



NOTICE is hereby given that the Collin County Community College District Board of Trustees will hold a meeting of the Organization, Education, and Policy Committee (Menon, Orr, and Arias) at 4:30 p.m. on Tuesday, October 26, 2021, in the President's Conference Room 407 at the Collin Higher Education Center, 3452 Spur 399, McKinney, Texas 75069.

Locations

Celina Campus

Collin Higher Education Center
McKinney, Texas

Courtyard Center
Plano, Texas

Farmersville Campus

Frisco Campus

McKinney Campus

Plano Campus

Public Safety Training Center
McKinney, Texas

Rockwall Center

Technical Campus
Allen, Texas

Wylie Campus

PUBLIC COMMENT

REVIEW AND DISCUSSION ITEMS

1. First Reading of Local Board Policy

CDE (Local) Accounting – Financial Ethics - ADD

2. Second Reading and Consideration of Approval of Local Board Policies

BBE (Local) Board Members - Authority

CHE (Local) Site Management - Mail and Delivery - ADD

DEC (Local) Compensation and Benefits - Leaves and Absences

DM (Local) Termination of Employment

FAA (Local) Equal Educational Opportunity - Service Animals - ADD

FFDA (Local) Freedom from Discrimination, Harassment, and Retaliation - Sex and Sexual Violence

GD (Local) Community Expression and Use of College Facilities

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Collin County Community College District Board of Trustees

1. Organization, Education, and Policy Committee

October 26, 2021

Resource: Monica Velazquez
General Counsel

DISCUSSION ITEM: First Reading of Local Board Policy

- **CDE (Local) Accounting – Financial Ethics - ADD**

DISCUSSION:

As a part of the College's comprehensive review of all policies and with input from the Texas Association of School Boards' Legal and Policy Service, the local policy outlined below is being presented for your review as a first reading.

- **CDE (Local) Accounting – Financial Ethics – ADD**
As a part of the effort to implement the college's Ethics Hotline, consideration of a policy regarding reports of fraud, waste, abuse, and financial impropriety, with definitions of these terms is recommended.

NEW POLICY

Acts of fraud, waste, abuse or financial impropriety may compromise the College District's mission. All Board members, employees, students, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved with the College District or who conduct business with the College District will act with integrity in duties involving the College District's fiscal resources.

Please Note: See also the following policies regarding conflicts of interest, ethics, and financial oversight:

- Code of Ethics:
 - for Board members—BBF
 - for employees—DH
 - Financial conflicts of interest:
 - for public officials—BBFA
 - for all employees—DBD
 - for vendors—CFE
 - Compliance with state and federal grant and award requirements: CAA, CAAA, CAAB
 - Financial conflicts and gifts and gratuities regarding federal funds: CAA, CAAB
 - Systems for monitoring the College District's investment program: CAK
 - Budget planning and evaluation: CC
 - Compliance with accounting regulations: CDC
 - Criminal history record information for employees: DC
-

Fraud, Waste, Abuse and Financial Impropriety

The College District prohibits fraud, waste, abuse and financial impropriety, as defined below, in the actions of its Board members, employees, students, vendors, contractors, consultants, volunteers, and others seeking or maintaining an employment, business, or other relationship with the College District.

NEW POLICY

Definitions

The following general terms apply for this policy.

- a. Fraud is any false or dishonest act that constitutes fraud under applicable laws, including any intentional deception or willful misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to that person or another person.
- b. Waste is the loss or misuse of government-funded resources that results from deficient practices, system controls, or decisions.
- c. Abuse is the intentional, wrongful, or improper use of government-funded resources or misuse of office, position, or authority that causes the loss or misuse of government-funded resources.
- d. Financial impropriety is a type of financial fraud.

While it is impossible to define every action that could constitute fraud, waste, abuse, or financial impropriety, those acts may include, but are not limited to:

1. Forgery, falsification, or unauthorized alteration of any document or account belonging to the College District.
2. Forgery, falsification, or unauthorized alteration of a check, bank draft, promissory note, securities, or any other financial document of the College District.
3. Forgery, falsification, or unauthorized alteration of any College District student records, employee records, financial records, or insurance records.
4. Misappropriation of funds, securities, supplies, or other College District property or assets, including employee time.
5. Unlawful or fraudulent handling of money or reporting of College District financial transactions.
6. Acceptance or solicitation of any prohibited gift, favor, or service that may tend to influence the employee in the discharge of the employee's official duties.

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7. Unauthorized destruction, removal, or use of College District records or property.
8. Unauthorized access to or disclosure of confidential, or proprietary information, or intellectual property of the College District.
9. Unauthorized access to or disclosure of investment activities engaged in or contemplated by the College District.
10. Failing to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or Board policy.
12. Theft or any other willful, dishonest act regarding financial information of the College District.
13. Failure to comply with lawful requirements imposed by law, the awarding government agency, or a pass-through entity for state and federal awards.

Reporting

Anyone who suspects or detects an act prohibited by this policy must report it immediately to a person with authority to investigate that act, including a supervisor, the District President or designee, the Director of Internal Audit, local law enforcement, or as allowed by this policy.

The individual filing the report should not knowingly make false or misleading accusations. The individual or those receiving the report should not alert the suspected individual(s) that an investigation under this policy is underway.

Ethics Hotline

A report of suspected acts of fraud, waste, abuse, or financial impropriety may be filed through a secure and confidential ethics hotline available at: (Information to be entered, when the hotline service provider is selected) or at the toll-free number: (Information to be entered, when the hotline service provider is selected).

State Auditor's Office

A report of suspected acts of fraud, waste, abuse, or financial impropriety may also be made to the Texas State Auditor's Office by

NEW POLICY

any of the methods described on that agency's website at:
<https://sao.fraud.texas.gov/>.

If the College District has reasonable cause to believe that money received from the state or by a contractor of the College District may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct in violation of this policy has occurred in relation to the operation of the College District, such matters will be reported to the Texas State Auditor's Office by the Director of Internal Audit as required by Texas Government Code, Section 321.022.

Controls and Oversight

The District President or designee will maintain a system of internal controls to deter and monitor for fraud, waste, abuse or financial impropriety in the College District.

Each employee who supervises or is responsible for preparing College District records, financial reports, or financial transactions will set an example of honest and ethical behavior and will actively monitor their department or area of responsibility for fraud, waste, abuse, and/or financial impropriety.

Confidentiality

Reports of suspected fraud or financial impropriety will be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation will be advised to keep information about the investigation confidential

Non-Retaliation

The College District prohibits and does not tolerate retaliation against any individual who in good faith files a complaint of suspected fraud, waste, abuse, or financial impropriety or cooperates with an investigation of such alleged acts. Engaging in unlawful retaliation may result in disciplinary action, including dismissal.

However, an individual who intentionally files a false complaint, offers false statements, or submits false evidence is not protected by this provision against retaliation, and may be subject to appropriate disciplinary action. Complaints involving alleged violations of this non-retaliation provision can be filed by employees under policy DGBA, by students under FLD, by community members under GB, or using the Ethics Hotline.

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Investigations

The District President is responsible for ensuring that allegations of fraud, waste, abuse, or financial impropriety are investigated. The District President may assign the complaint to an appropriate designee to investigate. The Director of Internal Audit must provide timely written notification to the District President or designee when a complaint is received from the Ethics Hotline or the State Auditor's Office.

The District President or designee, in coordination with legal counsel and other internal or external departments or agencies as appropriate, will promptly initiate a thorough investigation of reports of potential fraud, waste, abuse, or financial impropriety. Once an investigation is complete, a report that outlines the results of the investigation will be provided to the District President or designee.

If the report involves the Board or District President, an external third party will be retained by the Board to investigate reports of potential fraud, waste, abuse, or financial impropriety. The external third party will conduct a thorough investigation and provide a report that outlines the results of the investigation to the Board Chair or designee.

Response

If an investigation substantiates a report of fraud, waste, abuse, or financial impropriety, the District President or designee will inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration. If recommended or when circumstances warrant, the District President decides, with input from the Board and consultation from legal counsel as needed, (1) whether to report the acts to regulatory or law enforcement authorities, and/or (2) any other appropriate remedial action. In cases involving monetary loss to the College District, the College District may seek to recover lost or misappropriated funds.

If an employee is found to have committed fraud, waste, abuse, or financial impropriety, the District President or designee will take or recommend appropriate disciplinary action, which may include dismissal from employment.

If a contractor or vendor is found to have committed fraud, waste, abuse, or financial impropriety, the College District will take appropriate action, which may include cancellation of the College District's relationship with the contractor or vendor.

Federal Awards Disclosure

The College District will disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of

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federal criminal law involving fraud, waste, abuse, or financial impropriety violations potentially affecting a federal grant award. [See CAAB]

Analysis of Fraud

After any investigation substantiates a report of fraud, waste, abuse, or financial impropriety, the District President or designee will analyze conditions or factors that may have contributed to the fraudulent or improper activity. The District President or designee will determine if current administrative procedures are appropriate. If deemed necessary, improved procedures will be developed and implemented to prevent future misconduct. These new or remedial measures will be presented to the Board.

Collin County Community College District Board of Trustees

2021-10-X

October 26, 2021

Resource: Monica Velazquez
General Counsel

AGENDA ITEM: Report Out of the Organization, Education, and Policy Committee, First Reading of Local Board Policy

DISCUSSION: As a part of the College's comprehensive review of all policies and with input from the Texas Association of School Boards' Legal and Policy Service, the local policy outlined below is being presented for your review as a first reading.

- **CDE (Local) Accounting – Financial Ethics – ADD**
As a part of the effort to implement the college's Ethics Hotline, consideration of a policy regarding reports of fraud, waste, abuse, and financial impropriety, with definitions of these terms is recommended.

SUGGESTED MOTION: This being a first reading of local board policy, no action is required.

Collin County Community College District Board of Trustees

2. Organization, Education, and Policy Committee

October 26, 2021

Resource: Monica Velazquez
General Counsel

DISCUSSION ITEM:

Second Reading and Consideration of Approval of Local Board Policies

- **BBE (Local)** Board Members - Authority
- **CHE (Local)** Site Management - Mail and Delivery - ADD
- **DEC (Local)** Compensation and Benefits – Leaves and Absences
- **DM (Local)** Termination of Employment
- **FAA (Local)** Equal Educational Opportunity – Service Animals - ADD
- **FFDA (Local)** Freedom from Discrimination, Harassment, and Retaliation – Sex and Sexual Violence
- **GD (Local)** Community Expression and Use of College Facilities

DISCUSSION:

As a part of the College’s comprehensive review of all policies and with input from the Texas Association of School Boards’ Legal and Policy Service, the local policies outlined below are being presented for your review as a second reading.

PROPOSED CHANGES:

As a part of the College’s comprehensive review of all policies and with input from the Texas Association of School Boards’ Legal and Policy Service, the local policies outlined below are being presented for your review as a first reading.

- **BBE (Local) Board Members Authority –** Incorporates clarifications regarding requests of Trustees to staff, with a vote of the Board required when significant staff time is required to prepare the response.
- **CHE (Local) Site Management – Mail and Delivery – ADD –** New policy recommended to establish requirements for use of internal mail delivery systems and for delivery of mail to student housing.

- **DEC (Local) Compensation and Benefits – Leaves and Absences** – Codifies the one week of adjunct faculty sick leave benefit that was piloted in FY2021 and other changes to our FMLA and leave policy as recommended by TASB.
- **DM (Local) Termination of Employment** – Incorporates a reference to Board Policy DMAA(Local) in the policy addressing discipline of at-will employees.
- **FAA (Local) Equal Educational Opportunity – Service Animals – ADD** – New policy to outline the requirements for service animals on campus and for service animals and emotional support animals in student housing.
- **FFDA (Local) – Freedom from Discrimination, Harassment, and Retaliation – Sex and Sexual Violence** – Updates Title IX requirements when a party or witness does not submit to cross-examinations during a live hearing.
- **GD (Local) – Community Expression and Use of College Facilities** – Removes most of the text in the Animals on Campus section of the policy and references the new FAA(Local) Animals on Campus policy.

Board Authority

The Board has final authority to determine and interpret the policies that govern the College District and, within the limits imposed by other legal authorities, has complete and full control of the College District.

Transacting Business

Official Board action will be taken only in meetings that comply with the Open Meetings Act. When a proposal is presented to the Board, the Board will hold a discussion and reach a decision. The affirmative vote of a majority of all Board members will be required to transact business. [See BD] Although there may be dissenting votes, which are a matter of public record, each action of the Board supported by the majority is binding on the whole Board.

Individual Authority for Committing the Board

Board members as individuals will not exercise authority over the College District, its property, or its employees. Except for appropriate duties and functions of the Board President, an individual member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue. [See BCAB]

Individual Access to Information

An individual Board member, acting in the member's official capacity, will have the right to seek information pertaining to College District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the general public in accordance with the Public Information Act. [See GCA]

Limitations

If a Board member is not acting in the member's official capacity, the Board member has no greater right to College District records than a member of the public.

An individual member will not have access to confidential student records unless the member is acting in the member's official capacity and has a legitimate educational interest in the records in accordance with policies FJ(LEGAL) and (LOCAL).

Requests for Records

Individual members will seek access to records or request copies of records from the District President or other designated custodian of records. When a custodian of records other than the District President provides access to records or copies of records to individual Board members, the provider will inform the District President of the records provided.

A Board member who is denied access to a record under this policy may ask the Board to determine whether the record should be provided or may request it as a member of the public. [See GCA]

Requests for
Reports and
Research

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

Directives to the District President or other College District staff employees by one or more Board members regarding the preparation of reports that will, in the opinion-estimation of the District President, require significant excessive staff-employees time or expense will require authorization by action-a vote of the Board.

Confidentiality

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

**Referring
Complaints**

If employees, students, or citizens bring a concern or complaint to an individual Board member, the Board member will refer them to the District President or designee, who will proceed according to appropriate Board policy. {See DGBA, FLD, and GB}

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

Staff Authority

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

NEW POLICY

Use of Internal Mail System

The College District mail system for delivering items between College District buildings shall not be available for use other than for official College District business or, with approval, for use for College District-sponsored mailings or College District-approved groups and College District-sponsored or College District-support groups affiliated with the College District. [See also GD]

Distribution of Mail to On-Campus Residents

The College District shall distribute mail addressed to residents of on-campus housing after the designated College District representative receives the mail from the U.S. Postal Service or other common carrier. Mail may be distributed through internal assigned mailboxes or by other means that maintains the mail in a secure location and requires sufficient personal identification of the addressees for pickup.

Mail may be distributed to a person other than the resident to whom it is addressed if the resident has provided written authorization for such distribution and the person provides sufficient personal identification.

The College District shall provide to each resident information regarding mail forwarding and addressing mail properly.

Note: For College District contribution to employee insurance during leave, see CKD(LOCAL). For additional provisions addressing the Family and Medical Leave Act (FMLA), see DECA(LEGAL).

Leave Administration

The District President or designee will develop procedures associated with employee leaves and absences and ensure the procedures are used to implement the provisions of this policy.

Comprehensive Leave Program

The Board provides a comprehensive program of leave benefits for full-time employees of the College District.

Accrual of Leave

Leave hours accrue on the last day of each month. An employee who is in a paid status (at work or on paid leave) on the last day of the month earns leave hours for that month.

Reporting Absences

Employee absences are reported through a time and attendance reporting system. Supervisors ensure appropriate documentation and use of leave and take action, as needed, if an employee does not accurately report his or her absences. [See DMAA(LOCAL)]

Family and Medical Leave

For purposes of the Family and Medical Leave Act (FMLA), the following eligible conditions apply:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care [For the rules regarding leave for "adoption" and "foster care," see 29 C.F.R. 825.121];
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status); and
6. To care for a covered service member with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member.

Immediate Family

For purposes of this policy, "immediate family" is defined as a dependent son or daughter, including a biological, adopted, or foster child; a stepchild; a legal ward, or a child for whom the employee

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LEAVES AND ABSENCES

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(LOCAL)

stands *in loco parentis* who is under the age of 18, or someone 18 years or older who is incapable of self-care because of a mental or physical disability; and a spouse.

Family Emergency

The term “family emergency” will be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

Leave Day

A “leave day” for purposes of earning, use, or recording of leave will mean the number of hours per day equivalent to the employee’s usual assignment.

Academic Year

An “academic year” as used in this policy will mean the term of the employee’s assignment during the College District’s Academic Calendar adopted by the Board each year. For purposes of an employee’s entitlement to FMLA leave, the 12-month period will be measured forward from the date an individual employee’s first FMLA leave begins, regardless of the academic year.

Catastrophic Illness or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family. A catastrophic illness or injury is one that is expected to incapacitate the employee for an extended period of time (usually longer than five days) and that requires inpatient care in a hospital, hospice, or residential medical facility, or a regimen of continuing treatment of the employee by a health-care provider that requires absences from work for treatment. Catastrophic leave is only available for those employees who have exhausted all leave time earned by those employees. Such conditions typically require prolonged inpatient hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth will be considered catastrophic if they meet the requirements of this paragraph. The College District may require a second or third medical opinion, at its cost, to confirm that the illness or injury qualifies for catastrophic leave.

Earning Leave

An employee will not earn any form of paid leave when the employee ~~he or she~~ is in unpaid status. An employee using full or proportionate paid leave will be considered to be in paid status.

Deductions

Leave Without Pay

The College District will not approve paid leave for more leave days than have been carried over from prior years plus leave currently available. Any unapproved absences or absences beyond available paid leave will result in deductions from the employee’s pay. An employee’s final paycheck will be reduced for paid leave the employee used, but had not earned, as of the date of separation.

COMPENSATION AND BENEFITS
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Leave Proration Paid leave will be prorated based on the actual time employed within an academic year.

Medical Certification An employee will submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive work-days because of personal illness or illness in the immediate family; or
2. The College District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or District President; or
3. The employee requests FMLA leave for the employee's serious health condition; for a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification will be made by a healthcare provider as defined by the FMLA. [See DECA(LEGAL)]

Order of Use For leave approved under this policy, the College District adopts the following order of use:

1. Earned compensatory time will be used before any available paid leave. [See DEA]
2. Use of leave under the sick leave bank will be permitted only after all available local or other leave has been exhausted.

Concurrent Use of Leave 2.3. When an employee is approved for FMLA leave, the College District will require the employee to use available paid leave, including, but not limited to, sick time, vacation time, or compensatory time.

~~When an absent employee is eligible for FMLA leave, the College District will designate the absence as FMLA leave.~~

~~The College District will require the employee to use paid leave, including compensatory time, concurrently with FMLA leave.~~

~~An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness will be designated as FMLA leave.~~

Sick Leave

Each full-time employee full. Full-time employeeemployees will earn eight hours of paid sick leave per month in accordance with administrative _proceduresregulations.

Sick leave will accumulate to a maximum of 720 hours.

Sick leave will only be used after any applicable compensatory time has been exhausted for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family [see Immediate Family, above].
3. Up to three days (24 hours) of accrued sick leave each fiscal year for medical or dental appointments or to help care for an extended family member who is ill. Extended family members include parents, grandparents, adult children, grandchildren, siblings and in-laws, and step and foster relationships of the preceding.
4. Family emergency.
5. Birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.
6. Contribution to the sick leave bank.

Sick Leave for Adjunct Faculty

The College District will offer paid sick leave to adjunct faculty members under this policy to provide pay continuity as a result of illness-related absences of the adjunct faculty member.

Adjunct faculty are eligible to receive the equivalent of one week, as defined below, of paid sick leave per course each semester they are employed-. Adjunct faculty who have been diagnosed with COVID-19-an illness that requires quarantine are eligible for one additional week of paid leave under this policy. For purposes of this policy, the phrase "equivalent of one week" is defined as 1/16th of the total course contact hours, e.g., three of 48 contact hours or four of 60 contact hours, etc., irrespective of the period of time over which the course is scheduled. Paid sick leave for adjunct faculty members is granted on a per-semester basis and does not accrue.

Sick Leave Bank

The College District will establish a sick leave bank to which all full-time employees may contribute up to 24 hours of earned but unused sick leave per year.

A full-time employee may request leave from the bank if the employee experiences a catastrophic illness or injury as defined in

this policy and has exhausted all paid leave and any applicable compensatory time.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

Eligibility

Only full-time benefits-eligible employees may apply for use of the sick leave bank.

Eligible employees may only draw from the sick leave bank for a single diagnosis code for a period not to exceed the maximum allowable hours consistent with plan operating procedures.

The District President or designee will develop procedures for the operation of the sick leave bank that address the following:

1. Procedures to request leave from the sick leave bank;
2. The maximum number of days per academic year a member employee may receive from the sick leave bank;
3. The administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
4. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

An employee may appeal a decision~~All decisions~~ regarding the sick leave bank ~~may be appealed~~ in accordance with DGBA(LOCAL).

Family and Medical Leave

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period will be measured forward from the date an individual employee's first FMLA leave begins.

Combined Leave for Spouses

When both spouses are employed by the College District, the College District provides a combined total of 12 weeks (in any combination) of FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition. The College District will limit military caregiver leave to a combined total of 26 weeks. ~~[See DECA(LEGAL)]~~

Intermittent or Reduced Schedule Leave

The College District will permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. ~~[See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]~~

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Certification of Leave	<p>WhenIf an employee requests leave, the employee will provide certification, in accordance withas required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]</p>
Fitness-For-Duty Certification	<p>In accordance with administrative procedures, when If an employee takes FMLA leave due to the employee's own serious health condition, the employee will provide, before resuming work, a fitness-for-duty certification. If the College District will require certification of the employee's ability to perform essential job functions, the College District will provide a list of essential job functions to the employee, with the FMLA designation notice.</p>
Failure to Return	<p>If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the College District may require reimbursement of premiums paid by the College District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]</p>
Parental Leave	<p>Each employeeEmployees who hashave been employed in a benefits-eligible position for at least 12 months isare eligible to use ten days of paid parental leave at the time of the birth or adoption of a child. Parental leave must be coordinated with the employee's concurrent leave under the FMLA and is available for use from the time of birth or placement of the child only. Parental leave must be used while the employee is on the related FMLA leave and does not accrue or remain available for use at a later date. Adjunct faculty, part-time employees, and employees on leave without pay status are not eligible for paid parental leave as outlined in this policy but may be eligible for unpaid FMLA leave.</p>
Personal Leave	<p>Each fullFull-time employeeemployees will earn 24 hours of paid leave each fiscal year to conduct personal business in accordance with administrative regulationsprocedures. Personal leave will be noncumulative.</p>
Request for Personal Leave	<p>The employee will submit a request for use of personal leave in advance in accordance with leave of absence procedures and guidelines. In deciding whether to approve or deny personal leave, the supervisor or designee will not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee will, however, consider the effect of the employee's absence on the educational program or College District operations.</p>
Vacation Leave	<p>EachAll full-time, 12-month staff and administrative employeeemployees will earn paid vacation in accordance with the schedule published in administrative procedures.regulations.</p> <p>Upon successful completion of the new employee 90-day (calendar day) probationary period, each eligible employeeemployees will re-</p>

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ceive vacation credit retroactive to the original service date, in accordance with the published vacation plan. Employees who terminate employment prior to completion of the new employee probationary period will have no accrued vacation credit.

Use of vacation leave will not exceed 15 consecutive workdays.

Carryover of earned but unused vacation hours will be permitted within the guidelines established by the District President or designee.

Payment of
Vacation Leave in
Lieu of Time Off

If sufficient funds are available in the Board-approved budget or from other appropriate funding sources, the District President may authorize a payment of up to 160 hours of an employee's earned but unused vacation leave hours. This payment would be in lieu of time off when an employee is not permitted or able to take requested vacation leave due to workload, special projects, or critical needs of the college, as designated by the District President.

If sufficient funds are not available, the request must be submitted to the Board for consideration to allocate the needed funds from appropriate reserve accounts.

An annual report of any authorized payments to employees under this sub-section of the policy will be presented to the Board as an information item following the fiscal year end.

Payment of
Vacation Leave at
Termination

Employees beyond the initial 90-day probationary period, who terminate eligible employment with the College District, will be paid for the current fiscal year's earned but unused vacation hours and up to a maximum of 80 hours of earned but unused carryover vacation hours from prior fiscal years.

Request for
Vacation Leave

The employee will submit a request for use of vacation leave in advance in accordance with leave of absence procedures and guidelines. In deciding whether to approve or deny vacation leave, the supervisor or designee will consider the effect of the employee's absence on the educational program or College District operations.

Sabbatical Leave

Sabbatical leaves are available to provide College District employees with a significant opportunity for professional growth. Sabbatical leaves are granted based on a review and recommendation by the sabbatical committee in response to the published priorities for the year, with subsequent review, recommendation, and consideration by the executive vice president, District President, and the Board. Sabbatical leaves are not granted on the basis of longevity seniority and are not an entitlement.

Sabbatical leave may be granted, upon application, for study, research, writing, field observations, or other suitable purposes such

as completing a degree, improving skills, and maintaining currency in the employee's discipline or field or otherwise as specified in administrative procedures.

Eligible employees [see definition at DEC(LEGAL) Development Leaves of Absence] may apply for a sabbatical upon completion of five years of continuous full-time service. Six years of continuous full-time service must be completed before a sabbatical can commence.

The leave will be for one academic year at one-half of the faculty member's regular salary or for one-half academic year at full regular salary. Failure to return for all or part of the one-year period will make the person liable for the return of all, or part, of the sabbatical stipend in proportion to the percent of time not completed.

An otherwise eligible employee who has received a sabbatical leave within the past five years, whose position is funded by an external grant or contract, or who is in his or her last year of full-time employment with the College District is ineligible for sabbatical leave.

The chief human resources officer and the chair of the sabbatical leave committee are available to answer questions concerning the sabbatical leave policy and procedures.

Bereavement Leave

A full-time benefits-eligible employee will be granted up to 40 hours of paid bereavement leave upon the death of an employee's spouse, child, parent, or other person who occupies a position of similar importance in the employee's family in accordance with administrative regulations-procedures.

A full-time benefits-eligible employee will be granted up to 24 hours of paid bereavement leave upon the death of other family members of the employee to include siblings, grandparents, grandchildren, parents-in-law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family in accordance with administrative regulations, including an employee's step and foster relationships of the above.

Bereavement leave will be noncumulative.

Critical Illness Leave

Definition

"Critical illness" is defined as a life-threatening condition.

Benefit

A full-time employee will be granted up to 24 hours of paid critical illness leave for absences associated with the critical illness of an immediate family member or other family members of the employee to include siblings, grandparents, grandchildren, parents-in-

law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family, in accordance with administrative ~~procedures~~ regulations.

Critical illness leave will be noncumulative.

**Workers'
Compensation**

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the College District's contribution to health insurance. ~~[See CKD(LOCAL) regarding payment of insurance contribution during employee absences.]~~

An absence due to a work-related injury or illness will be designated as FMLA leave.

No Paid Leave
Offset

~~The College District will not permit the option~~An employee eligible for paid leave offset in conjunction with workers' compensation income benefits ~~may elect in writing to use paid leave.~~

**Extraordinary
Circumstances**

Up to 40 hours of leave without pay may be granted to an employee for extraordinary circumstances that cannot be addressed within the paid leave benefits provided by the College District, in accordance with administrative procedures and guidelines for faculty and staff. An employee who has been employed more than 12 months may request leave without pay of up to 720 hours after he or she has exhausted all eligible leave, including paid, unpaid, and FMLA leave for his or her own serious health condition or that of an immediate family member, to include the spouse or dependent child(ren) of the employee. Upon return from the leave of absence, the employee will be eligible for the same or similar position, upon release from his or her physician, if applicable, consistent with the College District's procedures and guidelines for faculty and staff.

**Employees not
Eligible for FMLA
Leave**

A full-time employee who has not yet worked the required 12 months and 1250 hours to qualify for FMLA leave may take a maximum of 160 hours of leave without pay for his or her own serious health condition or for the serious health condition of the employee's spouse and dependent children of the employee.

**Expiration of
Available Leave and
Attendance Policy**

When an employee is close to using all earned paid and unpaid approved leave, the College District will send a letter to the employee at the home address on file explaining that his or her leave is almost exhausted and the notification requirements for returning to work. If the employee's absence is due to his or her own medical condition, the employee must present a written medical clearance form, a health-care professional who verifies the employee is able

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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(LOCAL)

to perform the essential functions of his or her position, and a description of any requested job-related accommodations provided by the deadline to the College District.

[See DMAA]

If an employee is not medically released to return to work, with or without reasonable accommodations, when all available paid and unpaid leave has been exhausted, the employee's employment with the College District will end, absent a request by the employee for a reasonable accommodation. Communications with the employee will be consistent with administrative procedures and guidelines.

**Voting in Public
Elections**

An employee is expected to vote before or after his or her scheduled working hours unless voting at a polling location on a College District campus. In the rare instance that this is not possible, the employee may request prior approval from his or her supervisor for time off, not to exceed two hours, to vote.

Court Appearances

Absences due to compliance with a valid subpoena for College District-related business or for jury duty will be fully compensated by the College District and will not be deducted from the employee's pay or leave balance.

Absences due to compliance with a valid subpoena for personal business will be deducted from the employee's personal leave or vacation leave or result in loss of pay at the employee's daily rate for each day of work missed.

**Other Absences and
Leave Without Pay**

Any other absences or granted leaves of absence will result in an appropriate deduction from pay or deduction from eligible leave balances, consistent with the College District's procedures and guidelines for faculty and staff.

TERMINATION OF EMPLOYMENT

DM
(LOCAL)

At-Will Employees At-will employees may be dismissed at any time for any reason not prohibited by law, including, but not limited to, reasons for disciplinary action set out in Board policy or for no reason, as determined by the needs of the College District. For example, at-will employees may be dismissed at any time for the grounds for disciplinary action specifically listed in DMAA. At-will employees who are dismissed may request review of that decision through DGBA(LOCAL) and will receive pay through the end of the last day worked.

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

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

Eligibility Under this policy, regular full-time noncontract staff who have completed their 90-day probationary period are eligible for severance benefits if:

1. The position they hold is eliminated and reassignment to a comparable or available position is not offered;
2. They are part of an early exit incentive program; or
3. Their employment is otherwise involuntarily terminated.

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

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

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

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

TERMINATION OF EMPLOYMENT

DM
(LOCAL)

1. Two calendar weeks of pay at the final base salary rate as notice or pay in-lieu-of notice;
2. One week of base pay as severance for each year of full-time service with the College District, generally to a maximum of six calendar weeks, which will be provided at the final base salary rate (excluding any other forms of final or additional pay due to the employee under applicable law); and
3. Outplacement assistance and career counseling services of the Human Resources department, if available.

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

**Distribution of
Severance
Benefits**

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

Reemployment

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

Resignation

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

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Collin College is committed to providing a healthy and safe environment for students, faculty, staff and visitors by managing the presence of animals on property and in its facilities, while providing individuals with disabilities who use service or other animals the opportunity to receive the benefit of the tasks these animals perform in accordance with the requirements of applicable law.

The College District will allow animals to accompany an employee, student, or visitor on campus as provided in this policy. This policy does not apply to animals used by law enforcement officers in the carrying out of their duties. Animals not specifically allowed under this policy will not be permitted on any College District campus or in any College District facility.

Service Animals

The College District allows the use of service animals as defined by the Americans with Disabilities Act, as amended, or state law. Currently, a service animal means a dog (such as a signal or guide dog), or in rare situations, another animal designated by federal law regulations, that has been individually trained to do work or perform tasks for the benefit of an individual with a disability including a physical, sensory, psychiatric, intellectual, or other disability. The work or task that the service animal performs must be directly related to the individual's disability. Service animals are working animals, not pets. Animals that meet this definition are considered service animals regardless of whether they have been licensed or certified by a state or local government.

The College District allows service animals on campus, in its facilities, or at activities and events when accompanied by a person with a disability and the service animal is trained to provide, and does provide, a specific service to that person that is directly related to the person's disability.

Service animals, however, may not be permitted if the animal poses a substantial and direct threat to health or safety or when the animal constitutes a fundamental alteration to the nature of a college program or service.

A service animal must be under the control of its handler. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether

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would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). The care and supervision of the animal is the sole responsibility of the owner or handler.

Students with allergies to a service animal may request reasonable accommodations under the ADA through the ACCESS office.

The accompaniment of a person with a disability by a service animal in a location with health and safety restrictions are reviewed on a case-by-case basis by the appropriate department representative(s) in collaboration with the Human Resources Department or the ACCESS Office.

A person with a disability will be limited to one service animal unless an additional animal is necessary to provide a reasonable accommodation.

Service animals in training that are accompanied by an approved trainer are allowed the same access to campus as fully trained service dogs, except, animals in training are not permitted to reside in Student Housing. A student with a service animal who intends to reside on campus with the animal must notify the Student Housing Director of the need for a service animal's presence in advance of beginning residency following procedures outlined by Student Housing Department employees. Such prior notification allows the college to make appropriate arrangements and offer assistance prior to the student's arrival on campus.

Responsibilities of Service Animal Owner or Handler

Service animal owners are financially responsible for damage or injury to others caused by their animal, including clean-up and disposal of animal waste and replacement or repair of property, and must take appropriate precautions to prevent property damage and/or injury to others while on college property.

If a service animal is disruptive in the classroom, an employee may ask the owner and their animal to leave the premises immediately.

Service animals must be under the control of the owner at all times and under the following circumstances:

- a. A service animal should be on a leash when not providing needed service.

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- b. To the extent possible the service animal should be unobtrusive to other individuals and the learning, living, working environment.
- c. A service animal may not be left tied or tethered out of the presence of its owner.
- d. Service animals are not permitted to block aisles, passageways, or fire egress.
- e. To the extent possible, the owner should ensure that the animal does not sniff or lick people, dining tables or the personal belongings of others.

The cost of care, arrangements, and well-being of a service animal are the sole responsibility of the owner, including keeping the animal free from fleas and ticks or other pests that may cause infestation.

Cleaning up after a service animal is the sole responsibility of the owner. In the event that the owner is not physically able to clean up after a service animal, the owner must delegate this responsibility to another individual who is capable of meeting this requirement at the owner's expense.

The service animal owner is responsible for complying with any relevant city, county, and/or state license and leash laws while the service animal is on college premises.

Any service animal found unattended on college property may be seized by authorized persons or animal control officers. Owners are responsible for any impound and/or license fees required to secure the release of their animals.

Inquiries Regarding Service Animals

Individuals who are accompanied by a service animal must not be asked to identify the nature or extent of their disability. In regard to a service animal:

1. Employees will not inquire about the qualifications of a service animal when it is readily apparent that an animal is trained to do work or to perform a task for a person with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to a person with an observable mobility disability).

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2. If it is not readily apparent that an animal is performing work or a task on behalf of an individual with a disability, employees may only inquire:

a. Whether the animal is required because of a disability; and,

b. What work or task the animal has been trained to perform.

3. Individuals are not required to have an accommodation letter from the ACCESS Office to use a service animal on campus.

4. Employees will not require documentation of a service animal's certification, training, registration, or license as a service animal.

Animals in Student Housing

Pets are not allowed in on-campus Student Housing. Service animals and Emotional Support Animals (ESA), as defined below, are permitted in on-campus Student Housing. ESAs are permitted in on-campus Student Housing when the ESA is approved by the ACCESS Office and is necessary for the resident with a documented disability to have equal access to housing.

An ESA or comfort animal means an animal that provides emotional support, well-being, comfort, or companionship and that a health care provider has recommended as an accommodation for a student with a disability. The comfort provided by these animals does not constitute work or tasks and ESAs are not service animals for purposes of this policy.

Access

1. ESAs are not permitted in Collin College Student Housing until approved by the ACCESS Office through the appropriate process.

2. Approved ESAs must be contained within the Collin College Student Housing unit of the owner/handler, except when transported outside the residential area in an animal carrier or controlled leash/harness.

3. ESAs are not permitted on any Collin College campus or in any Collin College facility other than Collin College Student Housing.

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4. An ESA is considered an unreasonable accommodation if the ESA presents an undue financial or administrative burden on Collin College, poses a substantial and/or direct threat to personal or public safety, or constitutes a fundamental alteration of the nature of Collin College's educational programs or activities

Requests for ESAs

Requests for an accommodation to have an ESA must be submitted with the ACCESS Office. ESAs will not be permitted in Student Housing without the written prior approval from the ACCESS Office. Collin College Student Housing will provide students with procedures for students to follow for ESAs in Student Housing.

Required Documentation for Approval

The approval process for ESAs will require, in addition to other information, submission of the following to the ACCESS Office:

- a. current and appropriate documentation from a physician or licensed mental health professional that verifies the student is a person with a disability; describes how the animal assists the individual; and shows the relationship between the individual's disability and the need for the assistance provided by the ESA.
- b. Veterinary records or other evidence acceptable to the ACCESS Office verifying that the animal is in good health and is current with respect to all vaccinations, medications, or other items required or recommended by veterinarians regarding the breed or type of animal in question.
- c. ESA owners of dogs or cats must provide proof of current rabies vaccinations and wear rabies vaccination tags.

Completion and submission of forms with accompanying records to verify current subscription for ESA and vaccination and good health of the ESA must be provided to the ACCESS Office each time a lease is renewed. No ESA will be permitted in Student Housing without annual submission of the above-described information.

Collin College reserves the right to require updated veterinary records or other evidence of the health of the animal at any time.

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Procedures

Student Housing procedures, as outlined in the Collin College Resident Handbook, will provide all requirements and expectations, including, but not limited to, the following:

1. Students living in Student Housing are permitted only one ESA at a time.
2. The approved ESA is allowed in Student Housing only as long as it is necessary for the resident's disability.
3. ESA approval is for a specific animal; therefore, a student must request approval for a replacement animal if necessary.
4. ESAs must be at least six months of age.
5. Generally, dogs and cats are commonly requested as ESAs although other animals (such as fish, turtles, or small birds) may serve in this capacity. For the health and safety of residents, the college is not required to grant non-domesticated, wild, or unique animals (such as snakes, reptiles, barnyards animals, monkeys, spiders, insects, or other animals) as reasonable accommodations.
6. If an animal begins residence in Student Housing prior to approval of the ACCESS Office and Student Housing, the college may request the owner remove the animal from Student Housing within 48 hours of notification. If the animal is not removed as requested, college officials may consider the animal a trespasser and contact the appropriate City of Plano authorities to remove the animal from Student Housing. Any costs associated with removal of the animal from college property is the responsibility of the animal's owner.
7. The owner of the approved ESA is responsible for ensuring all Collin College and Collin College Student Housing procedures and requirements for ESAs are followed.

Conflicting Disabilities

In circumstances where the presence of a service animal or ESA in Student Housing may substantially impair another individual's physical or mental wellbeing, such as but not limited to allergies or

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phobias, the College District will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Conflicting disabilities involving students should be referred to the ACCESS Office. Conflicts involving employees should be referred to Human Resources.

Animals for Instructional Purposes

The College District allows the use of instructional animals required for use in teaching or research. Prior to bringing an animal on campus for instructional purposes, written permission must be obtained from the appropriate academic dean and/or Campus Provost. The permission statement must clearly designate the date, location, and purpose for the animal's presence on campus. Each animal must be on a leash or equivalent and fully under the control of the handler. The handler will have documentation of current vaccinations for the animal. The care and supervision of the animal is the sole responsibility of the handler.

Removal of Animals from Campus

The College District may request an owner or handler remove service animals or other animals from campus for reasons that include but are not limited to the following:

1. Failure to properly control the animal: The owner does not or cannot take effective action to control the animal. Improper animal behaviors that should be controlled include but are not limited to barking, growling, nipping, snapping, biting, lunging or jumping at people or other animals. The owner of an animal deemed to be out of control may be prohibited from bringing the service animal onto college property. ESA animals meeting these criteria may be excluded from Student Housing until the owner can demonstrate that they have taken significant steps to mitigate the behavior.
2. Non-Housebroken Animal: The animal is not housebroken (i.e., trained so that it controls its waste elimination) as determined by Student Housing employees.
3. Animal Care: It is determined by designated college officials that the animal's owner has failed to properly care for the animal. An owner must ensure that the animal, and its environment, are maintained in a healthy, clean

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manner. Instances of suspected abuse of an animal are referred to the Dean of Students, the Human Resources Department, or other appropriate authority.

4. Direct Threat: The animal is determined to be a substantial and direct threat to the health and safety of individuals. A direct threat may be based upon the poor health or hygiene of the animal, the behavior of the animal, or the presence of an animal in a sensitive area such as certain laboratories or mechanical or industrial areas.
5. Fundamental Alteration: The presence of an animal fundamentally alters a college program by requiring a significant alteration to the essential nature of the services, facilities, privileges, advantages, or accommodations offered.
6. Damage or Harm: The animal causes damage or harm to persons or property.
7. Responsibilities: The owner violates any of the responsibilities outlined in this policy or applicable procedures.

Appeals and Grievances

Any individual who wishes to file a complaint for violation of this policy may file a complaint with the College District. See DGBA (for employee), FLD (for students), and GB (for community members).

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) 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 objectively 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.

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 *Title IX Complaint Resolution Process Handbook for Students and Employees*.

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:

1. The length of the relationship;
2. The type of relationship; and
3. The frequency of interaction between the persons involved in the relationship.

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

Domestic Violence

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- Any other member of the victim's family as defined by state law;
- Any other current or former member of the victim's household as defined by state law;
- 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.

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

Email: [Title IX Coordinator email¹](#)

Webpage: [Title IX/Sexual Misconduct webpage²](#)

*Deputy Title IX
Coordinator for
Students*

Name: Amy Throop

Position: Associate Dean of Students

Address: 2200 W University Drive, McKinney, TX 75071

Telephone: (972) 881-5667

	Email	Deputy Title IX Coordinator for Students ³
<i>Title IX Coordinator for Employees</i>	Name:	Floyd Nickerson
	Position:	Chief Human Resources Officer
	Address:	3452 Spur 399, McKinney, TX 75069
	Telephone:	(972) 599-3159
<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	<p>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.</p> <p>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.</p>	
Timely Reporting	<p>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.</p>	
Amnesty	<p>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.</p>	
Consolidation of Reports and Other Requirements	<p>When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may consolidate the complaints.</p> <p>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 re-</p>	

quired 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

College District
Investigation

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.

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 regulatory investigation. The College District will proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation 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. ~~If a~~ party or witness may ~~refuses~~ 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-makers(s) in reaching a determination regarding responsibility. the College District is required to ignore that person's statement and reach a decision based on the remaining body of relevant evidence.~~ The College District is not ~~, however,~~ 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

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

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.

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

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

³ Deputy Title IX Coordinator for Students email: <mailto:athroop@collin.edu>

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

Use of College District Facilities

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

Definitions

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

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

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

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

Limited Public Forum and Public Assembly Use

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

For-Profit Use

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

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

Nonprofit Use

The College District may permit 501(c)(3) nonprofit organizations to rent space and host events on College District property when these activities do not conflict with College District use or with this policy.

Private Use

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

Fundraising Use

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

Campaign-Related Use

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

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

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

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

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

Recreational Use

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

Emergency Use

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

**Expressive Activities
in Common Outdoor
Areas**

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

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

The “common outdoor areas” of the College District mean outdoor space that is at least 75 feet from any College District building entrance or window and that is not used, on either a permanent or temporary basis, for the College District’s:

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

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

**Requests for Use of
Facilities**

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

The community members or organization making the request will indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules. The application will be submitted at least ten business days prior to the proposed use but not more than four months prior to the proposed use for all spaces other than conference centers. Conference centers may be booked no more than 12 months in advance. Requests for exceptions to the timeline may be approved by the Conference Services Department. Use of College District facilities may not commence until it is approved, in writing, by the Conference Services Department.

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

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

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

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

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

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

Approval

The Conference Services Department will approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, or academic viewpoint, or other content of the speech likely to be associated with use of the facility by community members or organizations. The request will be approved or denied in writing within ten business days of receiving the application.

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

College District facilities will not be available for long-term use. Long-term use will be defined as use of the facility for more than five days per month or for more than three weekends per month.

Facilities use requests will be considered for a time period not to exceed four calendar months, coinciding with the fall, spring, and summer College District semesters.

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

Approval will not be granted when the Conference Services Department has reasonable grounds to believe that:

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

**Written Notice if
Request Rejected**

The Associate Vice President of Financial Services and Reporting or designee will review any recommendations to deny the use of

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

College District facilities to an external group and communicate with the requestor if a request to rent facilities is denied.

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

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

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

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

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

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

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

1. Expressive activities may not be disruptive.
2. Expressive activities may not include statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law, including but not limited to, violence or threats of violence.
3. Literature may be distributed, but not sold.
4. Any person who uses common outdoor areas or distributes literature or materials in common outdoor areas, is responsible for cleaning up any literature, materials, or other trash that was discarded or leftover.
5. Signs may not be larger than 24" x 24". Signs may be held or carried by hand. However, signs may not be attached to sticks, poles, wooden or metal handles, or other similar assembled items.
6. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
7. Any person holding or carrying a sign will exercise due care to avoid bumping, hitting, or injuring any other person.
8. Banners on poles may not be carried by individuals.
9. Hand-held banners carried by two or more individuals (without poles) are permitted in temporary banner spaces designated by the College District.
10. Tables may not be set up in common outdoor areas, unless it is requested by a student or student organization in advance through a request submitted to the Conference Services Department. Otherwise, community members may not set up any tables in common outdoor areas of the College District.
11. Amplified sound may not be used in common outdoor areas, particularly when it disrupts College District business, operations, meetings, events, an educational function, or a research function.
12. Guest speakers are allowed in common outdoor areas.
13. Guest speakers may not distribute literature that violates the rules in this policy.
14. Guest speakers may not accost bystanders or others who have chosen not to attend the speech or discussion.

15. Guest speakers may not set up exhibits or tables outside of the common outdoor areas or inside College District buildings or facilities.
16. For any assembly, with or without a guest speaker, that has an expected attendance of 15 or more participants (including counter-demonstrators), advance notice and a reservation are encouraged to help the Conference Services Department improve the safety and success of expressive activity.

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

**Written Agreement
Required for Use of
Facilities**

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

Fees for Use

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

The Board delegates to the District President or designee the responsibility to establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, media, and technology services. All fees must be paid in advance (or an authorized purchase order) in accordance with the College District's facilities use agreement.

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

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

On-Site Personnel

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

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

Required Conduct

Community members and organizations using College District facilities will:

1. Conduct business in an orderly manner;
2. Abide by all laws, policies, and procedures, including, but not limited to, those regulating the use, sale, or possession of alcoholic beverages, illegal drugs, tobacco products, and firearms on College District property, and the requirements in the facilities use agreement; [See CHF and GDA]
3. Make no alteration, temporary or permanent, to College District property without prior written consent from the District President or designee; and
4. Be responsible for the cost of repairing any damages incurred during use and will be required to indemnify the College District for the cost of any such repairs.

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

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

1. Is not disruptive;
2. Does not impede reasonable access to College District facilities or deny the use of offices or other facilities to students, faculty, staff, or guests of the College District;
3. Does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress or egress to and from property, buildings, or facilities;
4. Does not threaten or endanger the safety of any person on College District premises;
5. Does not harass, badger, coerce, or intimidate another person or force material on an unwilling participant or accost or approach individuals not in the immediate vicinity of the assigned table space or use areas designated by the College District;

6. Does not involve conduct that is likely to result in damage to or destruction of property or cause disruption in utilities;
7. Does not create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate with others and/or the rights of others to listen;
8. Does not attempt to prevent a College District event or other lawful assembly by the threat or use of force or violence;
9. Does not interfere with the rights of others as determined by the College District; and
10. Does not violate local, state, or federal laws or College District policies and procedures.

Location and placement of assigned tables and chairs will be made at the discretion of the Conference Services Department, based on availability, and the Conference Services Department will ensure that such external events do not interfere with the conduct of any student or College District event.

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

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

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

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

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

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

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

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

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

The renter is responsible for any and all loss, accidents, neglect, injury, or damage to person, life, property, or facilities that may be the result of, or caused by, the renter's occupancy of the facilities or premises for which the College District might be held liable. The renter will protect and indemnify the College District, the Board, and any officer, agent, or employee of the College District and save them harmless in every way from all suits or actions at law for damage or injury to person, life, property, or facilities that may arise, or be occasioned in any way, because of the occupancy of the facilities or premises, regardless of responsibility or negligence.

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

Identification

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

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

Distribution of Literature

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

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

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

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

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

1. The materials are obscene;
2. The materials contain defamatory statements;
3. The materials advocate illegal conduct, imminent lawless or disruptive action and are likely to incite or produce such action;
4. The materials are considered prohibited harassment [see DIA series and FFD series];
5. The materials constitute unauthorized solicitation [see Solicitation Requirements, below]; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

Time, Place, and Manner Restrictions for Distribution of Literature

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

Permissible Solicitation

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

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

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

3. The collection of admission fees for the exhibition of movies or other programs scheduled in accordance with College District policies and procedures.

**Solicitation
Requirements**

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

1. The solicitation will not disturb or interfere with the regular academic or institutional programs and activities being conducted in buildings or on property owned or controlled by the College District.
2. The solicitation will not interfere with the free or unimpeded flow of pedestrian and vehicular traffic on sidewalks and streets and at places of ingress and egress to and from buildings owned or controlled by the College District.
3. The solicitation will not harass, embarrass, or intimidate the person or persons being solicited.
4. Violations will be addressed through the appropriate College District policy and may result in the organization being prohibited from further solicitation for a designated period of time. [See FKC(LOCAL)]

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

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

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

Before publicly posting a sign, an entity will:

1. Submit the proposed sign to the student engagement office staff or a designated representative for review and consideration.
2. Provide pertinent information including the:

- a. Name and phone number of the student, approved student organization, department, or community member, which must be included on all items to be posted;
- b. Proposed general location for posting the sign; and
- c. Length of time the sign will be posted.

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

1. Approved items, with a maximum size of 24" x 24", will be posted neatly on appropriate bulletin boards by student engagement office personnel or a designated representative, subject to space availability.
2. Items will receive an approval stamp dated and signed by student engagement office personnel or a designated representative for each item to be posted.
3. Materials generally will be approved for a maximum period of four weeks.
4. Materials that do not conform to these posting procedures and guidelines will be subject to immediate removal.

A sign may not be:

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

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

Nonpermissible Signs

No entity will post or carry a sign that:

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

Election / Campaign Signs and Tents

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

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

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

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

All electioneering must comply with applicable election laws.

Classroom Bulletin Boards

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

Violations of Policy

Failure to comply with the policy and procedures regarding community use of College District common outdoor areas, College District facilities, or distribution of literature will result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities and the confiscation or discarding of nonconforming materials. Community members or off-campus organizations who violate the

rules in this policy may also be subject to criminal trespass charges or other lawful measures.

Publication

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

Alcohol and Drug Use Prohibited

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

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

Alcohol and Drug Use Exception

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

Children on Campus

Unattended children will not be allowed in College District facilities at any time. For the purpose of this policy, children are defined as minors who are not currently enrolled in College District classes, meeting with College District personnel, or participating in approved programs with the College District.

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

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

Animals on Campus

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

~~, in accordance with the following:~~

- ~~1. Instructional animals required for use in teaching or research. Prior to bringing an animal on campus for instructional purposes, written permission will be obtained from the appropriate academic dean. The permission statement will clearly~~

~~designate the date, location, and purpose for the animal's presence on campus. Each animal will be on a leash or equivalent and fully under the control of the handler. The handler will have documentation of current vaccinations for the animal. The care and supervision of the animal will be the sole responsibility of the handler.~~

- ~~2. Service animals as defined by the Americans with Disabilities Act (ADA) and used as guide dogs or signal dogs or other dogs individually trained to provide assistance to an individual with a disability. Service animals are working animals, not pets. Animals that meet this definition will be considered service animals regardless of whether they have been licensed or certified by a state or local government. Service animals will be on a leash at all times and/or under the control of the individual with a disability. The care and supervision of the animal will be the sole responsibility of the handler. Students with allergies to a service animal may request reasonable accommodations under the ADA.~~

~~All other animals will not be permitted on any College District campus or in any College District facility.~~

Collin County Community College District Board of Trustees

2021-10-X

October 26, 2021

Resource: Monica Velazquez
General Counsel

AGENDA ITEM:

Report Out of the Organization, Education, and Policy Committee, Second Reading and Consideration of Approval of Local Board Policies

- **BBE (Local)** Board Members - Authority
- **CHE (Local)** Site Management - Mail and Delivery - ADD
- **DEC (Local)** Compensation and Benefits – Leaves and Absences
- **DM (Local)** Termination of Employment
- **FAA (Local)** Equal Educational Opportunity – Service Animals - ADD
- **FFDA (Local)** Freedom from Discrimination, Harassment, and Retaliation – Sex and Sexual Violence
- **GD (Local)** Community Expression and Use of College Facilities

DISCUSSION:

The Organization, Education, and Policy Committee reviewed all policies presented in this item. The Organization, Education, and Policy Committee Chair will report out a recommendation at the October 26, 2021 regular meeting of the Board of Trustees.

PROPOSED CHANGES:

As a part of the College's comprehensive review of all policies and with input from the Texas Association of School Boards' Legal and Policy Service, the local policies outlined below are being presented for your approval.

- **BBE (Local) Board Members Authority –** Incorporates clarifications regarding requests of Trustees to staff, with a vote of the Board required when significant staff time is required to prepare the response.
- **CHE (Local) Site Management – Mail and Delivery – ADD –** New policy recommended to establish requirements for use of internal mail delivery systems and for delivery of mail to student housing.

- **DEC (Local) Compensation and Benefits – Leaves and Absences** – Codifies the one week of adjunct faculty sick leave benefit that was piloted in FY2021 and other changes to our FMLA and leave policy as recommended by TASB.
- **DM (Local) Termination of Employment** – Incorporates a reference to Board Policy DMAA(Local) in the policy addressing discipline of at-will employees.
- **FAA (Local) Equal Educational Opportunity – Service Animals – ADD** – New policy to outline the requirements for service animals on campus and for service animals and emotional support animals in student housing.
- **FFDA (Local) – Freedom from Discrimination, Harassment, and Retaliation – Sex and Sexual Violence** – Updates Title IX requirements when a party or witness does not submit to cross-examinations during a live hearing.
- **GD (Local) – Community Expression and Use of College Facilities** – Removes most of the text in the Animals on Campus section of the policy and references the new FAA(Local) Animals on Campus policy.

DISTRICT PRESIDENT’S RECOMMENDATION:

The District President recommends approval of the Local Board Policies as outlined above.

SUGGESTED MOTION:

This item may come as a motion and second out of committee. A suggested motion would be, “Mr. Chairman, I make the motion that the Board of Trustees of Collin County Community College District approves the Local Board Policies.”