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Note:—~~This policy addresses discrimination, harassment, and retaliation involving College District students. For the College District's response regarding discrimination, harassment, and retaliation involving College District employees, see DOA.~~

~~STATEMENT OF
NONDISCRIMINATION~~

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

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~~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:~~

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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- ~~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 REPORTS

~~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
REPORTS**

~~Any College District employee who has reason to believe 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.~~

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~~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: ——— Kim Davison~~

~~Position: ——— Vice President of Organizational Effectiveness and
Human Resources~~

~~Address: ——— 3452 Spur 399, McKinney, TX 75069~~

~~Telephone: —(972) 985-3780~~

~~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: ——— Kim Davison~~

~~Position: ——— Vice President of Organizational Effectiveness and
Human Resources~~

~~Address: ——— 3452 Spur 399, McKinney, TX 75069~~

~~Telephone: —(972) 985-3780~~

~~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~~

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~~INVESTIGATION OF
THE REPORT~~

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

~~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.~~

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

~~If appropriate, the College District shall promptly take interim action calculated to address 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.~~

~~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 15 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.~~

~~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.~~

~~COLLEGE DISTRICT
ACTION~~

~~PROHIBITED
CONDUCT~~

~~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.~~

~~CORRECTIVE
ACTION~~

~~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 to the victim and the student who engaged in prohibited conduct, conducting~~

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	<p>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 harassment has occurred, and reaffirming the College District's policy against discrimination and harassment.</p>
<p>EXCEPTION</p>	<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>
<p>IMPROPER CONDUCT</p>	<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>
<p>CONFIDENTIALITY</p>	<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>
<p>APPEAL</p>	<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>
<p>RECORDS RETENTION</p>	<p>Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]</p>
<p>ACCESS TO POLICY AND PROCEDURES</p>	<p>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 Web site. Copies of the policy and procedures shall be readily available at the College District's administrative offices.</p>