

EMPLOYEE FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

SECTION ONE: STATEMENT OF NONDISCRIMINATION

1.01 Statement of Nondiscrimination Angelina College provides education and employment opportunities without discrimination based on race, color, religion, national origin, sex, disability, age, sexual orientation, gender identity, or gender expression. Angelina College complies with the Americans with Disabilities and Veterans Act.

1.02 Retaliation

The College 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 of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

1.03 False Claims and Statements and Noncooperation with Investigations

An employee who intentionally makes a false claim offers false statements or refuses to cooperate with a College investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.

SECTION TWO: DEFINITIONS

2.01 Employee

Solely for the purposes of this policy, the term “employee” includes former employees, applicants for employment, unpaid interns, and volunteers.

2.02 Discrimination

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

2.03 Prohibited Harassment

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

2.03.1 has the purpose or effect of unreasonably interfering with the employee’s work performance;

2.03.2 creates an intimidating, threatening, hostile, or offensive work environment; or otherwise adversely affects the employee’s performance, environment, or employment opportunities.

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.

2.04 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:

2.04.1 Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or

2.04.2 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.

2.05 Sexual Violence

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

2.06 Examples of Sexual Harassment

Examples of sexual harassment may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

2.07 Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the employee's gender, the employee's expression of characteristics perceived as stereotypical for the employee's gender, or the employee's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if 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.

2.08 Retaliation

Retaliation is punishing employees for asserting their rights to be free from discrimination including harassment. Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified reprimands, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

2.09 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.

Antisemitism “A certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.” (Texas Government Code Section 448.001)

SECTION THREE: REPORTING PROCEDURES

3.01 Employee Report

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor. Alternatively, the employee may report the alleged acts to one of the College District officials below.

3.02 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 designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Tifini Whiddon
Title: Senior Director of Human Resources
Mailing Address: Office of Human Resources, P.O. Box 1768, Lufkin, TX 75902-1768
Campus Address: 201 Administration
Phone: 936-633-4511

3.03 Employee ADA/Section 504 Coordinator

In matters relating to employees, the College 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 the requirements of Section 504 of the Rehabilitation Act of 1973 as amended.

Name: Tifini Whiddon
Title: Senior Director of Human Resources
Mailing Address: Office of Human Resources, P.O. Box 1768, Lufkin, TX
75902-1768
Campus Address: 201 Administration
Phone: 936-633-4511

3.04 Other Antidiscrimination Laws

The College President or designee shall serve as coordinator for purposes of College compliance with all other anti-discrimination laws.

3.05 Alternative Reporting Procedures

An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or the ADA/Section 504 Coordinator, may be directed to the College President. A report against the College President may be made directly to the Board President. If a report is made directly to the Board President, the Board shall appoint an appropriate person to conduct an investigation.

3.06 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 immediately report may impair the College's ability to investigate and address the prohibited conduct.

3.07 Notice of Report

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

3.08 Investigation of Report:

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

3.08.1. Investigation of the Report

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

3.08.2. Referral

If the College official determines that the allegations if proven, would not constitute prohibited conduct as defined by this policy, the College official shall refer the complaint for consideration under the Employee Complaints and Grievances Policy as appropriate.

3.08.3. Interim Action

If appropriate, the College shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College's investigation.

3.08.4. College Investigation

The investigation may be conducted by the College official or a designee or by a

third party designated by the College, such as an attorney (hereinafter “investigator”). The investigator shall have received appropriate training regarding the issues related to the complaint and the relevant College’s policy and procedures. 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. When appropriate, the supervisor(s) shall be involved in or informed of the investigation.

3.08.5. Concluding Investigation

Absent extenuating circumstances, the investigation should be completed within ten (10) College business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation. The investigator shall prepare a written report of the investigation. The investigator shall prepare a written report of the investigation. The report shall be filed with the College official overseeing the investigation.

SECTION FOUR: COLLEGE ACTION

4.01 Prohibited Conduct

If the results of an investigation indicate that prohibited conduct occurred, the College shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. The College 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.

4.02 Confidentiality

To the greatest extent possible, the College 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.

4.03 Appeal

A complainant who is dissatisfied with the outcome of the investigation may appeal through the Employee Complaints process (see DGBA LOCAL in the AC Policy and Procedure Manual), beginning at the appropriate level. The complainant may have the right to file a complaint with appropriate state and federal agencies.

4.04 Records Retention

Retention of records shall be in accordance with the College’s records retention procedures.

4.05 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 employees and students in compliance with the law and in a manner calculated to provide easy access and wide distribution, such as through electronic

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distribution and inclusion in the College Policies and Procedures Manual, and other major College publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College's website, taking into account applicable legal or administrative offices, and shall be distributed to an employee who makes a report requirements. Copies of the policy and procedures shall be readily available at the College's administrative offices and shall be distributed to an employee who makes a report.

The Vice President of Business Affairs is responsible for reviewing and updating this regulation. Policy reviews are made in accordance with the Office of Institutional Effectiveness Policy Tracking document.

Document History
Adopted: 05/2017
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