



EMPLOYEE POLICIES & PROCEDURES

I, _____, understand that Coastal Bend College will send the Policies & Procedures listed below to my designated email address.

I understand that it is my responsibility to review and comply with the following Coastal Bend College Policies and Procedures and any revisions made to them:

- Drug-Free Workplace Policies
- Campus Crime & Statistics
- Americans with Disabilities Act Information
- Minor Children on Campus
- Donation to the General Scholarship Fund
- Harassment Policies & Procedures
- Use of Tobacco Concealed
- Weapons Complaint Procedures
- Employee Standards of Conduct
- Employee Welfare
- Student Welfare
- CBC Equal Opportunity Policy
- Affirmative Action Program Policy Statement

Employee Signature: _____ Date: _____

Email Address: _____

Coastal Bend College Policies & Procedures

Drug Free Workplace Policies:

Employees or students who have drug or alcohol problems must seek counseling. Substance abuse or failure of rehabilitation therapy may lead to job termination following due process procedures outlined in the policy manual. *CBC Policy Manual DO (Local)*

Each employee shall abide by policies in this document, and in the policy manual. Employees must notify the college president of any on-campus criminal drug statute violation within five days of a plea of guilty by a trial court.

Within 30 days of receiving such notice described above for a workplace drug statute violation, policy requires the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by governing entities.

The telephone number for CBC Dean of Student Services Office is 361-354-2725. The office personnel will make appropriate referrals to area treatment centers. No punitive actions will be taken against first-offenders participating in rehabilitative drug or alcohol abuse counseling.

The possession of the following substances on campus, or at college-sponsored student activities, is an offense:

1. Any controlled substance or dangerous drug is defined by law. That includes any non-prescription marijuana, narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate;
2. Alcoholic beverages;
3. Abusable glues, aerosols, or other volatile chemical inhalation substances;
4. Other intoxicants, mood-changing, non-prescription, mind-, or behavior altering chemicals.

The transmittal, sale, or attempted sale of any of the above-listed substances is prohibited under this policy. Those who use drugs authorized by licensed physicians, and legally prescribed specifically for that individual's uses, are not in violation.

Campus Crime & Institutional Response:

Employees and students are to report any campus crimes to the Dean of Student Services in Beeville or to the Alice, Kingsville, or Pleasanton Campus Director/Coordinator either prior to or immediately after notifying the Police Department. The Dean of Student Services or the appropriate Campus Director/Coordinator will contact the appropriate law enforcement authority, and initiate a campus investigation. If and when anyone is identified and charged with the crime, the Dean of Student Services or the appropriate Campus Director/Coordinator will initiate appropriate suspension (as warranted). Anyone subjected to disciplinary proceedings shall be afforded due process outlined in the policy manual. Victims of violence will have access to the institutional disciplinary proceedings against the alleged perpetrator of the crime.

Coastal Bend College, in compliance with the Crime Awareness and Campus Security Act of 1990, continually collects statistics on campus crime. An annual report is prepared and distributed to students and employees. The following statistics have been reported for the past three years by the chiefs of police, Alice, Beeville, Kingsville, and Pleasanton and the Bee County Sheriff's Department.

From July 1, 2013 through August 31, 2014:

Alice Center:P q'k'p'f' g'p'u'T'g'r' q't'v'g'f'
Bee County Campus: 3'uz'z'v'c'f'c'u'c'w'x'3'c'u'c'w'x'5'y' g'h'u.'5'd'w'i' r'c't'l'g'u.'3'd'w'i' r'c't'{' 'q'h'i'o' q'q't' 'x'g'j' l'e'j' r'g.'6'c't't'g'u'u

Kingsville.....3'c're'q'j' q'n'x'l'q'r'e'v'k'q'p.'3'c't't'g'u'v'
Pleasanton:3'c'u'c'w'x'3'y' g'h'x'3'x'c'p'f' c'k'u'o' 'q'h'i'r' t'q'r' g't'v'f'

From July 1, 2014 through August 31, 2015:

Alice Center: No incidents reported
Bee County Campus:3'k'o' r'ng'c'u'c'w'x'3'f' t'w'i' 'c'd'w'g'x'l'q'c'v'k'q'p.'6'M' 'u'g'c't'e'j'
4 arrests

Kingsville:VDC
Pleasanton:3'c'u'c'w'x'3'y' g'h'x'3'x'c'p'f' c'k'u'o' 'q'h'i'r' t'q'r' g't'v'f'

From July 1, 2015 through August 31, 2016:

Alice Center:3'd'w'i' r'c't'{' .3'd'w'i' r'c't'{' 'q'h'i'o' q'q't' 'x'g'j' l'e'j' r'g.'3'e'q'p'c'e'v't'w'd'l'g'e'v.'5'e't'l'o' l'p'c'r'i'b' k'u'e'j' l'g'h'
Bee County Campus:3'c'u'c'w'x'3'f' t'w'i' 'x'l'q'r'e'v'k'q'p.'4'c're'q'j' q'n'x'l'q'r'e'v'k'q'p.'3'c't't'g'u'v'
Kingsville Center:3'c'u'c'w'x'
Pleasanton Center: No incidents reported.

Coastal Bend College does not discriminate on the basis of race, creed, religion, color, national origin, gender, age, or disability.

Americans with Disabilities Act Information:

Coastal Bend College maintains a barrier-free campus. Employees should notify the Director of Human Resources of any barrier on college property which inhibits mobility or accessibility to teaching or learning environments. Employees must notify their immediate supervisor of any special equipment or assistance needed to perform their assigned duties within the first five days of employment. *CBC Policy Manual DOA (Local)*

Minor Children on campus:

Minor children are not allowed on campus while student parents are attending classes and CBC employees are performing their responsibilities at work. Minor children who are visiting the campus with parents conducting college business must be under direct supervision and control of their parents or guardians at all times.

Donation to the General Scholarship Fund:

CBC Employees and other interested individuals are welcome to make contributions to the CBC General Scholarship Fund. Scholarship contributions are accepted in celebration of special occasions in lieu of flowers or gifts. Donations are also accepted with great appreciation in a memorial remembrance of family or community members. These contributions will be acknowledged by a card of sincere thanks. CBC scholarships will be used to reward academic excellence among full-time students. Gifts made to the Coastal Bend College Foundation, a 501(c)(3) tax-exempt organization, are tax-deductible as allowed by law. Upon accepting your contribution, we will promptly forward a gift receipt to you. For more information, contact Patricia Patel the Foundation Executive Director at 361-354-2447.

Harassment- Policies and Procedures:

Students and employees are prohibited from causing tension for other CBC students, CBC employees, or disabled individuals by demeaning or harassing conduct, including animosity engendered by inappropriate religious, racial, or sexual conduct or comments. *CBC Policy Manual DOA (Local) & FFD (Local)*

Anyone exhibiting this behavior will be disciplined in accordance with college policy. Harassment of any nature is in violation of CBC's institutional objective to promote an optimum learning environment.

Harassing conduct by an employee should be reported to the employee's immediate supervisor. Student misconduct should first be reported to the instructor, if occurring in the classroom. The Dean of Student Services records complaints and guides individuals through grievance procedures.

Use of Tobacco:

In order to protect and promote the health, safety, and welfare of employees, students and the public, Coastal Bend College will provide an environment free from exposure to tobacco smoke. Neither smoking nor the use of tobacco products (cigars, cigarettes, pipes, chewing tobacco, and snuff) is permitted in college facilities or in college-owned vehicles.

Administrators and other supervisory personnel shall take appropriate steps to provide adequate notice that smoking will not be permitted within college facilities and college-owned vehicles.

1. The Physical Plant Director will ensure that signs are appropriately placed in all college facilities and vehicles.
2. The use of tobacco is permitted in outdoor areas including patios, courtyards, and open breezeways.
3. The sale of tobacco products on campus is prohibited.

Concealed Weapons:

Governor George W. Bush signed the Concealed Handgun Bill which allows eligible individuals who have acquired a permit to carry a concealed weapon. However, according to the Texas Penal Code, Section 46.03 entitled "Places Weapons Prohibited": **IT IS ILLEGAL FOR AN INDIVIDUAL TO CARRY A FIREARM ON THE CAMPUS OF AN EDUCATIONAL INSTITUTION.** Therefore, in spite of the legalization to carry a firearm, this law will NOT allow a person to carry a weapon on any property owned or leased by Coastal Bend College. This includes all off campus sites, college housing, and the day care center.

Your cooperation in ensuring the safety of our campus community is appreciated. If you have any questions about the law or these instructions, please call the Human Resources Office at 361-354-2224.

Coastal Bend College does not discriminate on the basis of race, creed, religion, color, national origin, gender, age, or disability.

PERSONNEL-MANAGEMENT RELATIONS
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(LEGAL)

UNITED STATES
CONSTITUTION

A college district shall take no action abridging the freedom of speech or the right of the people to petition the board for redress of grievances. *U.S. Const. Amend. I, XIV*

The board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167, 174 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968) [See DG]

TEXAS CONSTITUTION

The citizens, including college district employees, shall have the right, in a peaceable manner, to assemble together for their common good and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance. *Tex. Const. Art. I, Sec. 27*

There is no requirement that the board negotiate or even respond to complaints. However, the board must stop, look, and listen and must consider the petition, address, or remonstrance. *Prof'l Ass'n of College Educators v. El Paso County Cmty District*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

FEDERAL LAWS
SECTION 504

A recipient of federal financial assistance that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by 34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973 regulations). Such procedures need not be established with respect to complaints from applicants for employment. *34 C.F.R. 104.7(b), .11*

AMERICANS WITH
DISABILITIES ACT

A public entity, including a college district, that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the 28 C.F.R. Part 35 (Americans with Disabilities Act regulations). *28 C.F.R. 35.107(b), .140*

TITLE IX

Each recipient of federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by 34 C.F.R. Part 106 (Title IX of the Education Amendments of 1972 regulations). *34 C.F.R. 106.8(b); North Haven Bd of Educ. v. Bell*, 456 U.S. 512 (1982)

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STATE LAWS

WAGES, HOURS,
CONDITIONS OF
WORK

Government Code Chapter 617 (prohibition against collective bargaining and strikes, see DGA) does not impair the right of employees to present grievances concerning their wages, hours of employment, or conditions of work, either individually or through a representative that does not claim the right to strike. *Gov't Code 617.005*

The term "conditions of work" should be construed broadly to include any area of wages, hours, or conditions of employment, and any other matter that is appropriate for communications from employees to employer concerning an aspect of their relationship. *Atty. Gen. Op. JM-177 (1984); Corpus Christi Fed. of Teachers v. Corpus Christi Indep. Sch. Dist., 572 S.W.2d 663 (Tex. 1978)*

The statute protects grievances presented individually or individual grievances presented collectively. *Lubbock Prof'l Firefighters v. City of Lubbock, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref'd n.r.e.)*

REPRESENTATIVE

A college district cannot deny an employee's representative, including an attorney, the right to represent the employee at any stage of the grievance procedure, so long as the employee designates the representative and the representative does not claim the right to strike. *Lubbock Prof'l Firefighters v. City of Lubbock, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref'd n.r.e.); Sayre v. Mullins, 681 S.W.2d 25 (Tex. 1984)*

A college district should meet with employees or their designated representatives at reasonable times and places to hear grievances concerning wages, hours of work, and conditions of work. The right to present grievances is satisfied if employees have access to those in a position of authority to air their grievances. However, that authority is under no legal compulsion to take action to rectify the matter. *Att'y. Gen. Op. H-422 (1974); Corpus Christi Indep. Sch. Dist v. Padilla, 709 S.W.2d 700 (Tex. App.—Corpus Christi 1986, no writ)*

OPEN MEETINGS ACT

Government Code Chapter 551 does not require a governmental body, including a college district board of trustees, to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee or to hear a complaint or charge against an employee. This section does not apply if the employee who is the subject of the deliberation or hearing requests a public hearing. *Gov't Code 551.074* [See BDA]

CLOSED MEETING

A board may conduct a closed meeting on an employee complaint to the extent required or provided by law. *Gov't Code 551.082* [See BDA]

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WHISTLEBLOWER
COMPLAINTS

Before bringing suit, a public employee, including a college district employee, must initiate action under the grievance or appeal procedures of the employing state or local governmental entity relating to suspension or termination of employment or adverse personnel action before suing under Government Code Chapter 554 (whistleblowers). *Gov't Code 554.006* [See DG]

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PURPOSE AND SCOPE It is the policy of the College District to encourage fair, efficient, and equitable solutions for problems arising out of the employment relationship. This grievance policy, applicable to all employees, pertains to all matters concerning an employee's terms and conditions of employment except where covered under separate College District policies as identified below:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or the ADA and Section 504 (disability). [See DIA]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]
3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]
4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]
5. Complaints concerning an employment preference for former foster children. [See DC]
6. Complaints and appeals arising from the dismissal of term contract faculty members and contract employees prior to the contract end date. [See DMAA]

GENERAL
PROVISIONS

DEFINITION OF
GRIEVANCE

A grievance is a structured process by which an employee can express concerns or complaints regarding the terms and conditions of his or her employment including, but not limited to, those regarding evaluations, terminations, disciplinary actions, Texas Whistleblower Act complaints, contract nonrenewals, wages, hours, and leave. In this policy, the terms "complaint" and "grievance" shall have the same meaning.

PROCESS
MANAGEMENT

The director of human resources or designee shall make available to employees forms provided by the College District for submission of grievances. The director of human resources or designee shall be responsible for the receipt and management of grievances submitted and filed by employees.

METHODS OF
SUBMISSION

Grievance forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the director of human resources or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and

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received by the director of human resources or designee no more than three days after the deadline.

CALCULATION OF
TIME

“Days” shall mean College District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

TIMELINESS OF
SUBMISSIONS

All time limits shall be strictly followed unless an extension of time is granted by the director of human resources or designee upon good cause shown. Any requests for modification of time limits shall be submitted in writing to the director of human resources or designee for review and consideration before any deadline imposed by this policy. Failure by the grievant to obtain permission for an extension of time before an applicable deadline shall result in termination and dismissal of the process. Failure by the party responsible for reviewing the grievance to obtain permission for an extension of time before an applicable deadline shall result in transfer of the grievance to the next level of the process.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice by the director of human resources or designee to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

RIGHT TO
REPRESENTATION

The employee may designate a representative through written notice to the College District through the director of human resources or designee at any level of this process. If the employee designates a representative with fewer than three days’ notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District’s counsel. The College District may be represented by counsel at any level of the process.

“Representative” means any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.

CONSOLIDATION OF
GRIEVANCES

Grievances arising out of an event or a series of related events shall be addressed in one grievance. When two or more grievances are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District, as determined by the director of human resources or designee, may consolidate the complaints. Employees bringing separate or serial grievances arising from any event or series of events that have

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	<p>been or could have been addressed in previous grievances shall be notified in writing of the decision to consolidate the grievances by the director of human resources or designee.</p>
NO EVIDENTIARY HEARINGS	<p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
NOTICE TO EMPLOYEES	<p>The College District shall inform employees of this policy.</p>
FREEDOM FROM RETALIATION	<p>Neither the Board nor any College District employee shall unlawfully retaliate against an employee for bringing a concern, complaint, or grievance.</p>
COSTS INCURRED	<p>Each party shall pay its own costs, including, but not limited to, costs of any legal representation incurred in the course of the grievance.</p>
INFORMAL PROCESS	<p>The Board encourages employees to discuss their concerns and grievances regarding the terms and conditions of their employment through informal conferences with their supervisor.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>If an informal conference regarding a grievance fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written grievance form.</p> <p>Even after initiating the formal grievance process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal grievance at any time by providing written notice to the director of human resources or designee.</p>
FORMAL PROCESS INITIATION OF THE GRIEVANCE	<p>A formal grievance shall be filed with the director of human resources or designee within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the grievance.</p> <p>The employee (grievant) shall also submit, along with the grievance, copies of any documents he or she believes supports the grievance. If the employee (grievant) does not have copies of the documents at the time the grievance is filed, the documents may be presented at the Step Two conference.</p> <p>As referenced herein, the grievance file shall be comprised of the grievance, appeals, all documents submitted and collected during</p>

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the course of the grievance, and all written responses and decisions. The grievance file shall be maintained by the director of human resources or designee and forwarded to the appropriate decision makers as required during the steps of the process.

- STEP ONE Within three days of receipt of the grievance, the director of human resources or designee shall forward a copy of the grievance and the grievance file to the immediate supervisor of the individual who took the action grieved. The director of human resources or designee shall inform the immediate supervisor charged with reviewing the grievance of the deadline by which a response must be completed.
- STEP TWO Within 15 days of receipt of the grievance by the immediate supervisor of the individual who took the action grieved, the immediate supervisor shall submit a written response setting forth the basis of the decision to the director of human resources or designee. In preparing a response, the immediate supervisor shall meet with the employee (grievant), review the grievance file and any other new documents presented by the employee (grievant), and conduct any other investigation the immediate supervisor deems is warranted. The immediate supervisor shall forward his or her decision and the grievance file to the director of human resources or designee.
- STEP THREE Within one day of receipt of the immediate supervisor's decision, the director of human resources or designee shall provide a copy of the decision to the employee (grievant) and notify him or her of the right to appeal to the College President.
- STEP FOUR If the employee (grievant) is not satisfied with the decision of the immediate supervisor, the employee (grievant) may request appeal of the decision to the College President by submitting a written request of appeal to the director of human resources or designee within three days of receipt of the decision.
- STEP FIVE Within two days of receipt of the appeal, the director of human resources or designee shall forward notice of the appeal and the grievance file to the College President for consideration of the action grieved. The director of human resources or designee shall inform the College President of the deadline by which a response must be completed.
- STEP SIX Within 15 days of receipt of the notice of the appeal and the grievance file, the College President shall submit a written response setting forth the basis of the decision to the director of human resources or designee. In preparing a response, the College President shall meet with the employee (grievant), review the grievance file, and conduct any other investigation the College President deems is warranted. The College President shall forward the deci-

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- sion and the grievance file to the director of human resources or designee.
- STEP SEVEN Within one day of receipt of the College President's decision, the director of human resources or designee shall provide a copy of the decision to the employee (grievant) and notify him or her of the right to appeal the decision to the Board.
- STEP EIGHT If the employee (grievant) is not satisfied with the decision of the College President, the employee (grievant) may request appeal of the decision by submitting a written request of appeal to the director of human resources or designee within three days of receipt of the decision.
- STEP NINE Within two days of timely receipt of an appeal, the director of human resources or designee shall forward the appeal and grievance file to the Board Secretary.
- STEP TEN Upon receipt of the notice of appeal and the grievance file, the Board Secretary shall be responsible for notifying the Board President so that the grievance appeal can be included on the agenda of the next Board meeting and for delivering the appeal and grievance file to the Board President.
- The director of human resources or designee shall inform the employee (grievant) of the date, time, and place of the Board meeting at which the employee (grievant) may present the grievance.
- The College District shall determine whether the grievance appeal will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law.
- The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the employee (grievant) and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decision at the preceding level. The Board may also review the grievance file.
- In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the presentations and discussions by audio recording, video/audio recording, or court reporter.
- The Board shall then consider the grievance. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the grievance by the end of the next regularly scheduled meeting, the lack of a response by the Board

upholds the last administrative decision upon which the appeal to the Board was based. The grievance process is then terminated and no other appeals can be made.

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All College District employees shall perform their duties in accordance with state and federal law, College District policy, and ethical standards.

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District.

GROUND FOR
DISCIPLINARY ACTION

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. The reasons hereafter listed shall also constitute cause for discharge of employees with unexpired contracts: [See DDC and DM series]

1. Misuse of College District Resources: Unauthorized personal use of College District time, property, facilities, or equipment shall be prohibited. An employee shall not utilize College District time, property, facilities, or equipment for any purpose other than official College District business, unless such use is approved by the employee's direct supervisor in writing. The employee's supervisor shall consider whether the use is reasonable and incidental and does not result in any personal economic gain to the employee, direct cost to the College District, interference with official duties, or interference with College District functions.
2. Intentional Destruction of College District Records: Any intentional act to destroy College District records outside of the College District's requirements for records retention and destruction is prohibited. An employee shall also comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. College District records as referenced herein are "local government records" as defined in Local Government Code 201.003(8). [See CIA]
3. Violation of the College District's Alcohol and Drugs Policy: The College District prohibits the unlawful manufacture, sale, distribution, dispensation, possession, or use of chemical inhalants, controlled substances, and/or alcohol in the workplace or at College District-related activities during or outside of usual working hours. The College District further prohibits the consumption of any alcoholic beverage, or being under the influence of chemical inhalants, alcohol, or any controlled substances within the workplace, or in College

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District-owned vehicles. An individual need not be legally intoxicated to be considered under the influence of a controlled substance or alcohol.

Unlawful controlled substances, alcohol and alcoholic beverages, and chemical inhalants are defined as follows:

- a. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
- b. Alcohol or any alcoholic beverage as defined by state law.
- c. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
- d. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drugs.

An employee shall not engage in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a substance listed above where the act is carried out in furtherance of the employee's job responsibilities or where possession and use are authorized by a licensed physician and prescribed for the employee.

The College President is authorized to approve exemptions to allow the serving and consumption of alcoholic beverages, as provided by law at various College District events sponsored or approved by the College District.

A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided each employee at the beginning of each year or upon employment.

Each employee shall be given a copy of the College District's notice regarding a drug-free workplace. [See DI(EXHIBIT)]

4. Violation of the College District's Smoke-Free Environment Policy: Repeated and/or intentional violations of the College District's Smoke-Free Environment Policy are prohibited. In order to protect and promote the health, safety, and welfare of employees, students, and the public, the College District shall provide an environment free from exposure to tobacco smoke. Neither smoking nor the use of tobacco products (cigars, cigarettes, pipes, chewing tobacco, and snuff) shall be permitted in the College District's main campus facilities, in off-campus facilities, or in College District-owned vehicles.

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Administrators and other supervisory personnel shall take appropriate steps to provide adequate notice regarding the College District's tobacco use restrictions, including:

- a. Posting signs in appropriate places in all College District facilities and vehicles.
 - b. Permitting the use of tobacco in designated outdoor areas.
 - c. Prohibiting the sale of tobacco products on the College District campus.
5. Conviction or Pleas for Any Felony or Crime of Moral Turpitude: Employees convicted or pleading guilty or no contest to any felony or crime of moral turpitude, as defined by law, shall be dismissed or, in the case of unexpired contracts, shall serve as a basis for action to dismiss.

An employee shall notify his or her immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or any offense involving moral turpitude.

Moral turpitude includes but is not limited to:

- a. Dishonesty, fraud, deceit, theft, or misrepresentation;
 - b. Deliberate violence;
 - c. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
 - d. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
 - e. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
 - f. Acts constituting abuse under the Texas Family Code
6. Unprofessional conduct.
7. Discrimination or harassment of an employee, student, or applicant for a position or program at the College District, or retaliation against a person for complaining of discrimination and/or harassment or for cooperating in an investigation of alleged discrimination and/or harassment.

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8. Professional incompetence and inability to carry out job duties, responsibilities, and work assignments.
9. Insubordination and repeated failure to comply with directives by supervisors, the College President or established by Board policy, or administrative procedure.
10. Repeated willful and serious dereliction of duty.
11. Assault of an employee of the College District, a student of the College District, or a parent or legal guardian of a student of the College District.
12. Deliberate violation of another's civil rights while performing assigned duties.
13. Unauthorized and deliberate failure to report for duty after all leave has been exhausted.
14. Deliberate falsification of information contained in the employee's application for employment.
15. Deliberate falsification of any document in connection with employee's employment relationship with the College District or in connection with any College District activity.
16. Theft of College District property.
17. Excessive unexcused absences.
18. Unauthorized and intentional disclosure of confidential employee or student information.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LEGAL)

PUBLIC SERVANTS All college district employees are public servants and therefore subject to Title 8 of the Penal Code, regarding offenses against public administration, including bribery and corrupt influence (Chapter 36), perjury and other falsification (Chapter 37), obstructing governmental operation (Chapter 38), and abuse of office (Chapter 39). *Penal Code 1.07(a)(41), Title 8* [See DBD and BBFA]

DRUG AND ALCOHOL ABUSE PROGRAM A person other than an individual shall not receive a grant from a Federal agency unless the person agrees to provide a drug-free workplace by:

FEDERAL DRUG-FREE WORKPLACE ACT

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of the prohibition [see DI(EXHIBIT)];
2. Establishing a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the grantee's policy of maintaining a drug-free workplace; available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed on employees for drug abuse violations;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by item 1;
4. Notifying the employee in the statement required by item 1 that as a condition of employment in the grant the employee will abide by the terms of the statement; and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;
5. Notifying the granting agency within ten days after receiving notice under item 4 from an employee or otherwise receiving actual notice of a conviction;
6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. 8104; and
7. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of items 1 to 6.

41 U.S.C. 8103(a)(1)

EMPLOYEE STANDARDS OF CONDUCT

DH
(LEGAL)

SEX OFFENDER
REGISTRATION

Not later than the later of the seventh day after the date on which the person begins to work or the first date the applicable authority by policy allows the person to register, a person required to register under Code of Criminal Procedure Chapter 62 who is employed or carries on a vocation at a public or private institution of higher education in this state shall report that fact to:

1. The authority for campus security for that institution; or
2. If an authority for campus security for that institution does not exist the local law enforcement authority of:
 - a. The municipality in which the institution is located; or
 - b. The county in which the institution is located, if the institution is not located in a municipality.

The person described above shall provide the authority for campus security or the local law enforcement authority all information the person is required to provide under Code of Criminal Procedure 62.051(c). The person shall notify the authority for campus security or the local law enforcement authority not later than the seventh day after the date of termination of the person's status as a worker at the institution.

The authority for campus security or the local law enforcement authority shall promptly forward to the administrative office of the institution any information received from the person under Code of Criminal Procedure 62.153 and any information received from the Texas Department of Public Safety under Code of Criminal Procedure 62.005.

This section does not impose the requirements of public notification or notification to public or private primary or secondary schools on:

1. An authority for campus security; or
2. A local law enforcement authority, if those requirements relate to a person about whom the authority is not otherwise required by Code of Criminal Procedure Chapter 62 to make notifications.

[See also GAA]

Code of Criminal Procedure 62.153(a)–(d), (f)

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DOA
(LEGAL)

Note: This policy addresses harassment of College District employees. For legally referenced material relating to discrimination and retaliation, see DAA(LEGAL). For harassment of students, see FDE.

OFFICIAL
OPPRESSION

A public official commits a Class A misdemeanor if, while acting in his or her official or employment capacity, the official intentionally subjects another to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. *Penal Code 39.03*

HARASSMENT OF
EMPLOYEES

Harassment on the basis of a protected characteristic is a violation of the federal anti-discrimination laws. A College District has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 CFR 1606.8(a), 1604.11*

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)*

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

HOSTILE
ENVIRONMENT

Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Pennsylvania State Police v. Suders, 542 U.S. 129 (2004); Nat'l Railroad Passenger Corp. v. Morgan, 536 U.S. 101 (2002); Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986); 29 CFR 1604.11, 1606.8

QUID PRO QUO

Conduct of a sexual nature also constitutes harassment when:

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DOA
(LEGAL)

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

29 CFR 1604.11(a)

SAME-SEX SEXUAL
HARASSMENT

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

HARASSMENT POLICY

A College District should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. *29 CFR 1604.11(f)*

CORRECTIVE ACTION

A College District is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the College District, its agents, or its supervisory employees knew or should have known of the conduct, unless the College District takes immediate and appropriate corrective action. *29 CFR 1604.11(d), (e); 1606.8(d), (e)*

When no tangible employment action is taken, a College District may raise the following affirmative defense:

1. That the College District exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)

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.

STATEMENT OF
NONDISCRIMINATION

The College District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, national origin, 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, religion, gender, national origin, 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, gender, 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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FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

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 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.

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

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.

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FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

Name: Ana-Alyse Olivares
Position: Assistant to HR Director and Title IX Coordinator
Address: 3800 Charco Road, Beeville, TX 78102
Telephone: (361) 354-2224

TITLE IX
COORDINATOR

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

Name: Ana-Alyse Olivares
Position: Assistant to HR Director and Title IX Coordinator
Address: 3800 Charco Road, Beeville, TX 78102
Telephone: (361) 354-2224

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 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.

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

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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 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 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

Absent extenuating circumstances, the investigation should be completed within ten College District 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 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.

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.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

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.

Note: This policy addresses bullying and dating violence involving College District students. For provisions regarding discrimination and harassment involving College District students, see FFD.

BULLYING AND
DATING VIOLENCE
PROHIBITED

The College District prohibits bullying and dating violence as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

DEFINITIONS
BULLYING

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on College District property, at a College District-sponsored or College District-related activity, or in a vehicle operated by the College District and that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is so sufficiently severe, persistent, and pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

EXAMPLES

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism.

DATING VIOLENCE

Dating violence occurs when one partner in a dating relationship, either past or current, intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other partner to the point that the abuse:

1. Affects the student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of dating violence against a student may include physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student,

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FREEDOM FROM BULLYING AND DATING VIOLENCE

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	threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.
RETALIATION	The College District prohibits retaliation by a student or College District employee against any person who in good faith makes a report of bullying or dating violence, serves as a witness, or participates in an investigation.
EXAMPLES	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 CLAIM	A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding bullying, dating violence, or retaliation as defined by this policy shall be subject to appropriate disciplinary action.
TIMELY REPORTING	Reports of bullying, dating violence, or retaliation 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.
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 an instructor, counselor, administrator, or other College District employee.
STUDENT REPORT	
EMPLOYEE REPORT	Any College District employee who suspects or receives notice that a student or group of students has or may have experienced bullying, dating violence, or retaliation shall immediately notify the dean of student services.
REPORT FORMAT	A report may be made orally or in writing. The dean of student services or designee shall reduce any oral reports to written form.
PROHIBITED CONDUCT	The dean of student services or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FDE, including harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the College District shall proceed under policy FFD instead.
INVESTIGATION OF THE REPORT	The dean of student services or designee shall conduct an appropriate investigation based on the allegations in the report. The dean of student services or designee shall promptly take interim action calculated to prevent bullying, dating violence, or retaliation,

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(LOCAL)

as defined by this policy, during the course of an investigation, if appropriate.

CONCLUDING THE
INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten College District business days from the date of the initial report alleging bullying, dating violence, or retaliation, as defined by this policy; however, the dean of student services or designee shall take additional time if necessary to complete a thorough investigation.

The dean of student services or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying, dating violence, or retaliation, as defined by this policy, occurred. A copy of the report shall be sent to the College President or designee.

COLLEGE DISTRICT
ACTION

If the results of an investigation indicate that bullying, dating violence, or retaliation as defined by this policy occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

CORRECTIVE
ACTION

Examples of corrective action may include implementing a training program for the individuals involved in the complaint, implementing a comprehensive education program for the College District community, conducting 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 District climate, increasing staff monitoring of areas where bullying, dating violence, or retaliation has occurred, and reaffirming the College District's policy against bullying, dating violence and retaliation.

IMPROPER
CONDUCT

If the investigation reveals improper conduct that did not rise to the level of bullying, dating violence, or retaliation as defined by this policy, the College District may take disciplinary action.

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.

APPEAL

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

RECORDS RETENTION

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

ACCESS TO POLICY
AND PROCEDURES

Information regarding this policy and accompanying procedures shall annually be made available to College District employees and

students and shall be published on the College District's Web site. Copies of the policy and procedures shall be readily available at the College District's administrative offices.

Note: This policy addresses discrimination, harassment, and retaliation targeting College District students. For the College District's response regarding discrimination, harassment, and retaliation targeting College District employees, see DIA.

STATEMENT OF
NONDISCRIMINATION

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

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, 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 student's race, color, religion, gender, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

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 District 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 District 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:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

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.

EXAMPLES

Examples of sexual harassment of a student 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.

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 for 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:

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(LOCAL)

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of gender-based harassment directed against a student, regardless of the student's or the 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 District prohibits retaliation by a student or College District 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

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 District investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.

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

STUDENT REPORT

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 an instructor, counselor, administrator, other College District employee, or the appropriate College District official listed in this policy.

EMPLOYEE REPORT

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

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFD
(LOCAL)

DEFINITION OF
COLLEGE DISTRICT
OFFICIALS

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

ADA / SECTION 504
COORDINATOR

Reports of discrimination based on disability may be directed to the 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 the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Ana-Alyse Olivares

Position: Human Resources Assistant Director/Title IX
Coordinator

Address: 3800 Charco Road, Beeville, TX 78102

Telephone: (361) 354-2224

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

Name: Dr. Michael Chavez

Position: Vice President of Student and Administrative Services

Address: 3800 Charco Road, Beeville, TX 78102

Telephone: (361) 354-2301

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

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 District's ability to investigate and address the prohibited conduct.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFD
(LOCAL)

INVESTIGATION OF THE REPORT	The College District may request, but shall not require, a written report. If a report is made orally, the College District official shall reduce the report to written form.
INITIAL ASSESSMENT	<p>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, except as provided below at CRIMINAL INVESTIGATION.</p> <p>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 FFE.</p>
INTERIM ACTION	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College District shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College District's investigation.
COLLEGE DISTRICT INVESTIGATION	<p>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.</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 District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District 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 District shall promptly resume its investigation.
CONCLUDING THE INVESTIGATION	Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within ten College District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

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	<p>The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation.</p>
NOTIFICATION OF OUTCOME	<p>The College District shall provide written notice of the outcome, within the extent permitted by law, to the victim and the person against whom the complaint is filed in compliance with the Family Educational Rights and Privacy Act (FERPA).</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>
PROHIBITED CONDUCT	
CORRECTIVE ACTION	<p>Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the College District 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 District climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the College District's policy against discrimination and harassment.</p>
EXCEPTION	<p>The College District 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 District shall be involved in an appropriate manner. Mediation shall not be used to resolve sexual harassment complaints.</p>
IMPROPER CONDUCT	<p>If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the 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>
APPEAL	<p>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.</p>

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

ACCESS TO POLICY
AND PROCEDURES Information regarding this policy and any accompanying procedures shall be distributed annually to College District employees and students in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in major College District publications. Information regarding the policy and procedures shall also be prominently published on the College District's website. Copies of the policy and procedures shall be readily available at the College District's administrative offices.



Coastal Bend COLLEGE

COASTAL BEND COLLEGE EQUAL OPPORTUNITY POLICY

Coastal Bend College does not discriminate on the basis of race, creed, color, national origin, gender, disability or age in: the recruitment and admission of students; the availability of student loans, grants, and scholarships; the opportunity to participate in student activities; the provision of student services; the use of college housing; the recruitment and employment of faculty and staff; and the operation of any programs and activities as specified by federal laws and regulations. The equal opportunity coordinator and coordinator for compliance with Section 504 of the Vocational Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975 is Audrey Ramirez, Human Resources Manager. Mrs. Ramirez is designated as Affirmative Action Officer and is responsible for periodic analysis of Coastal Bend College Equal Opportunity Policy actions. Resulting reports are submitted to the college president to ensure compliance with this policy.

Questions or concerns should be addressed to Audrey Ramirez, Coastal Bend College, 3800 Charco Road, Beeville, Texas 78102 or telephone (361) 354-2211.



Dr. Beatriz Espinoza, President

November 13, 2017

Date



Coastal Bend COLLEGE

AFFIRMATIVE ACTION PROGRAM POLICY STATEMENT

Coastal Bend College has been, and will continue to be, an equal opportunity, affirmative action employer. To assure full implementation of this policy, Coastal Bend College will assure that:

- a. Persons are recruited, hired, and promoted for all jobs without regard to race, color, religion, gender, age, national origin, or disability.
- b. Placement decisions are based solely on an individual's qualifications for the position being filled.
- c. Other personnel actions -- such as compensation, benefits, transfers, layoffs, return from layoff, college sponsored training or activities are administered without regard to race, color, religion, gender, age, national origin or disability.

Audrey Ramirez, Human Resources Manager, is designated as Affirmative Action Officer. Mrs. Ramirez is responsible for periodic analysis of Coastal Bend College personnel actions. Resulting reports are submitted to the college president to insure compliance with this policy.

Dr. Beatriz Espinoza

November 13, 2017

Date