



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 (Collins, Gomel, Orr) at 8:30 a.m. on Friday, October 27, 2023, 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

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PUBLIC COMMENT

REVIEW AND DISCUSSION ITEMS

1. First Reading of Local Board Policies

- DC (Local) Employment Practices
- DD (Local) Personnel Positions
- DEA (Local) Compensation and Benefits – Compensation Plan
- DEAA (Local) Compensation Plan – Incentives and Stipends – ADD
- DEAB (Local) Compensation Plan – Wage and Hour Laws – ADD
- DMAA (Local) Term Contracts – Termination Mid-Contract
- FFDB (Local) Freedom from Discrimination, Harassment, and Retaliation – Other Protected Characteristics

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

- AD (Local) Educational Role, Mission, Purpose, and Responsibility
- DLB (Local) Employee Performance – Suspension - ADD
- FD (Local) Tuition and Fees
- GD (Local) Community Expression and Use of College Facilities

Collin County Community College District Board of Trustees

1. Organization, Education, and Policy Committee

October 27, 2023

Resource: Monica Velazquez
General Counsel

DISCUSSION ITEM: First Reading of Local Board Policies

- **DC (Local)** Employment Practices
- **DD (Local)** Personnel Positions
- **DEA (Local)** Compensation and Benefits – Compensation Plan
- **DEAA (Local)** Compensation Plan – Incentives and Stipends – ADD
- **DEAB (Local)** Compensation Plan – Wage and Hour Laws – ADD
- **DMAA (Local)** Term Contracts – Termination Mid-Contract
- **FFDB (Local)** Freedom from Discrimination, Harassment, and Retaliation – Other Protected Characteristics

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 review as a first reading.

- **DC (Local)** Employment Practices – Specifies that Personnel Reports are provided as information items in Board agendas and adds language pertaining to access to employee information for Trustees.
- **DD (Local)** Personnel Positions - Personnel Reports are provided as information items in Board agendas and adds language pertaining to access to employee information for Trustees.
- **DEA (Local)** Compensation and Benefits – Compensation Plan - To accommodate TASB’s reorganization of the DEA policy series, content from policy DEA has been moved to new policies DEAA and DEAB. An Annualized Salary section has been recommended by TASB as a best practice, which addresses the payment of salaried employees over a 12-month period.

- **DEAA (Local)** Compensation Plan – Incentives and Stipends – ADD - To accommodate TASB's reorganization of the DEA policy series, existing language has been moved to this new policy with one revision.
- **DEAB (Local)** Compensation Plan – Wage and Hour Laws – ADD - To accommodate TASB's reorganization of the DEA policy series, existing language has been moved to this new policy with no new revisions.
- **DMAA (Local)** Term Contracts – Termination Mid-Contract – Policy language regarding placement of employees on Administrative Leave has been moved to a stand-alone policy as DLB.
- **FFDB (Local)** Freedom from Discrimination, Harassment, and Retaliation – Other Protected Characteristics – New language added referencing complaints involving disability-related academic adjustments or accommodations for students.

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

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

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

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

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

Criminal History Checks

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

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

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

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

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

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

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

PERSONNEL POSITIONS

DD
(LOCAL)

The Board delegates to the District President authority to employ administrative personnel, faculty, and other full-time personnel for Board-approved budgeted positions. A personnel report will be ~~pre-
sented~~ provided to the Board ~~as a part of the consent agenda as
an information item or through specific information that is accessi-
ble in the administrative systems of the College District that pro-
vides background information~~ on new full-time employees, em-
ployee promotions, changes, retirements, and separations and
exits. [See DC(LOCAL)]

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

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

**Contract
Employment**

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

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

**Noncontract
Employment**

Staff and
Administrative
Employees

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

Temporary Salaried
Employees

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

Temporary Grant-
Funded Employees

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

PERSONNEL POSITIONS

DD
(LOCAL)

Employee with
Supplemental
Assignments

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

Noncontract
Employees Without
Benefits

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

**Definition of
Probationary
Employee**

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

COMPENSATION AND BENEFITS
~~SALARIES AND WAGES~~ COMPENSATION PLAN

DEA
(LOCAL)

Philosophy

The College is committed to maintaining a faculty, administrator, and staff compensation plan that is competitive with peer institutions within the state. [See also DEAA]

Objectives

The objectives of the College's compensation program are to:

Internal Equity

1. Establish pay relationships between jobs that are fair and equitable when compared to other jobs in the College;

External Competitiveness

2. Provide salary levels that are competitive and/or comparable with peer colleges and organizations in order to attract and retain well-qualified employees;

Continuity and Flexibility

3. Accommodate new jobs and changes in existing jobs, as well as adjust to changes in economic conditions and the job market; and

Effective Administration

4. Establish clearly defined policies, procedures, and guidelines for salary budgeting and administration and ensure a clear understanding among all employees of the College about how the compensation program works.

Pay Plan and Framework

The staff and administrative pay plan establishes compensation based on an analysis of the job-related duties of a position, including factors such as decision-making responsibilities. The compensation schedule is reviewed every two years and adjusted periodically to reflect market changes. Employees have no guarantee that the College will adjust their pay under the compensation schedule.

Administration

The District President or designee will administer and maintain compensation in accordance with this policy and the related procedures and guidelines for the College's compensation plan.

~~Designated Workweek~~

~~The designated College workweek will be from 12:01 a.m. Sunday through 12:00 midnight on Saturday.~~

~~Annualized Salary Exempt / Nonexempt~~

~~The District President or designee will determine the classification of positions or shall pay all salaried employees as "exempt" or "non-exempt" for purposes over 12 months in equal monthly or semi-monthly installments, regardless of the number of payment of overtime in compliance with months employed during the Fair Labor Standards Act (FLSA).~~

~~Exempt academic year. Salaried employees are compensated on a salary basis for their employment period and are not entitled to overtime compensation.~~

~~Compensatory Time~~

~~Nonexempt employees are compensated on an hourly basis for all hours worked each week and are compensated for overtime hired during the academic year shall be paid in accordance with federal~~

COMPENSATION AND BENEFITS
~~SALARIES AND WAGES~~ COMPENSATION PLAN

DEA
(LOCAL)

~~and state administrative payroll procedures regulations and the College's compensation plan.~~

~~Nonexempt employees are not permitted to work beyond their scheduled work hours unless authorized in writing, in advance, by the appropriate supervisor. Nonexempt employees may be subject to disciplinary action for working overtime or beyond the approved schedule without advanced written approval. In the case of an emergency or where campus safety is involved, a verbal directive is appropriate authorization. The verbal approval should be documented with a follow-up e-mail from the supervisor to the employee.~~

~~A nonexempt employee is compensated through compensatory time off or direct pay for the additional hours worked beyond 40 in a workweek at a rate of time and one-half the employee's normal pay rate. Employees may not earn and take compensatory time within the same workweek. Adjusted schedules are documented by the employee and approved in advance by the appropriate supervisor.~~

**Pay During
Emergency Closing**

Pay to employees during an emergency closure, as declared by a federal, state, or local official, or as approved by the Board, for which the workdays are not scheduled to be made up at a later date, must be authorized in advance either through delegated emergency authority granted to the District President by the Board of Trustees or by a vote of the Board. In any event, the authorization must reflect the public purpose served by the expenditure.

**Gifts, Grants, and
Donations for Salary
Supplements**

The College will not accept gifts, grants, donations, or other consideration designated for use as salary supplements.

~~Emoluments~~

~~As part of the benefits package for key administrators, compensation-related emoluments are provided as follows:~~

- ~~• A stipend, as outlined below, is provided to cover the cost of transportation-related expenses such as mileage, insurance, maintenance, toll, and parking fees.~~
 - ~~• \$1000 per month for the executive vice president and senior vice presidents~~
 - ~~• \$500 per month for vice presidents~~
 - ~~• \$250 per month for the faculty council president during his or her tenure in the position~~
 - ~~• Other administrators with College-wide responsibilities that require substantive local travel among campuses may also receive a stipend, not to exceed \$500 per~~

COMPENSATION AND BENEFITS
~~SALARIES AND WAGES~~ COMPENSATION PLAN

DEA
(LOCAL)

~~month, when the District President determines it is in the best interests of the College.~~

- ~~• A stipend in the amount of \$75 per month is provided for administrators who require smart phones to perform their jobs.~~
- ~~• A stipend in the amount of \$40 per month or a College-owned cell phone is provided for staff who are required to be regularly "on call," but their job does not require a smart phone. Such staff who are in nonexempt positions must comply with all College timekeeping policies.~~

~~Emoluments are considered annually by the Board as a part of the budget review and approval process. All emoluments are listed in the annual budget of the College and reported to state agencies as required by law.~~

TRANSFER OF EXISTING LANGUAGE TO NEW POLICY (with one revision)

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 - Other administrators with College-wide responsibilities that require substantive local travel among campuses may also receive a stipend, not to exceed \$500 per month, when the District President determines it is in the best interests of the College.
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Emoluments are considered annually by the Board as a part of the budget review and approval process. All emoluments are listed in the annual budget of the College and reported to state agencies as required by law.

TRANSFER OF EXISTING LANGUAGE TO NEW POLICY (with no revisions)

**Designated
Workweek**

The designated College workweek will be from 12:01 a.m. Sunday through 12:00 midnight on Saturday.

Exempt / Nonexempt

The District President or designee will determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

Exempt employees are compensated on a salary basis for their employment period and are not entitled to overtime compensation.

Compensatory Time

Nonexempt employees are compensated on an hourly basis for all hours worked each week and are compensated for overtime in accordance with federal and state regulations and the College’s compensation plan.

Nonexempt employees are not permitted to work beyond their scheduled work hours unless authorized in writing, in advance, by the appropriate supervisor. Nonexempt employees may be subject to disciplinary action for working overtime or beyond the approved schedule without advanced written approval. In the case of an emergency or where campus safety is involved, a verbal directive is appropriate authorization. The verbal approval should be documented with a follow-up e-mail from the supervisor to the employee.

A nonexempt employee is compensated through compensatory time off or direct pay for the additional hours worked beyond 40 in a workweek at a rate of time and one-half the employee’s normal pay rate. Employees may not earn and take compensatory time within the same workweek. Adjusted schedules are documented by the employee and approved in advance by the appropriate supervisor.

DELETIONS TRANSFERRED TO NEW POLICY DLB(LOCAL)

Grounds for Dismissal

Any full-time faculty member may be dismissed for good cause before the completion of the term fixed in his or her contract.

Notice

Before any faculty member is dismissed for good cause, the faculty member will be given reasonable notice in writing of the proposed action and the grounds for the action set out in sufficient detail to fairly enable him or her to show any error that may exist.

Hearing

If, upon written notification, the faculty member desires to be heard and to contest the proposed recommendation for dismissal, he or she must file a formal complaint pursuant to DGBA(LOCAL).

~~Administrative Leave~~

~~The District President may place any employee on paid administrative leave at his or her discretion either:~~

- ~~1. Pending the investigation of a complaint or allegation of wrongdoing against the employee; or~~
- ~~2. When the District President determines such placement is in the best interest of the College and/or the employee.~~

~~The District President may suspend an employee without pay after evidence of, or finding of, gross misconduct or after a hearing has been requested by the faculty member and the scheduled hearing has been postponed at the request of the faculty member. In this case, the effective date of the suspension without pay will be from the date on which the hearing was scheduled.~~

~~If a finding of gross misconduct is ultimately overturned by the Board, then the unpaid suspension will be reversed and suspended salary will be paid to the employee retroactive to the date the employee was placed on unpaid suspension.~~

Grounds for Disciplinary Action / Dismissal

College employees may be dismissed or subject to disciplinary action during the term of the contract or period of work for the following reasons:

1. Unsatisfactory performance.
2. Insubordination, which includes, but is not limited to, failure to carry out lawful directives and requirements of the employee's supervisor, failure to follow policies and procedures of the College, or repeated neglect of duties.

3. Physical or mental condition that results in the employee's inability to perform the assigned essential job functions, with or without a reasonable accommodation.
4. Conduct involving moral turpitude, which includes, but is not limited to, the conviction of a felony, abusive use of alcohol, and/or illegal drugs while performing the assignment.
5. Absence for three working days without notifying the immediate supervisor and without approved justification.
6. Falsifying information or documents in connection with a request for a leave of absence or providing a false reason for a leave of absence.
7. Falsification of pertinent information regarding the employee's application for employment, regardless of when the falsification is discovered.
8. Excessive absences or tardiness.
9. Theft, physical violence, and disruption of working conditions.
10. Violation of the College's code of ethics, core values, and standards of conduct.
11. Failure to report arrest(s) or conviction(s) occurring during the employee's term of employment.
12. Inappropriate or unauthorized use of College equipment, property, and resources.
13. Violation of College policy, local law, state law, or federal law.
14. Good cause, as recommended by the District President and approved by the Board.

Disciplinary Action

An employee's supervisor will use the College's formal disciplinary procedures to initiate and process disciplinary actions.

Note: This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting students. For legally referenced material relating to this subject matter, see FA(LEGAL). For discrimination, harassment, and retaliation targeting employees based on race, color, national origin, religion, age, or disability, see DIAB.

Statement of Nondiscrimination

The College District prohibits discrimination, including harassment, against any student on the basis of race, color, national origin, disability, religion, age, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, national origin, disability, religion, age, or on any other basis prohibited by law, that adversely affects the student.

Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Retaliation

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

Examples

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

False Claims

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation

regarding discrimination or harassment will be subject to appropriate disciplinary action.

Prohibited Conduct

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

Reporting Procedures

Student Report

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee.

Employee Report

Any College District employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct will immediately notify the appropriate College District official listed in this policy and will take any other steps required by this policy.

Exceptions

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

A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source will not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is disclosing information as required for inclusion in the College District’s annual security report under the Clery Act. [See GCC]

Responsible Employee

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

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

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

Definition of College District Officials

For the purposes of this policy, College District officials are the ADA/Section 504 coordinator, Title IX coordinators and Deputy coordinators, designated leadership team members, and the District President.

ADA / Section 504 Coordinator

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The College District designates the following persons to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

ADA / Section 504 Coordinator for Students

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

ADA / Section 504 Coordinator for Employees

Name: Dr. Jennifer DuPlessis
Position: Chief Human Resources Officer
Address: 3452 Spur 399, McKinney, TX 75069
Telephone: (972) 985-3702

Other Anti-discrimination Laws

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

Complaints Involving Academic Adjustments or Accommodations for Students

Complaints over the denial of or a decision pertaining to academic adjustments or accommodations for students must be submitted by a student to the College District's ACCESS office within fifteen (15) college district business days of the date of the denial or decision by the ACCESS office.

The executive vice president or designee will adopt procedures for the informal and formal resolution of such complaints. The procedures will be posted on the College District's website.

The procedures will include an ACCESS Appeals Board and a method for which faculty may challenge an academic adjustment or accommodation decision if they believe the adjustment or accommodation could result in a fundamental alteration. For purposes of this policy, a fundamental alteration is a change to a program, service, or activity that significantly changes the essential nature of the program, service, or activity (i.e. course design or degree requirements).

Faculty will consult directly with the associate dean of counseling and ACCESS or through applicable procedures for complaints involving a fundamental alteration.

The procedures will also include multiple levels of appeals up to the vice president of student and enrollment services or designee. The decision of the vice president of student and enrollment services or designee is final and non-appealable for all complaints involving the denial of or a decision pertaining to academic adjustments or accommodations for students.

Alternative Reporting Procedures

A student will not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the ADA/Section 504 coordinators, may be directed to the District President.

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

Timely Reporting

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

Investigation of the Report

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

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 authorize or undertake an investigation, except as provided below at Criminal Investigation.

If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official will refer the complaint for consideration under the appropriate policy.

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.

College District Investigation	<p>The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator will have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	<p>If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District will confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District will proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District will promptly resume its investigation.</p>
Concluding the Investigation	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.</p> <p>The investigator will prepare a written report of the investigation. The report will be filed with the College District official overseeing the investigation.</p>
<i>Notification of the Outcome</i>	<p>The College District will provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed.</p>
College District Action	<p>If the results of an investigation indicate that prohibited conduct occurred, the College District will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures [see FM and FMA].</p>
Prohibited Conduct	
<i>Corrective Action</i>	<p>Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the College District community, counseling for the victim and the student who engaged in prohibited conduct, follow-up in-</p>

quiries to determine if any new incidents or any instances of retaliation have occurred, involving students in efforts to identify problems and improve the College District climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the College District's policy against discrimination and harassment.

Improper Conduct

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

Confidentiality

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

Appeal

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

Records Retention

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

Access to Policy, Procedures, and Related Materials

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

Collin County Community College District Board of Trustees

2023-10-X

October 27, 2023

Resource: Monica Velazquez
General Counsel

AGENDA ITEM:

Report Out of the Organization, Education, and Policy Committee, First Reading of Local Board Policies

- **DC (Local)** Employment Practices
- **DD (Local)** Personnel Positions
- **DEA (Local)** Compensation and Benefits – Compensation Plan
- **DEAA (Local)** Compensation Plan – Incentives and Stipends – ADD
- **DEAB (Local)** Compensation Plan – Wage and Hour Laws – ADD
- **DMAA (Local)** Term Contracts – Termination Mid-Contract
- **FFDB (Local)** Freedom from Discrimination, Harassment, and Retaliation – Other Protected Characteristics

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 review as a first reading.

- **DC (Local)** Employment Practices – Specifies that Personnel Reports are provided as information items in Board agendas and adds language pertaining to access to employee information for Trustees.
- **DD (Local)** Personnel Positions - Personnel Reports are provided as information items in Board agendas and adds language pertaining to access to employee information for Trustees.
- **DEA (Local)** Compensation and Benefits – Compensation Plan - To accommodate TASB's reorganization of the DEA policy series, content from policy DEA has been moved to new policies DEAA and DEAB. An Annualized Salary section has been recommended by TASB as a best practice, which

addresses the payment of salaried employees over a 12-month period.

- **DEAA (Local)** Compensation Plan – Incentives and Stipends – ADD - To accommodate TASB's reorganization of the DEA policy series, existing language has been moved to this new policy with one revision.
- **DEAB (Local)** Compensation Plan – Wage and Hour Laws – ADD - To accommodate TASB's reorganization of the DEA policy series, existing language has been moved to this new policy with no new revisions.
- **DMAA (Local)** Term Contracts – Termination Mid-Contract – Policy language regarding placement of employees on Administrative Leave has been moved to a stand-alone policy as DLB.
- **FFDB (Local)** Freedom from Discrimination, Harassment, and Retaliation – Other Protected Characteristics – New language added referencing complaints involving disability-related academic adjustments or accommodations for students.

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

Collin County Community College District Board of Trustees

2. Organization, Education, and Policy Committee

October 27, 2023

Resource: Monica Velazquez
General Counsel

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

- **AD (Local)** Educational Role, Mission, Purpose, and Responsibility
- **DLB (Local)** Employee Performance – Suspension - ADD
- **FD (Local)** Tuition and Fees
- **GD (Local)** Community Expression and Use of College Facilities

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.

- **AD (Local)** Educational Role, Mission, Purpose, and Responsibility – Suggested revisions address changes made in light of the passage of House Bill 8 to the college's purpose and in order to review of the college's mission statement.
- **DLB (Local)** Employee Performance – Suspension – ADD – This new local policy is recommended to address the suspension of employees.
- **FD (Local)** Tuition and Fees – Recommended revisions have been added addressing the board's decision whether to charge a higher tuition rate for Excessive Hours or Repeated Courses taken by a student.
- **GD (Local)** Community Expression and Use of College Facilities – Suggested revisions redefines "common outdoor areas" of the college which are traditional open forums.

Purpose Statement	<p>Through its campuses, centers, and programs, the College District fulfills community and industry needs and its <u>primary</u> statutory charge <u>purposes under Section 130.003(e) of the Texas Education Code</u> by providing:</p> <ol style="list-style-type: none">1. Academic courses in the arts and sciences core curriculum or a field of study curriculum to transfer to senior <u>other higher education</u> institutions;2. Programs leading to baccalaureate degrees, associate degrees, or certificates, including technical programs, designed to develop marketable skills and promote economic development;3. Continuing adult education programs for academic, professional, occupational, and cultural enhancement;4. Developmental education and literacy programs designed to improve the basic skills of students;5. A program of student support services, including counseling and learning resources, designed to assist individuals in achieving their educational and career goals;6. Workforce, economic, and community development initiatives designed to meet local and state needs; and7. Other purposes as may be directed by the Board and/or the laws of the state of Texas.
Mission Statement	<p>The College District is a student- and community-centered institution committed to developing <u>valuable</u> skills, strengthening character, and challenging the intellect.</p>
Vision Statement	<p>Delivering a brighter future for our students and communities.</p>
Statement of Ethics and Philosophy	<p>It is the policy of the College District to apply the highest ethical standards to all members of the College District community including the Board, administration, staff, and faculty in achieving its mission and in managing its resources efficiently and effectively to reach its goals and objectives. The College District shall include a code of ethics for Board members, administration, staff, and faculty in its policy manual.</p> <p>The College District accepts its responsibilities to its students, to its employees, and to the members of the community. The College District is committed to meet these responsibilities with balance, fairness, accountability, and ethical integrity.</p>
Core Values	<p>The College District's philosophy and ethics are based on the following statement of core values:</p>

We have a passion for:

1. Learning;
2. Service and involvement;
3. Creativity and innovation;
4. Academic excellence;
5. Dignity and respect; and
6. Integrity.

NEW POLICY

Paid Administrative Leave and Suspension

The District President may place any employee on paid administrative leave at his or her the District President's discretion either:

1. Pending the investigation of a complaint or allegation of wrongdoing against the employee; or
2. When the District President determines such placement is in the best interest of the College and/or the employee.

Unpaid Administrative Leave and Suspension

As a disciplinary measure, the District President may suspend an employee without pay after evidence of, or finding of, gross misconduct.

The District President may suspend a faculty member without pay after evidence of, or a finding of, gross misconduct, or after a complaint hearing has been requested by the faculty member and the scheduled hearing has been postponed at the request of the faculty member. In this case, the effective date of the suspension without pay will be from the date on which the hearing was scheduled.

If a finding of gross misconduct is ultimately overturned by the District President or designee, or, in the case of a faculty member, by the Board, then the unpaid suspension will be reversed, and suspended salary will be paid to the employee retroactive to the date the employee was placed on unpaid suspension.

Upon recommendation by the District President, tuition and fees ~~shall~~will be set annually by the Board and ~~shall~~will be published in the College catalog and other appropriate publications.

Excessive Hours or Repeated Courses

The Board will determine annually if the College District will charge a resident a higher tuition rate for excessive hours or repeated courses in accordance with law. If the Board adopts a higher rate, the Board will describe any applicable exemptions. The rates, exemptions, and required notice will be published in the College District catalog and other appropriate publications.

Waivers

The College ~~shall~~will publish in the College catalog and other appropriate publications:

1. The tuition and fee waivers the College is required by law to grant;
2. Any legally authorized tuition and fee waiver adopted by the Board;
3. Exemptions to higher tuition rates for nonfundable courses allowed by law; and
4. Exemptions to higher tuition rates for students demonstrating an economic hardship.

Collection of Tuition and Fees

The Board may adopt an installment payment plan in accordance with state law.

Installment
Payments
Collection
Procedures

The District President is authorized to develop procedures for the collection of tuition and fees.

Refund Policy

The College ~~shall~~will refund tuition and fees for courses from which the students drop or withdraw in accordance with law and related provisions adopted by the Board and published in the College catalog and in any other appropriate College publication. Tuition and fees paid directly to the institution by a sponsor, donor, or scholarship ~~shall~~will be refunded to the source rather than directly to the student.

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

Use of College District Facilities

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

Definitions

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

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

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

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

Limited Public Forum and Public Assembly Use

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

For-Profit Use

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

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

Nonprofit Use

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

Private Use

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

Fundraising Use

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

Campaign-Related Use

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

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

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

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

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

Recreational Use

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

Emergency Use

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

**Expressive Activities
in Common Outdoor
Areas**

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

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

The “common outdoor areas” of the College District mean: (1) any outdoor space (such as streets, sidewalks, gathering spaces), (2) that is at least 7520 feet from any College District building or area of ingress or egress to buildings, including classrooms, entrance or window and (3) that is not used, on either a permanent or temporary basis, for the College District’s:

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

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

**Requests for Use of
Facilities**

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

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

District facilities may not commence until it is approved, in writing, by the Conference Services Department.

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

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

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

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

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

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

Approval

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

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

College District facilities will not be available for long-term use. Long-term use will be defined as use of the facility for more than five days per month or for more than three weekends per month. Facilities use requests will be considered for a time period not to exceed four calendar months, coinciding with the fall, spring, and summer College District semesters.

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

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

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

**Written Notice if
Request Rejected**

The Associate Vice President of Financial Services and Reporting or designee will review any recommendations to deny the use of College District facilities to an external group and communicate with the requestor if a request to rent facilities is denied.

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

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

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

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

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

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

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

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

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

13. Guest speakers may not distribute literature that violates the rules in this policy.
14. Guest speakers may not accost bystanders or others who have chosen not to attend the speech or discussion.
15. Guest speakers may not set up exhibits or tables outside of the common outdoor areas or inside College District buildings or facilities.
16. For any assembly, with or without a guest speaker, that has an expected attendance of 15 or more participants (including counter-demonstrators), advance notice and a reservation are encouraged to help the Conference Services Department improve the safety and success of expressive activity.

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

**Written Agreement
Required for Use of
Facilities**

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

Fees for Use

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

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

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

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

On-Site Personnel

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

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

Required Conduct

Community members and organizations using College District facilities will:

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

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

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

1. Is not disruptive;
2. Does not impede reasonable access to College District facilities or deny the use of offices or other facilities to students, faculty, staff, or guests of the College District;
3. Does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress or egress to and from property, buildings, or facilities;

4. Does not threaten or endanger the safety of any person on College District premises;
5. Does not harass, badger, coerce, or intimidate another person or force material on an unwilling participant or accost or approach individuals not in the immediate vicinity of the assigned table space or use areas designated by the College District;
6. Does not involve conduct that is likely to result in damage to or destruction of property or cause disruption in utilities;
7. Does not create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate with others and/or the rights of others to listen;
8. Does not attempt to prevent a College District event or other lawful assembly by the threat or use of force or violence;
9. Does not interfere with the rights of others as determined by the College District; and
10. Does not violate local, state, or federal laws or College District policies and procedures.

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

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

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

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

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

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

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

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

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

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

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

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

Identification

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

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

Distribution of Literature

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

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

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

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

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

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

Time, Place, and Manner Restrictions for Distribution of Literature

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

Permissible Solicitation

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

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

1. The sale or offer for sale of any food or drink item by authorized student organizations in an area designated in advance by the appropriate College District representative.

2. The collection of membership fees or dues by approved student organizations at meetings of such organizations scheduled in accordance with College District regulations on the use of facilities.
3. The collection of admission fees for the exhibition of movies or other programs scheduled in accordance with College District policies and procedures.

**Solicitation
Requirements**

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

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

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

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

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

Before publicly posting a sign, an entity will:

1. Submit the proposed sign to the student engagement office staff or a designated representative for review and consideration.

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

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

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

A sign may not be:

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

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

Nonpermissible Signs

No entity will post or carry a sign that:

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

Election / Campaign Signs and Tents

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

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

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

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

All electioneering must comply with applicable election laws.

Classroom Bulletin Boards

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

Violations of Policy

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

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

Publication

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

Alcohol and Drug Use Prohibited

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

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

Alcohol and Drug Use Exception

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

Children on Campus

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

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

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

Animals on Campus

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

Collin County Community College District Board of Trustees

2023-10-X

October 27, 2023

Resource: Monica Velazquez
General Counsel

AGENDA ITEM:

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

- **AD (Local)** Educational Role, Mission, Purpose, and Responsibility
- **DLB (Local)** Employee Performance – Suspension - ADD
- **FD (Local)** Tuition and Fees
- **GD (Local)** Community Expression and Use of College Facilities

DISCUSSION:

The Organization, Education, and Policy Committee reviewed the policies presented in this item. The Organization, Education, and Policy Committee Chair will report out a recommendation at the October 27, 2023 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.

- **AD (Local)** Educational Role, Mission, Purpose, and Responsibility – Suggested revisions address changes made in light of the passage of House Bill 8 to the college's purpose and in order to review of the college's mission statement.
- **DLB (Local)** Employee Performance – Suspension – ADD – This new local policy is recommended to address the suspension of employees.
- **FD (Local)** Tuition and Fees – Recommended revisions have been added addressing the board's decision whether to charge a higher tuition rate for Excessive Hours or Repeated Courses taken by a student.

- **GD (Local) Community Expression and Use of College Facilities** – Suggested revisions redefines “common outdoor areas” of the college which are traditional open forums.

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