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**Note:** This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting employees. For legally referenced material relating to this subject matter, see DAA(LEGAL). For discrimination, harassment, and retaliation of students based on race, color, national origin, religion, age, or disability, see FFDB.

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**Statement of Nondiscrimination**

The College District prohibits discrimination, including harassment, against any employee on the basis of race, color, national origin, religion, 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, national origin, religion, 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, 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, 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.

**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.

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	<p>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.</p>
<b>Examples</b>	<p>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.</p>
<b>Prohibited Conduct</b>	<p>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.</p>
<b>Reporting Procedures</b>	<p>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.</p> <p>Alternatively, the employee may report the alleged acts to one of the College District officials below.</p> <p>For the purposes of this policy, College District officials are the ADA/Section 504 coordinator and the District President.</p>
<b>Definition of College District Officials</b>	<p>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:</p>
ADA / Section 504 Coordinator	<p>Name: <u>Floyd Nickerson, Dr. Jennifer DuPlessis</u></p> <p>Position: Chief Human Resources Officer</p> <p>Address: 3452 Spur 399, McKinney, TX 75069</p> <p>Telephone: (972) <u>599-3159, 985-3702</u></p>
<b>Other Anti-discrimination Laws</b>	<p>The District President or designee will serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.</p>
<b>Alternative Reporting Procedures</b>	<p>An employee will not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the ADA/Section 504 coordinator, may be directed to the District President or designee.</p> <p>A report against the District President may be made directly to the Board. If a report is made directly to the Board, the Board will appoint an appropriate person to conduct an investigation.</p>

**Timely Reporting**

Reports of prohibited conduct will be made immediately 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 will 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 will not insist upon, a written report. If a report is made orally, the College District official will reduce the report to written form.

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

If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official will refer the complaint for consideration under the appropriate policy.

If appropriate, the College District will 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 will 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 will take additional time if necessary to complete a thorough investigation.

The investigator will prepare a written report of the investigation. The report will be filed with the College District official overseeing the investigation.

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**College District  
Action**

If the results of an investigation indicate that prohibited conduct occurred, the College District will 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 will 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 party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

The party may have a right to file a complaint with appropriate state or federal agencies.

**Records Retention**

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

**Access to Policy,  
Procedures, and  
Related Materials**

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, will be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials will also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and will be distributed to an employee who makes a report.

EMPLOYEE PERFORMANCE  
EVALUATION

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**Employee  
Evaluations**

The College District will routinely evaluate the performance of all College District employees.

Purpose

The purpose of the employee performance evaluation will be to:

1. Raise the quality of instruction and educational service to the College District's students and citizens of the community.
2. Maintain the standards of excellence within the College District.
3. Foster an employee's professional growth and development.
4. Determine the employee's future employment with the College District.

Evaluation of employees will be a cooperative and continuing process with formal appraisal following established procedures.

College District administrators will evaluate every full-time employee on a job-related basis according to the terms of the evaluation instruments. The employee has the option to submit comments if, in the employee's opinion, additional information pertinent to the evaluation is needed. Comments are included in the employee's formal personnel record with the evaluation. Further appeal of an evaluation will be addressed through DGBA(LOCAL).

**Definitions**

The following words or phrases, for the purpose of this policy, are defined as follows:

1. Annual review period will be from September 1 to August 31.
2. Increase is an increase in salary based on meeting or exceeding performance standards, consistent with the increase for all College District employees. This is generally processed annually but is contingent upon approval of funding by the Board.
3. Performance indicator is a key accomplishment that is linked to the College District's mission, core values, strategic plan, and goals.
4. Performance goal is a planned project or level of performance, the result of which is measured in terms of quality, quantity, and/or timeliness.

**Stipulations**

The following eligibility requirements will apply:

1. Individuals with less than three months of service, as of August 31, will not be eligible to receive a salary increase.

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2. Individuals who have received a Level 2 performance warning during the annual review period will not be eligible for a salary increase.
3. Individuals who receive an overall performance appraisal rating of "Does not meet expectations" will not be eligible for consideration for a salary increase or merit-based compensation.

**Full-Time Faculty  
Evaluation**

Components of the evaluation for full-time teaching faculty will include:

1. Student Surveys of Instruction.
2. Class Visit Evaluation.
3. Self-evaluation.
4. Associate Dean/Director's Annual Evaluation of Faculty Performance.

In addition, multi-year contract applications will also include:

1. Council on Excellence Review of Multi-year Contract Applications.
2. Faculty Board Reports (for multi-year contract applications).

Detailed information regarding the faculty evaluation process is in the College District's Faculty Handbook and on the Council on Excellence (COE) website.

**Associate Faculty  
Evaluation**

An important element of the instructional program at the College District is the associate faculty. In a continual effort to improve the quality of the instructional process, all associate faculty members will be evaluated on a periodic basis by the ~~dean, associate dean/director, chair,~~ or other assigned academic personnel. Associate faculty members are employed on a semester-to-semester basis, as need dictates, and renewal of that employment is based in part on past evaluations.

Components of the evaluation of associate faculty members will include student surveys of instruction and class visits.

**Evaluation of Staff  
and Administrators**

Annual written supervisory evaluations of the College District employees in staff, administrative, and leadership positions will also play a significant role in maintaining an excellent educational program. By promoting the growth and development of employees through acknowledging strengths and developing action plans for improving skills, the College District continually strives to meet and exceed its standards for excellence.

Components of the evaluation for full-time staff and administrators include the following items, which are measured/evaluated in relationship to accomplishment of objectives outlined in the College District-wide strategic plan:

1. Goals;
2. Achievements; and
3. Performance indicators, such as essential job functions and demonstration of core values.

**Recognition and  
Merit Compensation**

Purpose

The College District recognizes that some employees perform at an exemplary level by either doing significantly more than what is normally expected of the position by working on special projects of major importance in addition to assigned duties and responsibilities, or by performing their regular duties at a level that far exceeds expectations over a sustained period of time. The use of merit and bonus awards is a positive way to inspire excellence in performance and an appropriate way to reward those employees who contribute beyond expectations.

General Guidelines

Merit awards generally fall into two categories: non-recurring bonuses and other forms of recognition (such as days off, letters of commendation, plaques, etc.), which may be more appropriate in certain circumstances or for some employees.

Individual awards will not be construed as establishing automatic or mandatory increases for attainment of certain ratings on performance evaluations.

Types of Awards

*Non-Recurring  
Bonus*

A non-recurring bonus is a lump sum or cash-equivalent award granted on a one-time basis that does not alter the current base salary of the employee. The use of bonuses is appropriate for special recognition of exceptional performance on a project, activity, or initiative of major importance to the department or to the College District.

*Other Forms of  
Recognition*

Other forms of recognition, such as days off, letters of commendation, plaques, etc., may also be used when appropriate to recognize performance that is deemed to be exemplary on a project, task, or initiative.

Conditions

Non-recurring bonuses and other forms of recognition are considered annually during the performance appraisal period. The total number of awards will be within the annual merit compensation budget.

Approval

Supporting documentation will be added to a written recommendation from the appropriate administrator with the rationale for the

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award. The recommendation will be forwarded for review/consideration up through the Leadership Team. Final approval rests with the District President, except in the case of a non-recurring bonus that exceeds five percent of an individual's annualized base salary. In that case, a non-recurring bonus must be submitted for consideration by the Board.

**Effective Date**

The effective date for a non-recurring bonus or merit increase will be on the regular September payroll following the final level of approval.

**Appeals**

Appeals will be directed through DGBA(LOCAL).



PERSONNEL POSITIONS  
QUALIFICATIONS AND DUTIES

DNA  
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**Role of Faculty**

Consistent with the full-time faculty job description, the role of the faculty shall be to:

1. Develop and evaluate curriculum.
2. Instruct students.
3. Evaluate students.
4. Advise students.
5. Facilitate student instruction.
6. Participate in peer evaluation in accordance with published procedures and guidelines.
7. Give input to the administration in all College District business matters that affect faculty.

~~In addition, faculty who serve as department chairs shall assume administrative duties relative to their departments.~~

**Participation of Faculty**

Faculty shall be civically engaged and participate in the College District's committees and councils.

**English Proficiency**

All academic credit courses (with the exception of foreign languages) shall be taught in the English language and shall be understandable by a reasonable listener.

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**Note:** This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting students. For legally referenced material relating to this subject matter, see FA(LEGAL). For discrimination, harassment, and retaliation targeting employees based on race, color, national origin, religion, age, or disability, see DIAB.

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**Statement of Nondiscrimination**

The College District prohibits discrimination, including harassment, against any student on the basis of race, color, national origin, disability, religion, age, 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, national origin, disability, religion, age, or on any other basis prohibited by law, that adversely affects the student.

**Prohibited Harassment**

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

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.

**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 will 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 a responsible employee.

Employee Report

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

*Exceptions*

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

A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source will not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is disclosing information as required for inclusion in the College District’s annual security report under the Clery Act. [See GCC]

Responsible Employee

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

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

The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below.

<b>Definition of College District Officials</b>	For the purposes of this policy, College District officials are the ADA/Section 504 coordinator, Title IX coordinators and Deputy coordinators, designated leadership team members, and the District 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 persons 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:
ADA / Section 504 Coordinator for Students	Name: Terrence Brennan Position: District Dean of Students Address: 3452 Spur 399, McKinney, TX 75069 Telephone: (972) 881- <del>5604</del> <u>5734</u>
ADA / Section 504 Coordinator for Employees	Name: <del>Floyd Nickerson</del> <u>Dr. Jennifer DuPlessis</u> Position: Chief Human Resources Officer Address: 3452 Spur 399, McKinney, TX 75069 Telephone: (972) <del>599-3159</del> <u>985-3702</u>
Other Anti-discrimination Laws	The District President or designee will serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.
<b>Alternative Reporting Procedures</b>	<p>A student will 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 coordinators, may be directed to the District President.</p> <p>A report against the District President may be made directly to the Board. If a report is made directly to the Board, the Board will appoint an appropriate person to conduct an investigation.</p>
<b>Timely Reporting</b>	Reports of prohibited conduct will 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.
<b>Investigation of the Report</b>	The College District may request, but will not require, a written report. If a report is made orally, the College District official will reduce the report to written form.

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Initial Assessment	<p>Upon receipt or notice of a report, the College District official will determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official will 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 but may constitute a violation of other College District rules or regulations, the College District official will refer the complaint for consideration under the appropriate policy.</p>
Interim Action	<p>If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College District will promptly take interim action calculated to address prohibited conduct prior to the completion of the College District's investigation.</p>
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. The investigator will have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	<p>If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District will confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District will 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 will promptly resume its investigation.</p>
<b>Concluding the Investigation</b>	<p>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 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.</p>

	<p>The investigator will prepare a written report of the investigation. The report will be filed with the College District official overseeing the investigation.</p>
<i>Notification of the Outcome</i>	<p>The College District will provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed.</p>
<b>College District Action</b>	<p>If the results of an investigation indicate that prohibited conduct occurred, the College District will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures [see FM and FMA].</p>
Prohibited Conduct	
<i>Corrective Action</i>	<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>
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>
<b>Confidentiality</b>	<p>To the greatest extent possible, the College District will 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>
<b>Appeal</b>	<p>A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members] A party will be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights.</p>
<b>Records Retention</b>	<p>Retention of records will be in accordance with the College District's records retention procedures. [See CIA]</p>

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**Access to Policy,  
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Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, will be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials will also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures will be readily available at the College District's administrative offices and will be distributed to a student who makes a report.