



**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, April 26, 2022, 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. Second Reading and Consideration of Approval of Local Board Policies**

CHA (Local) Site Management - Security

CHF (Local) Site Management - Weapons

DEC (Local) Compensation and Benefits - Leaves and Absences

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

ECC (Local) Instructional Arrangements - Course Load and Schedules

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

FLB (Local) Student Rights and Responsibilities - Student Conduct

*Andrew P. Hardin  
Chair, Board of Trustees*

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**Collin County Community College District Board of Trustees**

1. Organization, Education, and Policy Committee

April 26, 2022

Resource: Kim Davison  
Chief of Staff

**DISCUSSION ITEM:** Second Reading and Consideration of Approval of Local Board Policies

- **CHA (Local)** Site Management - Security
- **CHF (Local)** Site Management - Weapons
- **DEC (Local)** Compensation and Benefits - Leaves and Absences
- **DIAA (Local)** Freedom from Discrimination, Harassment, and Retaliation - Sex and Sexual Violence
- **ECC (Local)** Instructional Arrangements - Course Load and Schedules
- **FFDA (Local)** Freedom from Discrimination, Harassment, and Retaliation - Sex and Sexual Violence
- **FLB (Local)** Student Rights and Responsibilities - Student Conduct

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

- **CHA (Local) Site Management - Security** – Prohibits the use of force by means of a drone and adds a reference to DEC (Local) related to new mental health and quarantine leaves of absence for peace officers.
- **CHF (Local) Site Management - Weapons** – Adds the prohibition of firearm silencers on campus.
- **DEC (Local) Compensation and Benefits - Leaves and Absences** – As required by recent law, adds (1) mental health leave for police officers who experience a traumatic event in the scope of employment; and (2) quarantine leave for peace officers and emergency medical technicians when ordered by the local health authority or the individual's supervisor due to possible

or known exposure to a communicable disease while on duty. Also adds prohibition to outside or supplemental employment when an employee is on an approved leave of absence of any type, unless such employment is approved in writing or on approved military leave.

- **DIAA (Local) Freedom from Discrimination, Harassment, and Retaliation - Sex and Sexual Violence** – As required by recent law, provides that a police officer who receives information regarding an incident from an employee who chooses to complete a pseudonym form as described by law will only be required to disclose the type of incident reported and may not disclose the employee’s name, phone number, address, or other information that may directly or indirectly reveal the employee’s identity.
- **ECC (Local) Instructional Arrangements - Course Load and Schedules** – Adds an exception to the number of courses a student can drop when a disaster declared by the governor that prevents or limits in-person course attendance for a period that significantly affects a student’s ability to participate in coursework.
- **FFDA (Local) Freedom from Discriminations, Harassment, and Retaliation - Sex and Sexual Violence** – As required by law, provides that a police officer who receives information regarding an incident from a student who chooses to complete a pseudonym form as described by law will only be required to disclose the type of incident reported and may not disclose the student’s name, phone number, address, or other information that may directly or indirectly reveal the student’s identity.
- **FLB (Local) Student Rights and Responsibilities - Student Conduct** – Adds the prohibition of firearm silencers on campus, deletes the word brass from the term “brass knuckles” to be consistent with CHA(Local), pluralizes the words knives, clubs, and weapons, and adds the word “devices.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Security Authority and Powers**

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

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

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

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

**Limitations on  
Outside Employment**

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

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

**Relationship with  
Outside Agencies**

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

**Use of Force**

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

**Guiding Principles**

The use of force by police officers is a matter of critical concern to the Board, the public, and the law enforcement community. The Board recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority

to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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

Duty to Intervene  
and Report

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

Standards for Using  
Force

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

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

When determining whether to apply force and evaluating whether an officer has used reasonable force, officers will take the following factors into consideration, as time and circumstances permit.

These factors include, but are not limited to:

1. Immediacy and severity of the threat to officers or others;
2. The conduct of the individual being confronted as reasonably perceived by the officer at the time;
3. The officer's personal circumstances (e.g., age, size, relative strength, prior training and skill level, injuries sustained, level of exhaustion or fatigue, the number of other officers available);
4. The effect of drugs or alcohol on the subject;
5. The subject's mental state or capacity;
6. Proximity of weapons or dangerous improvised devices;

7. The degree to which the subject has been effectively restrained and his or her ability to resist despite being restrained;
8. The availability of other options and their possible effectiveness;
9. Nature of the offense or reason for contact with the individual;
10. Likelihood of injury to officers, suspects, and others;
11. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer;
12. The risk and reasonably foreseeable consequences of escape;
13. The apparent need for immediate control of the subject or a prompt resolution of the situation;
14. Whether the conduct of the individual being confronted reasonably appears to pose an imminent threat to the officer or others or whether the risk of imminent threat has subsided;
15. Prior contacts with the subject or awareness of any propensity for violence; or
16. Any other exigent circumstances.

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

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

By Drone

Reporting and  
Analysis

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

Officers are discouraged from discharging a firearm at a moving vehicle. An officer may discharge a firearm at a moving vehicle only when there is an imminent threat of death or serious bodily injury, and the officer reasonably believes that use of deadly force is necessary to defend the life of the officer or any other person. Any use of force by a College police officer will be documented promptly, completely, and accurately in an appropriate report, and a copy will

be sent to the District President. To collect data for purposes of training, resource allocation, analysis, policy development, and related purposes, the Chief of Police or designee may require the completion of additional report forms, as specified in department procedure or law. The Chief of Police will objectively evaluate the use of force by the department's officers to ensure that their authority is used lawfully, appropriately, and consistently with training and policy.

Annual Report

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

Training

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

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

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The College District's police officers will make every reasonable effort to apprehend a fleeing suspect and to respond to emergency calls quickly and safely. The pursuit or call response should never be carried to such an extent as to endanger the lives or property of innocent users of the street, the highway, the violator, or the officer.

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

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

Emergency Driving  
in General

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

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

Non-Pursuit  
Situations

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

Pursuit Situations

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

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

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

1. Nature of the offense;

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

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

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

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

Pursuits Initiated by  
Other Law  
Enforcement  
Agencies

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

	<p>When a pursuit begins within another agency's jurisdiction and passes or ends within the College District's primary geographical jurisdiction, the originating agency will have arrest responsibility.</p>
<p>Reporting and Analysis</p>	<p>After a pursuit, the pursuing officer and supervisor monitoring the pursuit will each prepare a written report detailing the factual circumstances surrounding the pursuit. The report will be evaluated by the Chief of Police or his or her designee to ensure compliance with this policy and other department procedures. Each year, the Chief of Police will submit to the District President or designee a report summarizing and analyzing the pursuits taken in the previous year. The District President or designee will evaluate the need for additional training or policy modifications.</p>
<p>Training</p>	<p>In addition to initial and supplementary training on pursuits, all police officers of the department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public.</p>
<p><b>Video Monitoring</b></p>	<p>Video equipment will be used on a College District police car for safety purposes whenever the flashing lights on a car are in use.</p>
<p>Access to Recordings</p>	<p>Recordings will be considered law enforcement records, will remain in the custody of the Chief of Police, and will be maintained as required by the department regulations manual and in accordance with applicable law. An original complete copy of all dash cam and body camera recordings will be archived by the Information Technology Department in accordance with records retention guidelines. [See CR(LOCAL) for additional information]</p>
<p><b>Training</b></p>	<p>All College District officers will receive at least the minimum amount of education and training as required by law.</p>
<p><b><u>Peace Officer Leave</u></b></p>	<p><u>For provisions regarding mental health leave and quarantine leave for peace officers, see DEC.</u></p>
<p><b>Racial Profiling</b></p>	<p>Officers will actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity, or national origin. Officers are prohibited from engaging in bias-based profiling when making traffic stops, field interview stops, or initiating asset seizure and forfeiture efforts. This policy is applicable to all persons, whether drivers, passengers, or pedestrians. Officers will conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by governmental agents. The right of all persons to be treated equally and to be free from unreasonable searches and</p>

seizures must be respected. Bias-based profiling is an unacceptable patrol tactic and will not be condoned.

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

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

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

## Complaints

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

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

Grievances and concerns by police department employees concerning wages, promotions, hours of work, working conditions, workplace conflict, discrimination, performance evaluations, assignments, reprimands, or disciplinary action will be processed in

accordance with the Board's personnel policies located in DAA of the Board's policy manual.

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

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

**Assistance in  
College Hearings**

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

**School Marshal  
Program**

Purpose and  
Responsibilities

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

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

A school marshal may not issue a traffic citation.

Appointment

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

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

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

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

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

Once appointed, a school marshal will:

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

Possession and  
Use of Handgun

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

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

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

SITE MANAGEMENT  
SECURITY

CHA  
(LOCAL)

Training	Training is required on an annual basis that meets or exceeds the state's training requirements for school marshals. Training will be facilitated and monitored through the College's police department, as authorized by the Chief of Police.
Equipment	Appointed school marshals will carry their personal firearms and are responsible for maintaining them appropriately. Firearms and ammunition of school marshals must be approved by the Chief of Police or designee and are subject to periodic inspection by the Chief of Police or designee for safety purposes. The only ammunition a marshal may carry and use is frangible duty ammunition approved by the TCOLE.
Renewal of Appointment	<p>An individual serving as an appointed school marshal is reviewed and considered for reappointment annually by the Chief of Police. Individuals recommended for appointment and renewal are then considered by the Board in closed Executive Session.</p> <p>Appointments may be withdrawn at any time for any reason or no reason by action of the Board in its sole discretion taken in executive session, without the right to appeal.</p> <p>If a school marshal's status becomes inactive for a reason spelled out in Texas Higher Education Code Section 51.220(g) or other law, that school marshal will cease being a marshal for the College and will notify the Chief of Police immediately of the change in status.</p>
Confidentiality	<p>Except as provided in Section 1701.260(j) of the Texas Occupations Code, the identity of a school marshal is confidential. The identity of a school marshal will not be disclosed by the College District in response to a request under the Texas Public Information Act.</p> <p>However, if the College District receives an inquiry in writing from a parent or guardian of a student enrolled at the College District, the Board will provide the parent or guardian written notice indicating whether any employee of the public junior college is currently appointed as a school marshal. Such notice will not disclose any information confidential under this section, including the identity of any particular school marshal.</p>

**Concealed Carry  
Law and Other  
General Provisions**

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

**Firearms / Handguns**

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

**Procedures**

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

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

7. Possession of a handgun on College property while intoxicated, under the influence of illegal drugs, or while taking prescription drugs that impair judgment or physical abilities is prohibited.
8. This policy applies to persons traveling in College-owned vehicles. However, the policies of the owner of the vehicle apply when private or commercial transportation is used for Collin College travel.
9. This policy applies to all students, staff, faculty, and visitors of the College, except for law enforcement officers licensed by a state of the United States or a federal agency and school marshals licensed by the State of Texas and appointed by the Collin College Board of Trustees.
10. Open carry of a handgun on a campus of the College is restricted to law enforcement officers licensed by a federal, state, or local law enforcement agency.
11. Students and employees of the College, with the exception of police officers employed by the College, will not inquire as to whether any person is carrying a concealed weapon or possesses an LTC.
12. The storage or transportation of a firearm or ammunition is allowed by College students, faculty, staff, and employees if the individual is authorized to such possession in a locked, privately owned or leased motor vehicle on those specific premises allowed by law and described in CHF(LEGAL).

**On-Campus Student  
Housing**

A resident with an LTC may only carry or store a concealed handgun in campus housing as established in this policy. Any time a handgun in a campus housing facility is not in the immediate care, custody, or control of the owner, that handgun must be stored in a locked, personal vehicle or within a locked gun safe in the resident's room. No gun storage will be provided by the College District. This policy applies to all residents as well as live-in staff in any campus facility designed for housing or overnight stay.

**Residents**

An LTC license holder who resides in campus housing in which all the residents of the unit are age 21 or older may carry a concealed handgun into campus housing and may store the weapon in his or her assigned residential room. An exception to the age 21 requirement is a person who is at least 18 years of age but not yet 21 years of age who:

1. Is a member or veteran of the United States armed forces, including a member or veteran of the reserves or national guard;

2. Was discharged under honorable conditions, if discharged from the United States armed forces, reserves, or national guard; and
3. Meets the other eligibility requirements for an LTC except for the minimum age required by federal law to purchase a handgun.

A resident who brings a concealed handgun into campus housing pursuant to this policy must carry the weapon on his or her person at all times or store it in his or her assigned room within a locked gun safe. [See Requirements for Proper Storage, below]

A resident may not intentionally or knowingly display a handgun in plain view of another person in campus housing except as necessary to properly store and secure the weapon within a gun safe in his or her assigned residential room.

A student who is assigned to a residential room in campus housing where a firearm is stored and is concerned about his or her wellbeing may request a transfer to another residential room through the regular housing process with no penalty.

Non-Residents

An LTC license holder who does not reside in campus housing may carry a concealed handgun into campus housing. The handgun must be carried on or about the non-resident's person at all times and may not be stored in a campus housing room.

Responsible for  
Personal Injury or  
Damage

A resident or non-resident whose possession, use, or storage of a handgun results in personal injury or property damage is personally liable for the injury or damage.

Requirements for  
Proper Storage

When not carried on or about a person, handguns must be in a locked personal vehicle or a locked gun safe that meets the College District's following requirements:

1. Be large enough to fully contain the firearm(s) placed in it and provide for secure storage;
2. Have exterior walls constructed of a minimum 16-gauge steel;
3. Have a high-strength locking system consisting of a mechanical or electronic combination or biometric lock, and not a key lock; and
4. Be certified and listed as meeting Underwriters Laboratories Residential Security Container standards by a Nationally Recognized Testing Laboratory (NRTL).

Compliance with storage and security requirements are part of the residence inspection process, as outlined in the Student Housing Residence Handbook.

**Other Weapons  
and Devices  
Prohibited**

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

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

**Exclusion  
Zones**

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

1. Child-care facilities.
2. Polling locations.
3. In the room or rooms where a meeting of a governmental entity is held, and if the meeting is an open meeting subject to Chapter 551, Government Code, and notice as required by that chapter is provided.
4. High-hazard laboratories and health science education facilities where the presence of high-hazard materials or operations creates a significant risk of catastrophic harm due to a negligent discharge.
5. Designated meeting room(s) at each campus in Student and Enrollment Services that can be used, as needed, for disciplinary meetings or counseling meetings.
6. Facilities where professional, high school, college sporting, or interscholastic events are in progress as prohibited by Texas Penal Code, Section 46.035(b)(2).

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7. Locker and dressing rooms where individuals change clothes, including those at athletic, theatre, and health science education facilities.
8. Any location or facility of Collin College, as directed or approved by the District President as necessary for campus safety, where effective notice on a temporary basis pursuant to Sections 30.06 and 30.07, Texas Penal Code, has been given by the required signage. An example might include a College facility where alcohol is being served for a special event.
9. A violation of these specific prohibitions is considered an offense under Section 46.035(a-3), Texas Penal Code.

**Violations**

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

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

**Reporting**

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

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

**Safety Committee**

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

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**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).

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**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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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 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.

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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:

Earned compensatory time will be used before any available paid leave. [See DEA]

Use of leave under the sick leave bank will be permitted only after all available local or other leave has been exhausted.

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.

**Sick Leave**      Each full-time employee will earn eight hours of paid sick leave per month in accordance with administrative procedures.

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

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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 members who have been diagnosed with 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 1/16<sup>th</sup> 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;

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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 regarding the sick leave bank in accordance with DGBA(LOCAL).

**Mental Health Leave for Peace Officers**

A College District peace officer who experiences a traumatic event in the scope of employment will be granted a maximum of three days of mental health leave per traumatic event. Such leave will be provided in accordance with administrative regulations and will not be deducted from the employee's pay or leave balance.

The District President will develop regulations regarding mental health leave that address the following:

1. Circumstances or reasons under which a peace officer may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requester;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

**Quarantine Leave for Peace Officers and Emergency Medical Technicians**

A College District peace officer or an emergency medical technician on staff will be granted quarantine leave when ordered by the local health authority or the person's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave will be provided in accordance with administrative regulations and will not be deducted from the employee's pay or leave balance.

The District President will develop regulations regarding quarantine leave that address the following:

1. Continuation of all employment benefits and compensation for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine; and

3. Other procedures deemed necessary for administering this provision.

**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.
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.
Certification of Leave	When an employee requests leave, the employee will provide certification, in accordance with FMLA regulations, of the need for leave.
Fitness-For-Duty Certification	In accordance with administrative procedures, when 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.
Failure to Return	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.

**Outside Employment While on Leave**

The College District prohibits employees from engaging in any employment with another employer, supplemental employment, or providing non-employment services for compensation ("moonlighting") during any type of leave approved under this or any other Board policy, other than vacation leave. This prohibition does not apply to employees who have received written approval to engage in outside employment or employees engaged in military service while on approved military leave.

**Parental Leave**

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Each employee who has been employed in a benefits-eligible position for at least 12 months is 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.

**Personal Leave**

Each full-time employee will earn 24 hours of paid leave each fiscal year to conduct personal business in accordance with administrative procedures. Personal leave will be noncumulative.

**Request for Personal Leave**

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.

**Vacation Leave**

Each full-time, 12-month staff and administrative employee will earn paid vacation in accordance with the schedule published in administrative procedures.

Upon successful completion of the new employee 90-day (calendar day) probationary period, each eligible employee will receive 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.

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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, and recommendation, and consideration by the campus provost and executive senior vice president of campus operations, with approval consideration by the District President, and Approved sabbatical leaves will be presented as an information item to the Board. Sabbatical leaves are not granted on the basis of 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 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 procedures.

Critical illness leave will be noncumulative.

### **Workers' Compensation**

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**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.

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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 for paid leave offset in conjunction with workers' compensation income benefits.

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**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 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

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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.

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

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**Definitions**

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

**Statement of Nondiscrimination**

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

**Discrimination**

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

**Sexual Harassment**

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

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

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**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.

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Sexual Violence

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

Examples

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

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

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

**Prohibited Conduct**

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

**Reporting  
Procedures**

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

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

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

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

**College District’s  
Mandatory Response  
Obligations**

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

**Definition of College  
District Officials**

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

Title IX Coordinator

Title IX Coordinator: Floyd Nickerson, Chief Human Resources Officer, Human Resources/Title IX Coordinator for Employees

Address: 3452 Spur 399, McKinney, TX 75069

Telephone: (972) 599-3159

Email: [Title IX Coordinator email<sup>1</sup>](#)

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

Deputy Title IX  
Coordinator for  
Human Resources

Name: Tonya Jacobson

Position: Manager HR/Employee Relations

Address: 3452 Spur 399, McKinney, TX 75069

Telephone: (972) 758-3856

Email [Deputy Title IX Coordinator for Human Resources<sup>3</sup>](#)

**Alternative  
Reporting  
Procedures**

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

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

**Timely Reporting**

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

**Consolidate Reports  
and Other  
Requirements**

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

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

**Notice of Report**

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

**Investigation of the  
Report**

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

Upon receipt or notice of a report, the College District official will determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official will immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official will refer the complaint for consideration under the appropriate policy. The College District official will also consider requests not to investigate made by a complainant and an informal resolution process as detailed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

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

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor will be involved in or informed of the investigation.

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

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

**Concluding the Investigation and Hearing**

Absent extenuating circumstances, the investigation and live hearing should be completed within 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.

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

**Hearings**

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

**College District Action**

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

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

Examples of disciplinary or corrective action:

**Disciplinary or Corrective Action**

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

**Exception**

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

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

**Improper Conduct**

If the Title IX decision-maker designated by the executive vice president or designee determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

**Confidentiality**

To the greatest extent possible, the College District will respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. Applicable federal Title IX regulations protect the privacy of a party's medical, psychological, and similar treatment records by stating that the College District cannot access or use such records unless the College District obtains the party's voluntary, written consent to do so.

**Retaliation**

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

**False Claims**

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

**Appeal**

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

**Informal Resolution**

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

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

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

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

**Records Retention**

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

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

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

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

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

District's administrative offices and will be distributed to an employee who makes a report.

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

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

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

Exceptions

An employee is not required to make a report concerning:

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

Peace Officer

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

Anonymous  
Reports

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

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

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<sup>1</sup> Title IX Coordinator email: <mailto:fnickerson@collin.edu>

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

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

**Limitation on  
Number of Dropped  
Courses**

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

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

Exceptions for  
Good Cause

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

1. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
2. The care of a sick, injured, or needy person if providing that care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family as defined by law;
4. The death of a person who has a sufficiently close relationship to the student as defined by law;
5. The student's active military duty service;
6. The active military service of a member of the student's family;
7. A change in the student's work schedule that is beyond the student's control and affects the student's ability to satisfactorily complete the course; ~~or~~
8. A disaster declared by the governor that prevents or limits in-person course attendance for a period that significantly affects the student's ability to participate in coursework; or
- ~~8-9.~~ Any other significant issue affecting the ability of the student to satisfactorily complete the course, as determined upon review by the College District registrar.

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

INSTRUCTIONAL ARRANGEMENTS  
COURSE LOAD AND SCHEDULES

ECC  
(LOCAL)

Exception for  
Reenrolled  
Students

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

Exception for  
COVID-19  
Pandemic

A course dropped by a student during the 2020 spring or summer semester or the 2020–21 academic year because of a bar or limit on in-person course attendance due to the COVID-19 pandemic may not be counted toward the limit on the number of dropped courses.

Procedures

The District President will develop procedures to implement this policy.

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**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.

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**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).

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**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.

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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.

Peace Officer

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

Anonymous  
Reports

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

**Designated Title IX  
Coordinators**

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

Title IX  
Coordinators

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

*Title IX  
Coordinator for  
Students*

Title IX Coordinator: Terrence Brennan, District Dean of Students

Address: 3452 Spur 399, McKinney, TX 75069

Telephone: (972) 881-5734

Email: [Title IX Coordinator email<sup>1</sup>](#)

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

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

FFDA  
(LOCAL)

*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](#)<sup>3</sup>

*Title IX  
Coordinator for  
Employees*

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

*Deputy Title IX  
Coordinator for  
Employees*

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

**Alternative  
Reporting  
Procedures**

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

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

**Timely Reporting**

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

**Amnesty**

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

**Consolidation of Reports and Other Requirements**

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

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

**Notice of Rights and Options**

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

**Investigation of the Report**

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

Initial Assessment

Upon receipt or notice of a report, the College District official will determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official will immediately notify the parties to the complaint of the allegations and the formal and informal options for resolution of the complaint in writing.

*Request Not to Investigate*

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

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

Formal Resolution

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

Interim Action

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College

District will promptly take interim action calculated to address prohibited conduct prior to the completion of the College District's investigation.

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

College District  
Investigation

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator will have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures. The investigator will conduct a prompt, fair, and impartial process from the initial investigation to the final result. Investigation and resolution procedures and guidelines are also detailed in the College District's *Title IX Complaint Resolution Process Handbook for Students and Employees*.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations. Both the victim and student respondent may have an observer(s) present during any meeting with the investigator.

During the investigation:

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

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

Privacy Rights

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

Criminal or  
Regulatory  
Investigation

If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District will confer with the agency to determine if the College District's investigation would impede the criminal or regula-

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

### **Concluding the Investigation and Hearing**

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation and hearing should be completed within 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.

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

### **Hearings**

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

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

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

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

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

Notification of the Outcome

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

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

**College District Action**

Prohibited Conduct

The College District will determine, based on the results of the investigation, whether each individual allegation of misconduct occurred using the preponderance of the evidence standard (i.e., more likely than not to have occurred). If the results of an investigation and live hearing indicate that prohibited conduct occurred, the College District will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures. [See FM and FMA]

*Corrective Action*

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

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

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

Exception

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

Improper Conduct

If the College District determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District may take other appropriate disciplinary action in accordance with College District policy and procedures or other corrective action calculated to address the conduct.

**Dismissal of  
Complaint**

Mandatory  
Dismissal

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

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

Permissive  
Dismissal

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

Permissive or discretionary dismissal provisions include the following:

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

**Notice of Dismissal**

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

**Confidentiality**

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

**Appeal**

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

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

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

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

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

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

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

### **Informal Resolution**

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

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

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

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

### **Retaliation**

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

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

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

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

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

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

#### **Other Appeals**

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

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

Complaints Filed  
with OCR

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

#### **Records Retention**

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

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

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

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

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

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<sup>1</sup> Title IX Coordinator email: <mailto:tbrennan@collin.edu>

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

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

**Student Code of  
Conduct**

College District students are both citizens and members of the academic community. As citizens and students, they enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy. As members of the academic community, they are subject to the obligations that are theirs by virtue of this membership.

The College District expects its students to conduct themselves in a manner that reflects credit upon the institution they represent. There are two basic standards of behavior required of all students:

1. They will adhere to College District policies and municipal, county, state, and federal laws; and
2. They will not interfere with or disrupt the orderly educational processes of the College District.

Students are entitled to only those immunities or privileges by law as enjoyed by other citizens. In the event any provision of this policy conflicts with the laws of the State of Texas or the United States of America, the state or federal law will prevail.

**Scholastic  
Dishonesty**

Every member of the College District community is expected to maintain the highest standards of academic integrity. All work submitted for credit is expected to be the student's own work. The College District may initiate disciplinary proceedings against a student or program applicant accused of scholastic dishonesty. While specific examples are listed below, this is not an exhaustive list, and scholastic dishonesty may encompass other conduct, including any misconduct through electronic or computerized means. Scholastic dishonesty includes, but is not limited to, one or more of the following acts:

1. Cheating;
2. Collusion; and/or
3. Plagiarism.

Definitions of the scholastic dishonesty terms listed above are located in the current Student Code of Conduct.

In cases where an incident report has been filed for an alleged violation of scholastic dishonesty, the faculty member will delay posting a grade for the academic work in question until the case is final. A student found responsible for a scholastic dishonesty offense(s) will receive an appropriate disciplinary penalty or penalties from the Dean of Students Office. The student may also receive an academic penalty in the course where the scholastic dishonesty took place. The faculty member will determine the appropriate academic

penalty, which may range from a grade of zero (0) on the assignment to failing the course.

**Student Code of  
Conduct Violations**

The College District may initiate disciplinary proceedings for a student or program applicant who commits an offense as provided below. This list is not exhaustive but provides examples of the types of violations that may result in discipline:

1. Committing an act of scholastic dishonesty including, but not limited to, cheating, collusion, and/or plagiarism.
2. Conducting himself or herself in a manner that interferes with or disrupts the educational environment, orderly process of the College District, or lawful rights of others.
3. Committing any offense that violates the College District's Core Values.
4. Damaging, stealing, defacing, or destroying College District property, property belonging to a third party on a College District-sponsored trip, or property belonging to a College District student, faculty or staff member, or a campus visitor.
5. Theft, sabotage, destruction, distribution, or other use of the intellectual property of the College District or third parties without permission.
6. Knowingly giving false information in response to reasonable requests from College District officials.
7. Assaulting, threatening, abusing (physically, verbally, and/or sexually), or endangering in any manner the health or safety of a person at the College District, on College District property, or at a College District-sponsored event.
8. Violating the College District Student Code of Conduct; Board policies; laws; or administrative rules, regulations, and procedures (e.g., parking, guidelines for student events, registration of meetings and activities, use of College District facilities or the time, place, and manner of public expression).
9. Failing to comply with directions of College District officials and/or police acting in the performance of their duties.
10. Failing to notify College District officials of a change in residency status or current address.
11. Being convicted of an indictable offense under either municipal, state, or federal law that occurred on College District property or at an off-campus, College District-sponsored event.

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT CONDUCT

FLB  
(LOCAL)

12. Attempting to, or possessing, manufacturing, delivering, distributing, selling, purchasing, using, or being under the influence of, alcoholic beverages, illegal controlled substances (as defined in the Texas Controlled Substance Act), steroids, substances referred to as “designer drugs,” and inappropriately or illegally using over-the-counter medications, prescription medications, inhalants, herbal/“natural” euphorants, and/or look-alike products (i.e., what is represented to be any of the above-listed substances) at the College District, on College District property, or while attending College District-sponsored activities on- or off-campus. [See FLBE]
13. Retaliating against another student, campus visitor, or staff or faculty member.
14. Discriminating against, harassing, committing sexual assault, committing dating violence, committing domestic violence, engaging in bullying, and/or stalking another student, campus visitor, or staff or faculty member, including, but not limited to, sexual, racial, and disability discrimination or harassment.
15. Creating an intimidating, hostile, or offensive educational environment.
16. Using, possessing, or displaying any location-restricted ~~knives, clubs, knife, club, brass~~ knuckles devices, firearm silencers, or other prohibited weapons or devices~~weapon~~, in violation of the law or College District policies and procedures, on College District property or at a College District-sponsored or -related activity, unless written authorization is granted in advance by the District President or designee. [See CHF]
17. Engaging in gang-related activity and/or organized criminal activity at any College District facility or grounds. Such actions will subject a student to disciplinary penalties, while a student involved in illegal acts may be arrested and face criminal prosecution.
18. Failing to secure, misusing, or sharing College-Wide Identification (CWID) numbers, College District email accounts, restricted course registration numbers (CRNs), or other restricted access codes or passwords.
19. Repeatedly violating College District policies, procedures, or guidelines and/or repeating less serious breaches of conduct.
20. Misusing College District technology and/or using computing systems to harass others (including, but not limited to, sending, distributing, posting, or displaying offensive or threatening material, and forging mail messages, and/or any violation of

digital copyright laws resulting in demonstrable harm to the College District's network or disruption of classroom activities. These violations may result in the suspension of College District technology resource privileges and will be addressed as a formal disciplinary matter.

21. Gambling illegally in any form, at the College District, on College District property, or at any College District-sponsored activity.
22. Engaging in the disruptive use of electronic, digital media, or telecommunication, and/or wearable devices (e.g., phones, smart watches, Fitbits, Bluetooth devices, tablets, etc.) during classes, labs, or other College District learning environments. In addition, all electronic, digital media, telecommunication, and/or wearable devices must be completely turned off (not in silent or vibrate mode) while taking examinations and prior to entering the College District's Testing Centers.
23. Failing to demonstrate respect for the privacy rights of employees, other students, and visitors, not complying with all regulations and laws regarding the protection of confidential information, and not complying with all College District regulations regarding the use of cameras and recording devices.
24. Engaging in hazing at the College District, on College District property, or at any College District-sponsored activity.
25. Smoking or using any tobacco product or other electronic smoking device (including personal vaporizers) on College District property.
26. Forging, altering, or misusing College District documents or records.
27. Unlawfully interfering with the exercise of expressive activities in common outdoor areas by others as permitted by Board policies.

### **Hazing**

Section 51.936 of the Texas Higher Education Code and Texas Education Code Chapter 37, Subchapter F, prohibits hazing at the College District, on College District property, or while attending College District-sponsored activities on- or off-campus. [See FLBC(LEGAL)] The College District Dean of Student Office will publish or distribute a list of organizations that have been disciplined for hazing or convicted for hazing on- or off-campus during the previous three years.

**Collin County Community College District Board of Trustees**

2022-04-X

April 26, 2022

Resource: Kim Davison  
Chief of Staff

**AGENDA ITEM:**

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

- **CHA (Local)** Site Management - Security
- **CHF (Local)** Site Management - Weapons
- **DEC (Local)** Compensation and Benefits - Leaves and Absences
- **DIAA (Local)** Freedom from Discrimination, Harassment, and Retaliation - Sex and Sexual Violence
- **ECC (Local)** Instructional Arrangements - Course Load and Schedules
- **FFDA (Local)** Freedom from Discrimination, Harassment, and Retaliation - Sex and Sexual Violence
- **FLB (Local)** Student Rights and Responsibilities - Student Conduct

**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 April 26, 2022 regular meeting of the Board of Trustees.

**PROPOSED CHANGES:**

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

- **CHA (Local) Site Management - Security** – Prohibits the use of force by means of a drone and adds a reference to DEC (Local) related to new mental health and quarantine leaves of absence for peace officers.
- **CHF (Local) Site Management - Weapons** – Adds the prohibition of firearm silencers on campus.

- **DEC (Local) Compensation and Benefits - Leaves and Absences** – As required by recent law, adds (1) mental health leave for police officers who experience a traumatic event in the scope of employment; and (2) quarantine leave for peace officers and emergency medical technicians when ordered by the local health authority or the individual’s supervisor due to possible or known exposure to a communicable disease while on duty. Also adds prohibition to outside or supplemental employment when an employee is on an approved leave of absence of any type, unless such employment is approved in writing or on approved military leave.
- **DIAA (Local) Freedom from Discrimination, Harassment, and Retaliation - Sex and Sexual Violence** – As required by recent law, provides that a police officer who receives information regarding an incident from an employee who chooses to complete a pseudonym form as described by law will only be required to disclose the type of incident reported and may not disclose the employee’s name, phone number, address, or other information that may directly or indirectly reveal the employee’s identity.
- **ECC (Local) Instructional Arrangements - Course Load and Schedules** – Adds an exception to the number of courses a student can drop when a disaster declared by the governor that prevents or limits in-person course attendance for a period that significantly affects a student’s ability to participate in coursework.
- **FFDA (Local) Freedom from Discriminations, Harassment, and Retaliation - Sex and Sexual Violence** – As required by law, provides that a police officer who receives information regarding an incident from a student who chooses to complete a pseudonym form as described by law will only be required to disclose the type of incident reported and may not disclose the student’s name, phone number, address, or other information that may directly or indirectly reveal the student’s identity.
- **FLB (Local) Student Rights and Responsibilities - Student Conduct** – Adds the prohibition of firearm silencers on campus, deletes the word brass from the term “brass knuckles” to be consistent with CHA

(Local), pluralizes the words knives, clubs, and weapons, and adds the word “devices.”

**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.”

DRAFT