weapons, as defined by the Texas Penal Code and described in CHF(LEGAL), on College property or at a College-sponsored or -related activity, unless written authorization is granted in advance by the District President or designee.
3. While on College campuses, it is the responsibility of the holder of the LTC to conceal the handgun so that it is not partially or wholly visible to another person.
4. While on a College campus, an LTC holder who is in possession of a handgun must keep that handgun on or about his or her person or in a locked vehicle, as permitted by law.
5. Handguns may not be stored overnight on College campuses, unless in a locked, privately owned or leased motor vehicle.
6. Possession of a handgun on College property while intoxicated, under the influence of illegal drugs, or while taking prescription drugs that impair judgment or physical abilities is prohibited.

SITE MANAGEMENT  
WEAPONS

CHF  
(LOCAL)

7. This policy applies to persons traveling in College-owned vehicles. However, the policies of the owner of the vehicle apply when private or commercial transportation is used for Collin College travel.
8. Individuals who do not possess a valid LTC are prohibited from possessing a handgun on College campuses.
9. This policy applies to all students, staff, faculty, and visitors of the College, except for law enforcement officers licensed by a state of the United States or a federal agency and School Marshals licensed by the State of Texas and appointed by the Collin College Board of Trustees.
10. Open carry of a handgun on a campus of the College is restricted to law enforcement officers licensed by a state of the United States or a federal agency.
11. Students and employees of the College, with the exception of police officers employed by the College, ~~shall~~will not inquire as to whether any person is carrying a concealed weapon or possesses an LTC.
12. The storage or transportation of a firearm or ammunition is allowed by College students, faculty, staff, and employees if the individual is authorized to such possession in a locked, privately owned or leased motor vehicle on those specific premises allowed by law and described in CHF(LEGAL).

**Other Weapons**

All other weapons are strictly prohibited for students, staff, faculty, and visitors on College property or at any College-sponsored or -related activity, including, but not limited to, long guns, location-restricted knives, brass knuckles, clubs, explosives, fireworks of any kind, incendiary devices, instruments designed to expel a projectile with the use of pressurized air, such as a BB gun, martial arts throwing stars, or any weapons described in CHF(LEGAL). An exception is authorized for the limited purpose of honor guards who carry ceremonial swords (e.g., Military Ball) at a Collin College-sponsored event. The possession or use of articles not generally considered to be weapons may be prohibited when the District President or designee determines that a danger exists for any student, College District employee, or College District property by virtue of possession or use.

Possession of other weapons on College campuses is grounds for immediate disciplinary action and possible prosecution for violations of state law.

**Exclusion  
Zones**

Possession of a handgun is prohibited on Collin College campuses in the following locations by any person except law enforcement officers licensed by a state of the United States or a federal agency. These locations ~~shall~~will be appropriately identified by signage as specified under Sections 30.06 and 30.07 of the Texas Penal Code:

1. Child-care facilities.
2. Polling locations.
3. In the room or rooms where a meeting of a governmental entity is held, and if the meeting is an open meeting subject to Chapter 551, Government Code, and notice as required by that chapter is provided.
4. High-hazard laboratories and health science education facilities where the presence of high-hazard materials or operations creates a significant risk of catastrophic harm due to a negligent discharge.
5. Designated meeting room(s) at each campus in Student and Enrollment Services that can be used, as needed, for disciplinary meetings or counseling meetings.
6. Facilities where professional, high school, college sporting, or interscholastic events are in progress.
7. Locker and dressing rooms where individuals change clothes, including those at athletic, theatre, and health science education facilities.
8. Any location or facility of Collin College, as directed or approved by the District President as necessary for campus safety, where effective notice on a temporary basis pursuant to Sections 30.06 and 30.07, Texas Penal Code, has been given by the required signage. An example might include a College facility where alcohol is being served for a special event.
9. A violation of these specific prohibitions is considered an offense under Section 46.035(a-3), Texas Penal Code.

**Violations**

Violations of this policy should be reported immediately to the Collin College Police Department at (972) 578-5555. Such violations may result in disciplinary action by Collin College up to and including criminal prosecution for violation of the Texas Penal Code.

Employees and students found to be in violation of this policy ~~shall~~will be subject to disciplinary action. [See DH, FM, and FMA]

### **Reporting**

Not later than September 1 of even-numbered years, Collin College shallwill submit a report to the Texas State Legislature and to the standing committees of the legislature with jurisdiction over the implementation and continuation of Section 411.2031, Texas Government Code that:

1. Describes the Collin College rules, regulations, or other provisions regarding the carrying of concealed handguns on the campuses of Collin College; and
2. Explains the reasons the institution has established these provisions.

### **Safety Committee**

The District President shallwill appoint a standing committee, the Collin College Safety Committee that is chaired by the Executive Vice President and includes representatives from the administration, faculty, staff, and student government. The committee shallwill be charged with meeting as needed, but at least once each fall and spring semester to review the College's policy, any new legislation and legal decisions relating to this issue, and the effectiveness of the implementation of the College's policy. Advisory notes and recommendations from the committee shallwill be forwarded for review and consideration by the Executive Leadership Team, District President, and Board of Trustees, as necessary.

EQUIPMENT AND SUPPLIES MANAGEMENT  
DISPOSAL OF PROPERTY

CIB  
(LOCAL)

**Disposal of College  
District Property**

The District President or designee is authorized to declare College District materials, equipment, and supplies to be unnecessary and will dispose of unnecessary materials, equipment, and supplies for fair market value. If the unnecessary property has no value, the District President or designee may dispose of such property according to administrative discretion.

Items ~~obtained as purchased with state or federal funds surplus~~ will be managed according to state and federal regulations, including ~~surplussing items when appropriate~~.

**Disposal of  
Abandoned or  
Unclaimed Personal  
Property**

The District President is authorized to dispose of abandoned and unclaimed personal property in accordance with College District regulations. These regulations will address, but not be limited to, the following topics:

1. Notices of lost and found locations posted at appropriate places or described in College District publications and that include procedures for reclaiming lost articles and time frames for the College District to dispose of unclaimed property.
2. A range of options for locating owners of abandoned property that is not turned in to a lost and found location. These options may address such items as abandoned cars or other large items.
3. Disposal procedures including donations to charity or student organizations, sales, and auctions.

Any monies realized from disposal of unclaimed or abandoned personal property will be deposited in the College District's general fund.

[For the applicability of the abandoned property procedures under Property Code Chapter 76, see CD]



PERSONNEL POSITIONS

DD  
(LOCAL)

The Board will employ administrative personnel, faculty, and other full-time personnel upon the recommendation of the District President. [see DC(Local)]

The District President or designee shall employ part-time personnel based on recommendation of the appropriate administrator and based on need.

The job descriptions and qualifications for all positions will be approved by the human resources office prior to posting a vacant position. Job descriptions will be maintained by the human resources office. Except in cases where unusual circumstances exist, all employees will be classified as one of the following.

**Contract  
Employment**

An employee in a duly authorized and funded full-time faculty position will be considered a full-time faculty member with a full-time faculty contract.

The District President will be employed with a full-time administrative contract.

**Noncontract  
Employment**

Staff and  
Administrative  
Employees

Full-time employees paid on the staff and administrative salary schedules are considered noncontractual personnel and are hired on an at-will basis. All noncontractual employees are hired based upon need and may be released at any time for any reason or for no reason at the sole discretion of the College District.

Temporary Salaried  
Employees

Full-time employees hired based on a short-term need are considered temporary full-time employees and may be released at any time for any reason or for no reason at the sole discretion of the College District without the right to appeal.

Temporary Grant-  
Funded Employees

Full-time employees, employed in positions that are funded by federal or other special funding, have a term of employment equal to the term of the temporary assignment or until the loss of one or more funding sources, whichever occurs first. Such employees may be released at any time for any reason or for no reason at the sole discretion of the College District. The College District may continue to employ the individual after the loss of a funding source at a reduced compensation rate, where the reduction is proportionate to the loss of funding.

Employee with  
Supplemental  
Assignments

Supplemental duties may from time to time be assigned to full-time employees. No property right to continued employment exists in such supplemental duties, and such assignments may be terminated for any reason or for no reason, at the sole discretion of the College District.

PERSONNEL POSITIONS

DD  
(LOCAL)

Noncontract  
Employees Without  
Benefits

Noncontract employees whose assigned workload (hours worked per week) and compensation rate do not meet the state's criteria for eligibility for the state-provided benefits package are considered part-time without benefits and may be released at any time for any reason or for no reason at the sole discretion of the College District **without the right to appeal.**

**Definition of  
Probationary  
Employee**

The term probationary employee will refer to new and rehired, both contract and noncontract full-time employees in the first 90 days of full-time employment with the College District. Employees in a new employee probationary status may be dismissed at any time during the probationary period for any reason **or no reason at the sole discretion of the College District** and without the right to appeal.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

---

**Note:** This policy addresses employee complaints of sex and gender discrimination, sexual harassment, sexual violence, and retaliation. For legally referenced material relating to this subject matter, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, and retaliation targeting students, see FFDA.

---

<b>Definitions</b>	Solely for purposes of this policy, the term “employee” includes former employees, applicants for employment, and unpaid interns.
<b>Statement of Nondiscrimination</b>	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.
<b>Discrimination</b>	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.
<b>Sexual Harassment</b>	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: <ol style="list-style-type: none"><li>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; or</li><li>2. The conduct is so severe, persistent, or pervasive 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.</li></ol>
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.
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.
<b>Retaliation</b>	The College District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

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.

Examples

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

**Prohibited Conduct**

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

**Reporting Procedures**

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 website.

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

**Definition of College District Officials**

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, 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:

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

Deputy Title IX  
Coordinator for  
Human Resources

Name: Tonya Jacobson  
Position: Manager HR/Compliance  
Address: 3452 Spur 399, McKinney, TX 75069  
Telephone: (972) 758-3856

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

Other Anti-discrimination Laws	The District President or designee <u>shall will</u> serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.
<b>Alternative Reporting Procedures</b>	<p>An employee <u>shall will</u> not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinators, may be directed to the District President or designee.</p> <p>A report against the District President may be made directly to the Board. If a report is made directly to the Board, the Board <u>shall will</u> appoint an appropriate person to conduct an investigation.</p>
<b>Timely Reporting</b>	Reports of prohibited conduct <u>shall will</u> 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.
<b>Notice of Report</b>	Any College District supervisor who receives a report of prohibited conduct <u>shall will</u> immediately notify the appropriate College District official listed above and take any other steps required by this policy.
<b>Investigation of the Report</b>	<p>The College District may request, but <u>shall will</u> not insist upon, a written report. If a report is made orally, the College District official <u>shall will</u> reduce the report to written form.</p> <p>Upon receipt or notice of a report, the College District official <u>shall will</u> determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official <u>shall will</u> immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.</p> <p>If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy <u>but may constitute a violation of other College District rules or regulations</u>, the College District official <u>shall will</u> refer the complaint for consideration under <del>DIAA</del>, <u>as the</u> appropriate <u>policy</u>.</p> <p>If appropriate, the College District <u>shall will</u> promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.</p> <p>The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor <u>shall will</u> be involved in or informed of the investigation.</p>

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

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.

**Concluding the Investigation**

Absent extenuating circumstances, the investigation should be completed within ten College District business days from the date of the report; however, the investigator ~~shall~~will take additional time if necessary to complete a thorough investigation.

The investigator ~~shall~~will prepare a written report of the investigation. The report ~~shall~~will be filed with the College District official overseeing the investigation.

**College District Action**

If the results of an investigation indicate that prohibited conduct occurred, the College District ~~shall~~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, even if the conduct did not rise to the level of prohibited or unlawful conduct.

**Confidentiality**

To the greatest extent possible, the College District ~~shall~~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.

**Appeal**

A ~~complainant~~party who is dissatisfied with the outcome of the investigation may appeal through ~~DGBA(LOCAL), the applicable grievance policy~~ beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

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

**Records Retention**

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

**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, ~~shall~~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 Col-

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

lege District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to an employee who makes a report.



PERSONNEL POSITIONS

DN  
(LOCAL)

~~All new full-time College District-funded positions must be approved by the Board.~~

~~The College President is authorized to create positions funded through grants or other special funds. Such positions exist only for the duration of the funding.~~

~~The job descriptions and qualifications for all positions shall be approved by the human resources office prior to posting a vacant position. Job descriptions shall be maintained by the human resources office.~~

INSTRUCTIONAL ARRANGEMENTS  
COURSE LOAD AND SCHEDULES

ECC  
(LOCAL)

**Limitation on  
Number of Dropped  
Courses**

A College District student ~~shall~~will not be permitted to drop more than six courses taken while enrolled at the College District or another public institution of higher education. For the limit to apply:

1. The student must be permitted to drop the course without receiving a grade or being penalized academically;
2. The student's transcript must indicate or will indicate the student was enrolled in the course; and
3. The student must not have dropped the course to withdraw from the College District.

Exceptions for  
Good Cause

A student ~~shall~~will be permitted to exceed the limit on the number of dropped courses for any of the following reasons:

1. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
2. The care of a sick, injured, or needy person if providing that care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family as defined by law;
4. The death of a person who has a sufficiently close relationship to the student as defined by law;
5. The student's active military duty service;
6. The active military service of a member of the student's family;
7. A change in the student's work schedule that is beyond the student's control and affects the student's ability to satisfactorily complete the course; or
8. Any other significant issue affecting the ability of the student to satisfactorily complete the course, as determined upon review by the College District registrar.

[For definitions of "student's family" and "a person who has a sufficiently close relationship to the student," see Definitions for Good Cause Exemption in ECC(LEGAL).]

Exception for  
Reenrolled  
Students

A qualifying reenrolled student may drop a seventh course in accordance with law.

*Procedures*

The District President ~~shall~~will develop procedures to implement this policy.

---

**Note:** This policy addresses complaints of sex discrimination, sexual harassment, sexual assault, and retaliation targeting students. For legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL) and FFDB(LOCAL). For sex discrimination, sexual harassment, sexual assault, 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.

**Discrimination**

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

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 school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from the College District's educational program.

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 that it limits or denies a student's ability to participate in or benefit from the College District's educational program.

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.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; dating

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

FFDA  
(LOCAL)

violence, stalking, and other sexually motivated conduct, communications, or contact.

Physical contact not reasonably construed as sexual in nature is not sexual harassment.

**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, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Examples

Examples of 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.

**Domestic Violence**

The term "domestic violence" includes felony or misdemeanor crimes of violence committed "in a relationship by one partner to gain or maintain power and control over another intimate partner" ([Office on Violence Against Women, United States Department of Justice](#)<sup>1</sup>).

Examples

Examples of domestic violence may include abuse committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who cohabitates with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Retaliation**

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

Examples

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

**False Claims**

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

**Prohibited Conduct**

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

**Reporting  
Procedures**

For purposes of this policy, a “responsible employee” is an employee:

Responsible  
Employee

1. Who has the authority to remedy prohibited conduct;
2. Who has been given the duty of reporting incidents of prohibited conduct; or
3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.

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

**Student Report**

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee or submit the report electronically through the College District’s website. The submission of an anonymous electronic report may impair the College District’s ability to investigate and address the prohibited conduct.

**Employee Report**

Any College District employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct ~~shall~~will immediately notify the appropriate College District official listed in this policy and ~~shall~~will take any other steps required by this policy. An employee who does not meet the description of a responsible employee in accordance with this policy may alternatively submit the report electronically via the College District’s website.

*Exceptions*

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

A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

FFDA  
(LOCAL)

~~shall~~will not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student's identity without the student's consent, unless the person is disclosing information as required for inclusion in the College District's annual security report under the Clery Act [see GAC-GCC].

~~Responsible  
Employee~~

~~For purposes of this policy, a "responsible employee" is an employee:~~

- ~~1. Who has the authority to remedy prohibited conduct.~~
- ~~2. Who has been given the duty of reporting incidents of prohibited conduct.~~
- ~~3.1. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.~~

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

**Definition of College District Officials**

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

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, 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

Name: Terrence Brennan  
Position: Dean of Students  
Address: 3452 Spur 399, McKinney, TX 75069  
Telephone: (972) 881-5734

Title IX Coordinator for Employees

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

Deputy Title IX Coordinator for Employees

Name: Tonya Jacobson  
Position: Manager, HR/Employee Relations  
Address: 3452 Spur 399, McKinney, TX 75069

Telephone: (972) 758-3856

Other Anti-discrimination Laws

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

**Alternative Reporting Procedures**

A student shall 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 coordinator, may be directed to the District President.

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

**Timely Reporting**

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

**Investigation of the Report**

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

Initial Assessment

Upon receipt or notice of a report, the College District official shall will determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official shall will immediately notify the parties to the complaint of the allegations and the formal and informal options for resolution of the complaint. authorize or undertake an investigation, except as provided below at Criminal Investigation.

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 shall will refer the complaint for consideration under the appropriate policy.

Informal Resolution

If the parties voluntarily agree to participate in informal resolution of the complaint, the College District official will determine if informal resolution is appropriate for the complaint. If the official determines that informal resolution is appropriate, then the official may facilitate that resolution. If the official does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process.

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 <del>shall</del> <u>will</u> promptly take interim action calculated to address prohibited conduct prior to the completion of the College District's investigation.
College District Investigation	<p>The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator <del>shall</del><u>will</u> have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District <del>shall</del> <u>will</u> confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District <del>shall</del> <u>will</u> proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District <del>shall</del> <u>will</u> promptly resume its investigation.
<b>Concluding the Investigation</b>	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within 60 College District business days from the date of the report; however, the investigator <del>shall</del><u>will</u> take additional time if necessary to complete a thorough investigation.</p> <p>The investigator <del>shall</del><u>will</u> prepare a written report of the investigation. The report <del>shall</del><u>will</u> be filed with the College District official overseeing the investigation.</p>
<i>Notification of the Outcome</i>	The College District <del>shall</del> <u>will</u> 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. <u>The parties will be given the opportunity to respond to the report.</u>

**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 a preponderance of the evidence standard. If the results of an investigation indicate that prohibited conduct occurred, the College District ~~shall~~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~~[see FM and FMA]

Corrective Action

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

- Providing a training program for those involved in the complaint;
- Providing, a comprehensive education program for the College District community;
- Providing, counseling for the victim and the student who engaged in prohibited conduct;
- Permitting the victim or student engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
- Conducting, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving, ~~involving~~ students in efforts to identify problems and improve the College District climate;
- Increasing, ~~increasing~~ staff monitoring of areas where prohibited conduct has occurred; and
- Reaffirming~~reaffirming~~ the College District's policy against discrimination and harassment.

Exception

The College District ~~shall~~will minimize attempts to require a student who complains of sexual harassment 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 ~~shall~~will be involved in an appropriate manner. ~~Mediation shall not be used to resolve complaints of prohibited conduct.~~

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

**Confidentiality**

To the greatest extent possible, the College District shall 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.

**Appeal**

A partystudent who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, student disciplinary process [see FMA(LOCAL) for students, and GB(LOCAL) for community members]]. A partystudent shall will be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights. The College District shall 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.

**Records Retention**

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

**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, shall 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 shall will also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall will be readily available at the College District's administrative offices and shall will be distributed to a student who makes a report.

---

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

STUDENT ACTIVITIES

FK  
(LOCAL)

**Student Activities**

The senior vice president of academic, workforce, and enrollment services ~~shall~~will develop procedures regarding the sponsorship or sanction of student activities and related requirements consistent with the mission and objectives of the College District.

**Athletics**

The District President ~~shall~~will ultimately be responsible for, and ~~shall~~will exercise ~~appropriate administrative and fiscal~~ control over, the College District's intercollegiate athletics program.