

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

DIAB
(LOCAL)

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

**Statement of
Nondiscrimination**

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

Discrimination

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

Harassment

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, national origin, age, disability, or any other basis prohibited by law, when the conduct is sufficiently severe or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee's work performance;
2. Alters the conditions of the employee's employment;
3. Creates an intimidating, threatening, hostile, or offensive work environment; or
4. Otherwise adversely affects the employee's performance, environment, or employment opportunities.

Examples

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

Retaliation

~~The College District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who makes a report, serves as a witness, or otherwise participates in an investigation.~~

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Examples	An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding harassment or discrimination is subject to appropriate discipline. Examples of retaliation may include termination, refusal to hire, nonrenewal of a contract, demotion, and denial of promotion. Retaliation may also include reassignment, threats, suspension with or without pay, unjustified negative evaluations, unjustified negative references, or increased surveillance.								
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	<p>An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should promptly report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor, or to another College District supervisor who has the authority to address the conduct.</p> <p>Alternatively, the employee may report the alleged acts to one of the College District officials below.</p> <p>For the purposes of this policy, College District officials are the ADA/Section 504 coordinator and the College President.</p>								
Definition of College District Officials ADA / Section 504 Coordinator	<p>The College District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:</p> <table><tr><td>Name:</td><td>Rosemary Coffman</td></tr><tr><td>Position:</td><td>Associate Dean/Counselor for Students with Disabilities</td></tr><tr><td>Address:</td><td>511 S. Whiting, Baytown, TX 77520-4703</td></tr><tr><td>Telephone:</td><td>(281) 425-6387</td></tr></table>	Name:	Rosemary Coffman	Position:	Associate Dean/Counselor for Students with Disabilities	Address:	511 S. Whiting, Baytown, TX 77520-4703	Telephone:	(281) 425-6387
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Telephone:	(281) 425-6387								
Other Anti-discrimination Laws	The College President or designee shall serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.								

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**Alternative
Reporting
Procedures**

An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the ADA/Section 504 coordinator, may be directed to the College President or designee.

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

Timely Reporting

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

Notice of Report

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

**Investigation of the
Report**

The College District may request, but shall not insist upon, a written report. If a report is made orally, the College District official shall reduce the report to written form, and promptly provide a copy of such to the employee for review and comment. The report, and the employee's comments about that report, will then be provided to the appropriate College District official.

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

If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the College District official shall refer the complaint for consideration under DIAA or DGBA, as appropriate.

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

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

The investigation shall consist of personal interviews with the person making the report (and, if different, the person who allegedly suffered the prohibited conduct), the person against whom the re-

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	<p>port is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation shall also include analysis of other information or documents related to the allegations.</p>
Concluding the Investigation	<p>Absent extenuating circumstances, the investigation should be completed within ten<u>10</u> College District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation. The outcome of the investigation shall be shared with the person who made the report (or, if different, the person who allegedly suffered the prohibited conduct).</p>
College District Action	<p>If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.</p> <p>The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.</p>
Confidentiality	<p>To the greatest extent possible, the College District shall 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.</p>
<u>Retaliation</u>	<p><u>The College District prohibits retaliation against an employee alleged to have experienced prohibited conduct or another employee or a student who makes a report, serves as a witness, or otherwise participates in an investigation or proceeding under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.</u></p> <p><u>A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy FFDB, as appropriate.</u></p>
<u>Examples</u>	<p><u>Examples of retaliation may include termination, refusal to hire, nonrenewal of a contract, demotion, and denial of promotion. Retaliation may also include reassignment, threats, intimidation, coercion, suspension with or without pay, unjustified negative evaluations, unjustified negative references, or increased surveillance.</u></p>
<u>False Claims</u>	<p><u>An employee or student who intentionally makes a false claim or offers a false statement regarding prohibited conduct shall be subject to appropriate disciplinary action in accordance with law.</u></p>

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Appeal

A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.

The complainant may also have a right or responsibility to file a separate and independent complaint with appropriate state or federal agencies under procedures established by applicable federal or state law.

Records Retention

Retention of records shall 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, shall 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 shall also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to an employee who makes a report.