

EXHIBIT J

**COLLIN COLLEGE BOARD POLICY DGBA (LOCAL)
HEARING OFFICER/RESOLUTION REVIEW PANEL**

FINDINGS/RESOLUTION OF COMPLAINT

Complainant:	Suzanne Jones
Respondent(s):	Collin College, Neil Matkin, Toni Jenkins
Date Complaint Filed:	February 10, 2021
Date of Hearing:	March 30, 2021
Witnesses/Support Person at Hearing:	Lorena Rodriguez
Resolution Review Panel:	Brenda Carter, Alicia Huppe, Doug Willis
HR Representative:	Tonya Jacobson

Section A. Complaint Types Filed by Complainant and Findings of Hearing Officer or RRP:

***Instructions for Hearing Officer/ RRP:** Each complaint type filed by Complainant is marked with an “X” in the left hand column of the chart below.*

After a review of the complaint, Collin College policy and procedures, the testimony offered by Complainant and witnesses, and further investigation into this complaint, if any, the Hearing Officer/Resolution Review Panel makes the findings marked with an “X” in the right hand column of the chart below regarding each complaint type filed by Complainant. (Please note that the Hearing Officer/Resolution Review Panel may find that additional complaints types are substantiated even though Complainant may not have selected that complaint type, if the Hearing Officer/Resolution Review Panel believes the record and the evidence supports such finding).

NOTE: If a complaint type is “Not Substantiated” in the chart below, relief may not be granted for that complaint type in the chart in Section B below.

Complaint Type(s) Filed by Complainant		Substantiated	Not Substantiated
<input type="checkbox"/>	Complaints concerning an employee’s wages, hours, or conditions of work, including performance evaluations or reviews.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Violations of Collin College Policy.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Specific allegations of unlawful discrimination or harassment based on sex, race, color, religion, national origin, age, veteran’s status, disability, or any other legally-protected classification.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Specific allegations of unlawful discrimination or retaliation based on the exercise of legally protected rights.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Specific allegations of adverse personnel action based on the employee’s good faith report to an appropriate law enforcement authority of a violation of law by the College District or a College District employee, i.e., “whistleblower complaints.”	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Complaints arising from the termination of an at-will employee.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Complaints arising from the termination or non-renewal of a contract employee.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Any other complaint brought by an employee against another employee, supervisor, manager, student, vendor or the College District.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section B. Relief Requested:

Instructions for Hearing Officer/ RRP: Complete this Section B only if you substantiated a finding of a complaint type and marked “Substantiated” in the chart above. Otherwise, if a complaint type is “Not Substantiated” in the chart above, relief may not be granted for that complaint type.

List Specific Relief Requested by Complainant:		Denied	Granted In Part	Granted
1	Reinstated to a three year contract	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Request to designate a neutral third party to investigate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section C. Summary of Complaint

Instructions for Hearing Officer/ RRP: -Write a summary of the complaint, including the facts/evidence that support your findings, as noted in Section A above. You can add as much text as necessary to support your findings and conclusions. This section will continue to expand as you type. Please organize your summary in the order of the relevant complaint types on page one.

On February 10, 2021, Suzanne Jones filed a formal complaint appealing the decision to not recommend her for a multi-year contract extension. A resolution review panel (RRP) met with Dr. Jones on March 30, 2021, to discuss her concerns regarding her contract status. The RRP also met with Dr. Mary Barnes-Tilley, Dr. Abe Johnson, and Dr. Toni Jenkins.

A summary of the complaints presented to the panel and the findings are as follows:

Violations of College Board Policy

In the material provided to the Resolution Review Panel, numerous Collin College Board policies were listed, along with legal case precedence. Among those cited include:

- DGBA(LOCAL)
- DGBA(LEGAL)
- DGC(LOCAL)
- DGC(LEGAL)
- DGA(LEGAL)
- DMAB (LOCAL)

DGBA(LOCAL) – This is the college’s grievance policy. No violations of DGBA(LOCAL) were substantiated by the complainant.

DGBA(LEGAL) - *A college district shall take no action abridging the freedom of speech or the right of the people to petition the board for redress of grievances.* Upon review of the evidence provided, it is the opinion of this panel that the preponderance standard was not met.

DGC(LOCAL) and DGC(LEGAL) -3. *Faculty members are citizens, and, therefore, possess the rights of citizens to speak freely outside the classroom on matters of public concern and to participate in lawful political activities.* These policies also include that “*faculty members will always make clear that the views they express are their own and will avoid creating the*

impression that they speak or act on behalf of the College District or of their profession.” as well as “...Faculty and support staff will strive for accuracy, exercise appropriate restraint, exhibit tolerance for differing opinions, and indicate clearly that they are not an official spokesperson for the College District.”

Dr. Jones alleged that her freedom of speech was challenged but did not present compelling evidence specific to the restriction of her free speech. Details provided to the RRP clearly indicate it was not Dr. Jones’ membership, affiliation, communication nor involvement with Texas Faculty Association (TFA) nor the open letter to the City of Dallas (2017), but the use of Collin College’s name associated with her affiliations that was an issue.

DGA(LEGAL) *An individual may not be denied public employment, including employment by the college district, because of the individual’s membership or non-membership in a labor organization.* In the evidence provided to the RRP and as previously stated, membership in the TFA was supported, as noted in an email from Dean Garry Evans dated June 12, 2020, congratulating Dr. Jones on her role with the TFA.

DMAB (LOCAL) requires that “*Contracts for full-time faculty members will be renewed at the end of the contract term provided sufficient funds are available and approved by the Board and provided the District President or designee has not issued a notice of nonrenewal or termination.*” No violation of DMAB(LOCAL) was found. On January 28, 2021, Dr. Jones was issued a notice of nonrenewal letter. The notification of non-renewal followed institutional processes and policies.

Specific allegations of unlawful discrimination or retaliation based on the exercise of legally protected rights. Complaints arising from the termination or non-renewal of a contract employee. Any other complaint brought by an employee against another employee, supervisor, manager, student, vendor or the College District.

In the documentation submitted to the RRP dated February 9, 2021, from Lubin & Enoch, P.C. starting on page 4 of the legal argument section, the following allegations were presented:

- Collin College cannot non-renew a faculty member’s contract for an illegal reason.

Response: Information presented to the RRP cited the misuse of the institution’s name (reference board policies DGC(LEGAL) and DGC(LOCAL)) not the content of the speech to support non-renewal of Dr. Jones contract.

- Collin College violated the United States and Texas Constitutions and its own policies by non-renewing Dr. Jones’s contract based on her association with TFA.

Response: Both in writing and verbally confirmed by Dr. Toni Jenkins, the recommendation for non-renewal was not based on membership with the TFA.

- Collin College violated the United States and Texas Constitutions and its own policies by non-renewing Dr. Jones’s contract based on her speech relating to COVID-19.

Response: Both in writing and verbally confirmed by Dr. Toni Jenkins, Dr. Jones’ contract was non-renewed due to her promotion of external pressure on the college as well as challenging operational decisions. Dr. Jones is a member of the Faculty Council

and had a greater opportunity to provide feedback related to campus operations during COVID-19 than faculty who are not members of Faculty Council.

Relief Requested:

Per the presentation given on March 30, 2021, the following relief was requested:

1. In accordance with DGBA(LOCAL), pgs. 3 and 5, and the Notice of Hearing and Hearing Procedures, pg. 1, Dr. Jones requests that the RRP designate a neutral third party to investigate the matter further.

Response: Per DGBA(LOCAL) a neutral third party can only be assigned by the chief human resources officer. It is not within the purview of the Resolution Review Panel to do so.

2. Reinstate Dr. Jones to the three-year contract she had been approved for by her associate dean, dean, and provost.

Response: Dr. Jones applied for a contract extension that was recommended by her associate dean, dean, and provost. The associate dean, dean, nor the provost can approve a contract extension. The recommendation for approval was declined at the Senior Vice-President level. The President concurred with the recommendation from the Senior Vice-President and did not approve the contract extension. There is not an approved three-year contract to reinstate. The Resolution Review Panel supports the decision to uphold the non-renewal of the contract extension. The request for relief is denied.

Note: *All other complaints and/or requests for relief not specifically addressed herein are hereby denied.*

END OF HEARING OFFICER / RESOLUTION REVIEW PANEL SUMMARY

***Notice of Right to Appeal Hearing Officer/Resolution Review Panel
Findings/Resolution***

Pursuant to DGBA (Local), if the complainant disagrees with the resolution of the Hearing Officer/Resolution Review Panel, he/she may appeal the resolution to the appropriate vice president.

*All permitted appeals must be filed in writing using the attached Appeal Form **within ten (10) business days** of receipt of this resolution by submitting the attached completed and signed **Appeal Form** to the Chief Human Resources Officer. The Chief Human Resources Officer will log the appeal and forward the appeal and all supporting documents to the appropriate party for review. Please see DGBA (Local) for further information regarding the appeal process.*

Hearing Officer/Resolution Review Panel Signatures:

<u>Brenda Carter</u>	<i>Date:</i> <u>04.27.21</u>
<u>Alicia Huppe</u>	<i>Date:</i> <u>04.27.2021</u>
<u>Douglas G Willis</u>	<i>Date:</i> <u>04/27/2021</u>