



WACO, TEXAS

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# Course Syllabus and Instructor Plan

United States History II  
HIST-1302-O083

**Dr. Richard D. Driver**

**NOTE: This is an Online course.**

**NOTE: This is a 16-week course.**

## Course Description: United States History II (HIST-1302)

A survey of the social, political, economic, cultural, and intellectual history of the United States from the Civil War/Reconstruction era to the present. United States History II examines industrialization, immigration, world wars, the Great Depression, Cold War and post-Cold War eras. Themes that may be addressed in United States History II include American culture, religion, civil and human rights, technological change, economic change, immigration and migration, urbanization and suburbanization, the expansion of the federal government, and the study of U.S. foreign policy.

## Course Prerequisite(s) and/or Corequisite(s)

Prerequisite: Must have passed the reading section of the TSI Assessment or have credit for INRW 0402. Semester Hours 3 (3 lec)

## Course Notes and Instructor Recommendations:

The syllabus serves as a guide for the expectations and completion of the course. Read the syllabus completely. Ask questions if the syllabus requires more explanation. Any changes will be communicated to students electronically. Dr. Driver is committed to student success, and believes appropriate participation and attendance achieves that goal.

Students enrolled in this asynchronous online course are expected to follow the attached schedule and participate and contribute daily. An online course requires more time commitment than a face-to-face course and reliable access to a computer. Technical issues from computer problems to poor Internet connectivity are not accepted as an excuse for missed or late assignments. Communication with your instructor and classmates is vital for this course and it is recommended you access and check your MCC email and the D2L Brightspace interface daily. Be sure to keep up with all readings and assignments in the course. If you encounter any difficulties, it is your responsibility to contact your instructor.

**An asynchronous online course has no dedicated meeting times or locations.**

All interactions take place via Brightspace or email. Though asynchronous, the course is scheduled with a structured progression of topics, content, assigned materials, and due dates for completion.

## Instructor Information

Instructor name: Richard D. Driver, Ph.D. (Dr./he/him), Associate Professor of History

MCC E-mail: [rdriver@mclennan.edu](mailto:rdriver@mclennan.edu)

Office Phone Number: (254) 299-8708

Office Location: Michaelis Academic Center (MAC), room 317

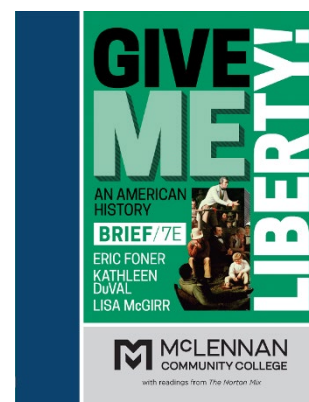
Office/Teacher Conference Hours: at MCC/Zoom on MTWTh, 11:00AM-12:00PM (link in Brightspace); or by appointment (email for appointment).

Other Instruction Information: Email is the best method to contact me. Information on email policies is included in this syllabus. I generally reply to emails within 24 hours of receipt. Emails received on weekends will likely be replied to on the following Monday.

## Required Text & Materials

Students are expected to have a copy of the required textbook by the end of the first week of the semester.

Title: *Give Me Liberty! An American History*  
Authors: Eric Foner, Kathleen DuVal, and Lisa McGirr  
Edition: Brief (MCC Custom) 7th Edition (2023)  
Publisher: W.W. Norton and Company, Incorporated  
ISBN: 978-1-324-05709-3



The MCC customized edition of *Give Me Liberty! An American History* includes both volumes of the textbook (HIST-1301: vol. 1, HIST-1302: vol. 2).

In the Fall 2023 semester, the continued use of the Brief (MCC Custom) 6th Edition (2020) is accepted.

MCC Bookstore Website: <https://www.mclennan.edu/bookstore/>

## Methods of Teaching and Learning

A variety of methods will be used in teaching United States History II online, including the use of recorded presentations and videos, quizzes, and written assignments. Student assessment includes completion of reading quizzes and reading and written analysis of primary and secondary sources. These measures will assess the following course objectives and competencies. A departmental rubric may be used to assess different aspects of the course objectives (see below).

## Course Objectives and/or Competencies

- **Critical Thinking:** Through lecture and a variety of objective strategies, students will be assessed on critical thinking ability. Objective examinations will specifically be used to assess critical thinking. Other assessment vehicles may include essays, portfolios, primary source objective exams, and presentations.
- **Communication:** Measures such as objective tests, written assignments, discussions, portfolios and presentations may be used to measure the student's ability to communicate.
- **Social Responsibility:** Because the teaching of history involves evoking examples of successes and failures in social responsibility, and the continual importance of this issue politically and personally today, social responsibility naturally is emphasized. Assessment measures may include readings, primary document exams, discussions, projects and essays.
- **Personal Responsibility:** Because the teaching of history also involves evoking examples of successes and failures in personal responsibility, and the consequences that personal choices can have, personal responsibility is also naturally emphasized. Assessment measures may include participation, readings, primary document exams, discussions, projects and essays.

## Learning Outcomes

Upon successful completion of this course, students will:

1. Create an argument through use of historical evidence.

2. Analyze and interpret primary and secondary sources.
3. Analyze the effects of historical, social, political, economic, cultural, and global forces on this period of United States history.

## Course Attendance/Participation Guidelines:

If a student is not in attendance in accordance with the policies/guidelines of the class as outlined in the course syllabus as of the course census date, faculty are required to drop students from their class roster prior to certifying the respective class roster. A student's financial aid will be re-evaluated accordingly, and the student will only receive funding for those courses attended as of the course census date.

Before the 60% point of the semester, a student who is absent for 25% or more of a face-to-face or blended course or who misses 25% or more of assigned work for an online course will be withdrawn from the course with a grade of W. A student may also request to be withdrawn with a grade of W before the 60% point of the semester. After the 60% point of the semester, the student may request to be withdrawn if the student is passing or be assigned the final grade earned at the end of the semester after grades have been updated to reflect missing work.

## Course Outline or Schedule

The Fall 2023 Semester occurs between August 21 and December 8, 2023.

- The following schedule is tentative and subject to change, organized by weeks, and with topics arranged by modules corresponding to Brightspace structure.
- A full and detailed schedule, and assigned dates are included in Brightspace. Students are responsible for and expected to know the schedule provided in Brightspace.
- Students should plan to work weekly on course materials and their review of content or assignments, including the possibility of course work during weekends.

Weeks	Brightspace Modules	Assigned Readings	Assignments
1-2	Course Introduction and Policies (1) Reconstruction (2)	Course Syllabus and Instructor Plan <i>Give Me Liberty!</i> Ch. 15	Syllabus Quiz Check-In #1 Reconstruction Quiz
3-4	The Gilded Age (3) The Progressive Movements (4)	<i>Give Me Liberty!</i> Ch. 16-18	Check-In #2 The Souls of Black Folk The Gilded Age Quiz
5	World War I (5)	<i>Give Me Liberty!</i> Ch. 19	Check-In #3 World War I Quiz
6	The Roaring 20s (6)	<i>Give Me Liberty!</i> Ch. 20	Roaring 20s Quiz
7-8	The Great Depression and New Deal (7)	<i>Give Me Liberty!</i> Ch. 21	Check-In #4 Fireside Chat The 1930s Quiz
9	World War II (8)	<i>Give Me Liberty!</i> Ch. 22	Check-In #5 World War II Quiz
10	The Cold War (9) Postwar America (10)	<i>Give Me Liberty!</i> Ch. 23	Have You No Sense of Decency?
11-12	Postwar America (10)	<i>Give Me Liberty!</i> Ch. 23-24	Check-In #6

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	Civil Rights (11) The 1960s/Vietnam War (12)		The 1950s Quiz
13-14	The 1960s/Vietnam War (12) The 1970s (13)	<i>Give Me Liberty!</i> Ch. 25-27	Check-In #7 ERA The 1960s-1970s Quiz
15-16	The End of the Cold War (14) Final Exam	<i>Give Me Liberty!</i> Ch. 27-28	Check-In #8 The End of the Cold War Quiz

## Course Grading Information

The course is fully online and asynchronous, organized into Brightspace modules, assigned readings per module, and conducted through reading and assignment activities. Dr. Driver facilitates course participation and designed content and structure to support development of student ideas and interpretation of history. Students are expected to participate fully and regularly in the course. Please see other course policies for specific criteria related to the goal of student success in the course.

Dr. Driver participates and provides feedback and grades on all submitted assignments, as well as posts announcements and reminders for course content and any necessary changes or amendments to the course. All contributions by Dr. Driver will be written or recorded, and he may add additional video or audio messages where relevant or complementary to the modules and content in the course.

## Evaluation

United States History II is an introductory survey course into American history explored and researched for our collective understanding. The goal for students taking this course is knowledge of United States history following the Civil War and familiarity with the skills and methods of working as a historian. Students will leave the course with mastery over content and skills they can take to any major and education and career path. Completion of the following grading areas determines your course grade.

## Criteria

### Written Assignments

The course is designed to introduce students to topics in United States history and instruct them on analytical and critical thinking skills related to content, historical artifacts, documents (primary sources), and secondary sources. Materials are organized into modules within Brightspace. Due dates and instructions are also indicated in Brightspace.

When completing written assignments, students are expected to utilize analysis and critical thinking skills to explore historical knowledge and developments – do not just repeat historical facts. Written assignments are evaluated based on the quality of the response and use of assigned materials. All written assignments include specific instructions and expectations for completion (such as formatting, a minimum length of 250 words and cited materials) and are not available past the due date. All written assignments are required to be submitted as Word .doc or .docx files in Brightspace. Please note that no assignments will be accepted or offered acceptance via email.

Review of all required content and materials, except the textbook and class meeting lectures and presentations, are completed within Brightspace. No emailed materials are accepted. Students need to submit materials on time by the due dates. Information on the course late policy is included below.

### Quizzes

Objective quizzes are assigned within Brightspace and specific class meetings to assess historical content and knowledge gained from presentations, content, and assigned readings.

- Set aside adequate time for you to review or complete assigned content and readings.
- Quizzes range in questions asked (typically between 20-40) and time allotted (30-60 minutes).
- Please review the schedule for information on start and due dates.

### Exams

No comprehensive “exams” are assigned or completed in this course. There is no “final exam” for this course, only the last quiz completed in Brightspace. For scheduling purposes and alignment with the MCC academic calendar, the End of the Cold War Quiz is labeled the “final exam.”

### Checklists and Due Dates

Topical content modules within Brightspace include assigned materials (outside the textbook): overview pages, presentation videos, readings and videos, and assignments/quizzes. To assist you, checklists are included within each module to track your progress and meet due dates for each module, assignment, and quiz in the course. As policy, see below, no late work is accepted in the course and likewise, no extensions for missed assignments are considered or granted.

### Check-Ins

Eight “check-in” assignments provide an additional attendance marker in the course but do not contribute to the overall course grade. Students will submit “check-ins” through Assignments and availability and due dates are provided in the schedule.

Breakdown: students’ course grades are determined by the following grading areas.

Assessment	Points / % of Course Grade
<i>Quizzes (completed in Brightspace)</i>	<i>300 points / 60%</i>
• Syllabus Quiz	15 points
• Reconstruction Quiz	25 points
• The Gilded Age Quiz	40 points
• World War I Quiz	30 points
• Roaring 20s Quiz	30 points
• The 1930s Quiz	40 points
• World War II Quiz	25 points
• The 1950s Quiz	30 points
• The 1960s-1970s Quiz	40 points
• The End of the Cold War – labeled the “Final Exam” in schedule	25 points

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<i>Written Assignments (submitted in Brightspace) *</i>	<i>150 points / 40%</i>
• The Souls of Black Folk	50 points
• Fireside Chat	50 points
• Have You No Sense of Decency?	50 points
• ERA	50 points
Total	450 points / 100%

### Letter Grades

Final grade scores based on the 100% scale provided by this breakdown are converted to a letter grade based on the following scale. All final grades are reported in WebAdvisor, the final score provided in the Brightspace system is for informational purposes only and not reflected on your transcript.

A	90-100%	B	80-89%	C	70-79%	D	60-69%	F	59% and lower
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### Rubric Use

Rubrics are used for all assignments and available to view in Brightspace. Ratings within rubrics contain feedback and commentary for assignment criteria and points awarded for reported grades. Students are expected to be familiar with assignment rubrics and course and assessment outcomes indicated by the rubrics. Any questions about rubrics should be asked *prior to assignment submission*.

### Late Policy

Ample time and notifications are provided by the schedule for due dates and coursework. I recommend you plan to complete your coursework based on these expectations, managing your time well, and preparing for the unexpected. Late work is not accepted in this course and postponed or changed due dates will be announced and confirmed by the instructor. All assignments are due on the date assigned.

### Attendance and Make Up Work Policies

In the case of an emergency, students will be required to provide documentation of the emergency within seven days of the stated assignment due date and the work is due within the same time frame.

Attendance is recorded in this online course via two methods, first the completion of module contents and assignments or quizzes by stated due dates in this syllabus and duplicated within Brightspace. Your instructor reviews course progress and completion dates/times to facilitate and assist student success and attendance in the course. Therefore, not completing course content or missing an assignment counts as an absence but also contributes to the risk of not succeeding in the course and should be avoided. Two, by completing the check-in assignments by the due dates and times. The purpose of the second method is to share status and progress toward successful completion of the online course. Replies and responses to student check-ins are likely, but not guaranteed at the instructor's discretion. A register is included in Brightspace to account for both methods of attendance.

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\* Out of four written assignments, the lowest scoring is dropped in the student's reported final grade.

## Student Behavioral Expectations and Conduct Policies

The instructor is committed to student success and believes appropriate classroom conduct helps achieve this goal. Students are expected to behave professionally and display respect for themselves, fellow students, the instructor, and the course, in all interactions. It is the student's responsibility to track their own progress in the course, starting from successful submission of assignments, to returned feedback and grades. Course interactions may be moderated by the instructor without warning. Please direct concerns regarding course behavior to the instructor.

### This is a college course.

You are expected to perform professionally in this course and in your submitted work. The assignments and quizzes in the course are provided in both the schedule and breakdown.

### No extra credit opportunities are offered for this course.

Bonus opportunities may be offered in the course but are not guaranteed or included in the syllabus. Do not ask for "extra credit" opportunities. You will receive the grade earned and that grade is a permanent entry included on your college transcript.

### Students are expected to read the syllabus completely.

The instructor is not responsible for the student reading the syllabus. It is in the student's best interest to have completely read and reviewed the syllabus on day one, and to ask questions if any criteria, evaluation method, or course policy is not clear or requires more explanation for their understanding.

### Students are expected to read the syllabus completely on day one.

The instructor is not responsible for the student reading the syllabus. It is in the student's best interest to have completely read and reviewed the syllabus on day one, and to ask questions if any criteria, evaluation method, or course policy is not clear or requires more explanation for their understanding.

### All correspondence occurs via Brightspace or MCC email.

Students are required to use their MCC student email to contact the instructor. Email replies are typically provided within 24 hours throughout the week. Please respect that waiting period. Students are asked to be professional in correspondence, use salutations, and avoiding "text message" style or format. The instructor may use other communication methods where relevant or appropriate.

### This course affirms people of all gender expressions and gender identities.

If you prefer to be called a different name or gender pronoun than what is on (or indicated by) the class roster, please let me know. I will gladly honor your request. Please advise me of your pronouns early in the semester so I may make appropriate changes to my records. My pronouns are Dr./he/him.

### Computer use is required for this course.

This course is taught through Brightspace. The syllabus, information on assigned readings, and information on activities, assignments, and assessments are posted in Brightspace, as well as



announcements and grades for assignments. I post any presented materials in Brightspace, but not notes – those are compiled through review of materials by YOU!

Review of all required content and materials are completed within Brightspace. Written assignments and quizzes are completed within Brightspace. No emailed materials are accepted.

### Attendance is required.

Your instructor is ready and willing to help you maintain attendance and will not drop you unexpectedly without contact and your consultation on withdrawal.

See the Course Attendance/Participation Guidelines for further attendance information, and the Late, Attendance, and Make Up Work Policies section for details.

### Academic Integrity

Do not be academically dishonest. In any case where any action deemed to be academically dishonest is discovered or determined, the student will be contacted, the penalty for the assignment may be a 0 grade, but revision or resubmission could be offered. The violation will be reported and potential for harsher penalties depending on the severity of the dishonesty exists, including failure of the course.

### Academic dishonesty includes, but is not limited to:

- Cheating: copying answers; using unauthorized materials; stealing tests/assignments; substituting for another student; including unauthorized or “hidden” materials in submitted work to meet assignment expectations (may also fall under plagiarism).
- Plagiarism: using someone else’s work, ideas, writings, etc. without giving them credit. Anything that is in your papers should be in your own words. It is ok to quote someone, but make sure to use quotations and cite your source.
- Self-plagiarism is also NOT allowed: all course work should be new and original for this course.
- Collusion: unauthorized collaboration with one or more other persons on an assignment or assessment.
- Artificial Intelligence (AI, including Chat GPT): use of any AI software or interface to compose or complete any work in this course is not allowed, and is cheating and plagiarism.
- Sharing one’s work: any sharing of work with another classmate in any capacity will be considered academic dishonesty if it impacts either or both students’ grades on assignments.

Any violation of academic dishonesty will result in a 0 for the submitted assignment and written feedback regarding the identification of a violation of academic integrity will be provided to the student. An offer of resubmission or revised attempt may be offered in the case of suspected or identified academic dishonesty but is not guaranteed nor should it be expected if discovered. Use of AI in any assignment will result in an automatic 0 with no offer of resubmission or revision.

### Turn It In

The Brightspace system sends submitted written work through a similarity checking system called Turn It In to confirm academic integrity. You can review the Turn It In similarity report for each written

assignment in Brightspace. Next to those grades will be a colored/percentage indicator that links to Turn It In and provides the student with a means to review their work compared with the Turn It In repository. Turn It In is a great resource to check your writing and citation of included examples and references from assigned materials in the course. Students should review the report following the submission of each assignment.

#### AI% Detection

The Turn It In system includes software to detect AI utilization in submitted assignments and materials.

#### Click Here for the MCC Attendance/Absences Policy

(<https://www.mclennan.edu/highlander-guide/policies.html>)

Click on the link above for the college policies on attendance and absences. Your instructor may have additional guidelines specific to this course.

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Updated 07/18/2023



## **ACADEMIC RESOURCES/POLICIES**

### **Accommodations/ADA Statement:**

Any student who is a qualified individual with a disability may request reasonable accommodations to assist with providing equal access to educational opportunities. Students should contact the Accommodations Coordinator as soon as possible to provide documentation and make necessary arrangements. Once that process is completed, appropriate verification will be provided to the student and instructor. Please note that instructors are not required to provide classroom accommodations to students until appropriate verification has been provided by the Accommodations Coordinator. For additional information, please visit [www.mclennan.edu/disability](http://www.mclennan.edu/disability).

Students with questions or who require assistance with disabilities involving physical, classroom, or testing accommodations should contact:

[disabilities@mclennan.edu](mailto:disabilities@mclennan.edu) 2542998122 Room  
319, Student Services Center

### **Title IX:**

We care about your safety, and value an environment where students and instructors can successfully teach and learn together. If you or someone you know experiences unwelcomed behavior, we are here to help. Individuals who would like to report an incident of sexual misconduct are encouraged to immediately contact the acting Title IX Coordinator at [titleix@mclennan.edu](mailto:titleix@mclennan.edu) or by calling, Dr. Claudette Jackson, (Accommodations/Title IX) at (254) 299-8465. MCC employees are mandatory reporters and must report incidents immediately to the Title IX Coordinator. Individuals may also contact the MCC Police Department at (254) 299-8911 or the MCC Student Counseling Center at (254) 299-8210. The MCC Student Counseling Center is a

confidential resource for students. Any student or employee may report sexual harassment anonymously by visiting <http://www.lighthouse-services.com/mclennan/>. Go to McLennan's Title IX webpage at [www.mclennan.edu/titleix/](http://www.mclennan.edu/titleix/). It contains more information about definitions, reporting, confidentiality, resources, and what to do if you or someone you know is a victim of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence.

### **Student Support/Resources:**

MCC provides a variety of services to support student success in the classroom and in your academic pursuits to include counseling, tutors, technology help desk, advising, financial aid, etc. A listing of these and the many other services available to our students is available at <http://www.mclennan.edu/campus-resource-guide/>

Academic Support and Tutoring is here to help students with all their course-related needs. Specializing in one-on-one tutoring, developing study skills, and effectively writing essays. Academic Support and Tutoring can be found in the Library and main floor of the Learning Commons. This service is available to students in person or through Zoom. You can contact the Academic Support and Tutoring team via Zoom or email ([ast@mclennan.edu](mailto:ast@mclennan.edu)) by going to our website (<https://www.mclennan.edu/academic-support-and-tutoring/>).

College personnel recognize that food, housing, and transportation are essential for student success. If you are having trouble securing these resources or want to explore strategies for balancing life and school, we encourage you to contact either MCC CREW – Campus Resources Education Web by calling (254) 299-8561 or by emailing [crew@mclennan.edu](mailto:crew@mclennan.edu) or a Success Coach by calling (254) 299-8226 or emailing [SuccessCoach@mclennan.edu](mailto:SuccessCoach@mclennan.edu). Both are located in the Completion Center located on the second floor of the Student Services Center (SSC) which is open Monday-Friday from 8 a.m.-5 p.m.

Paulanne's Pantry (MCC's food pantry) provides free food by appointment to students, faculty and staff. To schedule an appointment, go to [https://mclennan.co1.qualtrics.com/jfe/form/SV\\_07byXd7eB8iTqJg](https://mclennan.co1.qualtrics.com/jfe/form/SV_07byXd7eB8iTqJg). Both the Completion Center and Paulanne's Pantry are located on the second floor of the Student Services Center (SSC).

### **MCC Foundation Emergency Grant Fund:**

Unanticipated expenses, such as car repairs, medical bills, housing, or job loss can affect us all. Should an unexpected expense arise, the MCC Foundation has an emergency grant fund that may be able to assist you. Please go to

<https://www.mclennan.edu/foundation/scholarships-and-resources/emergencygrant.html>

to find out more about the emergency grant. The application can be found at

[https://www.mclennan.edu/foundation/docs/Emergency\\_Grant\\_Application.pdf](https://www.mclennan.edu/foundation/docs/Emergency_Grant_Application.pdf).

**MCC Academic Integrity Statement:**

Go to [www.mclennan.edu/academic-integrity](http://www.mclennan.edu/academic-integrity) for information about academic integrity, dishonesty, and cheating. The unauthorized use of artificial intelligence (AI) for classwork can be a violation of the College's General Conduct Policy. Whether AI is authorized in a course and the parameters in which AI can be used in a course will be outlined by each instructor.

**Minimum System Requirements to Utilize MCC's D2L|Brightspace:**

Go to <https://www.mclennan.edu/center-for-teachingandlearning/FacultyandStaffCommons/requirements.html> for information on the minimum system requirements needed to reliably access your courses in MCC's D2L|Brightspace learning management system.

**Minimum Technical Skills:**

Students should have basic computer skills, knowledge of word processing software, and a basic understanding of how to use search engines and common web browsers.

**Backup Plan for Technology:**

In the event MCC's technology systems are down, you will be notified via your MCC student email address. Please note that all assignments and activities will be due on the date specified in the Instructor Plan, unless otherwise noted by the instructor.

**Email Policy:**

McLennan Community College would like to remind you of the policy (<http://www.mclennan.edu/employees/policy-manual/docs/E-XXXI-B.pdf>) regarding college email. All students, faculty, and staff are encouraged to use their McLennan email addresses when conducting college business.

A student's McLennan email address is the preferred email address that college employees should use for official college information or business. Students are

expected to read and, if needed, respond in a timely manner to college emails. For more information about your student email account, go to [www.mclennan.edu/studentemail](http://www.mclennan.edu/studentemail).

**Instructional Uses of Email:**

Faculty members can determine classroom use of email or electronic communications. Faculty should expect and encourage students to check the college email on a regular basis. Faculty should inform students in the course syllabus if another communication method is to be used and of any special or unusual expectations for electronic communications.

If a faculty member prefers not to communicate by email with their students, it should be reflected in the course syllabus and information should be provided for the preferred form of communication.

**Email on Mobile Devices:**

The College recommends that you set up your mobile device to receive McLennan emails. If you need assistance with set-up, you may email [Helpdesk@mclennan.edu](mailto:Helpdesk@mclennan.edu) for help.

You can find help on the McLennan website about connecting your McLennan email account to your mobile device:

- [Email Setup for iPhones and iPads](#)
- [Email Setup for Androids](#)

**Forwarding Emails:**

You may forward emails that come to your McLennan address to alternate email addresses; however, the College will not be held responsible for emails forwarded to an alternate address that may be lost or placed in junk or spam filters.

For more helpful information about technology at MCC, go to [MCC's Tech Support Cheat Sheet](#) or email [helpdesk@mclennan.edu](mailto:helpdesk@mclennan.edu).

**Disclaimer:**

The resources and policies listed above are merely for informational purposes and are subject to change without notice or obligation. The College reserves the right to change policies and other requirements in compliance with State and Federal laws. The provisions of this document do not constitute a contract.