

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, RETALIATION,
AND SEXUAL ASSAULT

FFD
(LOCAL)

STATEMENT OF
NONDISCRIMINATION

The College prohibits discrimination, including harassment, against any student on the basis age, race, color, religion, national origin, gender, disability, genetic information, veteran status, or any other basis prohibited by law.

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

PROHIBITED
HARASSMENT

Prohibited harassment of a student is defined as physical, verbal or nonverbal conduct based on the students race, color, religion, gender, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College's educational programs.

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.

SEXUAL
HARASSMENT BY
AN EMPLOYEE

Sexual harassment of a student by a College employee includes 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. A College employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct, or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from the College's educational program.

SEXUAL
HARASSMENT BY
A STUDENT OR
OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances, requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the College's educational programs.

SEXUAL VIOLENCE
AND SEXUAL
ASSAULT

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, RETALIATION,
AND SEXUAL ASSAULT

FFD
(LOCAL)

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.

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

Physical contact not reasonably construed as sexual in nature is not sexual harassment.

GENDER-BASED
HARASSMENT

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical of the student's gender, or the student'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 the conduct limits or denies a student's educational ability to participate in or benefit from the College's educational programs.

Examples of gender-based harassment directed against a student, regardless of the student's or harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

RETALIATION

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

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

FALSE CLAIMS

A student 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.

PROHIBITED
CONDUCT

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, RETALIATION,
AND SEXUAL ASSAULT

FFD
(LOCAL)

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

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee.

STUDENT
REPORTS

EMPLOYEE
REPORTS

Any College employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate College official listed in this policy and shall take any other steps required by this policy.

A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person shall not be required to disclose a report of prohibited conduct without the student’s consent.

A person who is a non-professional counselor or advocate designated in administrative procedures as a confidential source shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is disclosing information as required for inclusion in the College’s annual security report under the Clery Act (See GAC)

For purposes of this policy, a “responsible employee” is an employee:

1. Who has the authority to remedy prohibited conduct;
2. Who has been given the duty of reporting incidents of prohibited conduct; or
3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.

For purposes of this policy, the College designates the following persons as responsible employees: any instructor, any administrator, or any College official defined below.

DEFINITION OF
COLLEGE DISTRICT
OFFICIALS
ADA / SECTION 504
COORDINATOR

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

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. The College designates the Director of Human Resources and Risk Management to coordinate its efforts

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, RETALIATION,
AND SEXUAL ASSAULT

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(LOCAL)

to comply with Title II of the Americans with Disabilities Act of 1990, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

Name: Mary Jan Lantz
Position: Director of Human Resources and Risk Management
Address: 4015 Avenue Q, Galveston, TX 77550
Telephone: 409.944.4242

TITLE IX
COORDINATORS

Reports of discrimination or harassment, 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: Mary Jan Lantz
Position: Director of Human Resources & Risk Management
Address: 4015 Avenue Q, Galveston, TX 77550
Telephone: 409.944.4242

OTHER ANTI-
DISCRIMINATION
LAWS

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

A student 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 ADA/Section 504 coordinator or the Title IX coordinator, may be directed to the College President.

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

INVESTIGATION OF
THE 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.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, RETALIATION,
AND SEXUAL ASSAULT

FFD
(LOCAL)

INITIAL ASSESSMENT	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, except as provided below at CRIMINAL INVESTIGATION.
INTERIM ACTION	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College's investigation.
COLLEGE DISTRICT INVESTIGATION	<p>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. The investigator shall have received appropriate training regarding the issues related to complaint and relevant College's policies and procedures.</p> <p>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.</p>
CRIMINAL INVESTIGATION	If a law enforcement or regulatory agency notifies the College that a criminal or regulatory investigation has been initiated, the College shall confer with the agency to determine if the College's investigation would impede the criminal or regulatory investigation. The College shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College shall promptly resume its investigation.
CONCLUDING THE INVESTIGATION	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College to delay its investigation, the investigation should be completed within ten College 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 official overseeing the investigation.</p>
NOTIFICATION OF THE OUTCOME	The College shall provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, RETALIATION,
AND SEXUAL ASSAULT

FFD
(LOCAL)

COLLEGE DISTRICT
ACTION

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, in accordance with College policy and procedures.

PROHIBITED
CONDUCT

CORRECTIVE
ACTION

Examples of corrective action may include, but are not limited to, a training program for those involved in the complaint, a comprehensive education program for the College community, counseling for the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving students in efforts to identify problems and improve the College climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the College's against discrimination and harassment.

Examples of institutional disciplinary action may include, but are not limited to, sanctions or conditions as a requirement for continued enrollment (see examples in above paragraph for corrective action), disciplinary probation, disciplinary suspension, and/or disciplinary expulsion.

The College will take disciplinary action against an employee who violates any of the College's policies or procedures or otherwise has employment or performance problems. The following types of corrective action have been established: counseling; written reprimand; suspension without pay; decision making leave; reassignment (including demotion); and termination. The nature and level of severity of performance determines which level of corrective action is appropriate. The levels are recommended step sequences; however the procedures do not dictate that levels must be followed sequentially.

EXCEPTION

The College shall minimize attempts to require a student who complains of sexual harassment to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution method, the College shall be involved in an appropriate manner. Mediation shall not be used to resolve sexual harassment complaints.

IMPROPER
CONDUCT

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College may take disciplinary action in accordance with College policy and procedures or other corrective action reasonably calculated to address the conduct.

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.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, RETALIATION,
AND SEXUAL ASSAULT

FFD
(LOCAL)

APPEAL

A student who is dissatisfied with the outcome of the investigation may appeal through FLD (LOCAL), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

RECORDS
RETENTION

Retention of records shall be in accordance with the College's records retention procedures. [See CIA]

ACCESS TO POLICY
AND PROCEDURES

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 a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in major College publications. Information regarding the policy and procedures shall also be prominently published on the College's website. Copies of the policy and procedures shall be readily available at the College's administrative offices and shall be distributed to a student who makes a report.