

EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA  
(LOCAL)

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**Note:** This policy addresses discrimination, harassment, and retaliation targeting College District employees. In this policy, the term “employees” includes former employees and applicants for employment. For the College District’s response to discrimination, harassment, and retaliation targeting students, see FFD.

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STATEMENT OF  
NONDISCRIMINATION

The College District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, sex, national origin, age, disability, veteran status, 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, religion, sex, national origin, age, disability, veteran status, 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, sex, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. 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, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive 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.

SEXUAL HARASSMENT

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

1. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission

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to or rejection of the conduct is the basis for an employment action affecting the employee; or

2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

EXAMPLES

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

RETALIATION

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

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

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, 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

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct shall report the alleged acts within 15 College District business days from the date he or she knew or with reasonable diligence should have known of the conduct or action giving rise to the complaint. The employee may report the alleged acts to his or her immediate supervisor or file a formal complaint pursuant to DGBA(LOCAL).

Alternatively, the employee may report the alleged acts to a College District official.

For the purposes of this policy, College District officials are the ADA/Section 504 coordinator, the Title IX coordinator, the Deputy Title IX coordinator for human resources, and the College President.

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DEFINITION OF  
COLLEGE DISTRICT  
OFFICIALS

ADA / SECTION 504  
COORDINATOR

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.

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

TITLE IX  
COORDINATOR

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

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

DEPUTY TITLE IX  
COORDINATOR FOR  
HUMAN  
RESOURCES

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

OTHER ANTI-  
DISCRIMINATION  
LAWS

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

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 Title IX 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 regarding the alleged act or knowledge of the alleged act shall be made within 15 College District business days from the date the employee knew or with rea-

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sonable diligence should have known of the conduct or action giving rise to the complaint. 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, submission of a written complaint form. If a report is made orally, the College District official shall reduce the report to written form.

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

The investigation shall be conducted in accordance with DGBA(LOCAL). When appropriate, a third party, such as an attorney, may be designated as the hearing officer by the College District. Additionally, when appropriate, the supervisor shall be involved in or informed of the investigation.

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.

CONCLUDING THE  
INVESTIGATION

The investigator shall prepare a written report and findings of the investigation in accordance with DGBA(LOCAL). The report shall be filed with the College District official overseeing the investigation.

COLLEGE DISTRICT  
ACTION

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.

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.

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- CONFIDENTIALITY 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.
- 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 have a right to file a complaint with appropriate state or federal agencies.
- RECORDS RETENTION Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
- ACCESS TO POLICY This policy shall be made available to College District employees on the College District's website. Copies of the policy shall be readily available at the College District administrative offices.