

**NOTICE OF POLICIES COMMITTEE MEETING
GALVESTON COMMUNITY COLLEGE DISTRICT
BOARD OF REGENTS**

In compliance with the Open Meetings Act, Texas Government Code, Section 551.041, notice is hereby given that a Policies Committee Meeting of the Galveston Community College District Board of Regents will be held on **Wednesday, May 8, 2024**, at 4:30 PM in Room M-202, Galveston College, 4015 Avenue Q, Galveston, Texas 77550.

- AGENDA -

- I. Call to Order**
- II. Certification of Posting Notice of Policies Committee Meeting
- III. Consider Approval of Minutes from June 14, 2023 Meeting *(Action Item)* 2
- IV. Citizens Desiring to Appear Before the Committee on Agenda Items
(Please complete a request card prior to the start of the meeting. The Committee Chairperson may limit the time of appearance before the Committee to three minutes.)
- V. Review and Discuss New Policies and Proposed Revisions to Local Board Policies and Regulations 4
 - Section B - Local Governance (BBD, BBI, BG)
 - Section C - Business and Support Services (CFE, CGC, CS, CU)
 - Section D - Personnel (DAA, DIAA, DIAB)
 - Section E - Instruction (ECC)
 - Section F - Students (FAA, FAB, FFDA, FFDB)
- VI. Determine Committee Recommendation to Board of Regents Regarding the Adoption of New Policies, and Proposed Revisions to Local Board Policies and Regulations *(Action Item)* 58
- VII. Discuss updates on New Federal and State Rules and Regulations 112
 - New Title IX Rules
 - Governor Abbott's Executive Order GA-44 Pertaining to Hate Speech and Antisemitism
 - Department of Labor's New Rules Pertaining to New Salary Thresholds for Exempt Employees
- VIII. Adjournment

The notice for this meeting was posted on The notice for this meeting was posted on May 3, 2024 in compliance with the Texas Open Meetings Act., in compliance with the Texas Open Meetings Act.

W. Myles Shelton, Ed.D., President

**MINUTES OF THE BOARD OF REGENTS
POLICIES COMMITTEE MEETING
GALVESTON COMMUNITY COLLEGE DISTRICT
4015 Avenue Q
Galveston, Texas 77550
Room M-202 – Moody Hall
June 14, 2023
4:00 p.m.**

At the Galveston Community College District Board of Regents Policies Committee Meeting, duly held on Wednesday, June 14, 2023, in Room M-202 of Moody Hall, commencing at 4:00 p.m., the following Policies Committee members were present: Ms. Carolyn Sunseri, Chairperson, Mr. Garrik Addison, Mr. Armin Cantini, Mr. Norman Hoffman (joined the meeting at 4:19 p.m.), Mr. Raymond Lewis, Jr., and Ms. Mary R. Longoria (joined the meeting at 4:08 p.m.). Other Regents attending were: Ms. Karen Flowers, and Mr. Michael Hughes.

Faculty and staff present included Dr. W. Myles Shelton, President, Ms. Breanne Lorefice, and Dr. Cissy Matthews.

- I. CALL TO ORDER:** Chairperson Carolyn L. Sunseri opened the meeting at 4:03 p.m. in Room M-202 of Moody Hall and determined a quorum was present.
- II. CERTIFICATION OF POSTING NOTICE OF POLICIES COMMITTEE MEETING:** Dr. Shelton confirmed that the notice of the Policies Committee Meeting had been properly posted on June 8, 2023.
- III. CONSIDER APPROVAL OF MINUTES FROM OCTOBER 12, 2023 MEETING:** A reading of the minutes from the October 12, 2023 meeting was waived. Mr. Addison moved to approve the minutes as presented; Mr. Lewis seconded. The motion passed unanimously.
- IV. CITIZENS DESIRING TO APPEAR BEFORE THE COMMITTEE ON AGENDA ITEMS:** There were no citizens desiring to appear before the Committee.
- V. REVIEW AND DISCUSS PROPOSED REVISIONS TO LOCAL BOARD POLICIES AND REGULATOINS: SECTION C – BUSINESS AND SUPPORT SERVICES (CDE, CHC, CJA), SECTION E – INSTRUCTION (EFBA, EFBC), SECTION F – STUDENTS (FB, FBA):**

Dr. Shelton presented this item to the Committee. He gave an overview of the recommended policy changes and informed the Committee that these changes are clean up items to prepare for our SACS Accreditation visit.

General discussion was had on some details of the various policies, including all law enforcement entities having authority to ticket on Galveston College property. The Committee also briefly discussed the difference in the terminology between transferability and applicability as it relates to transfer students and credits.

Dr. Shelton recommended approval of the changes to the Committee.

VI. DETERMINE COMMITTEE RECOMMENDATION TO BOARD OF REGENTS REGARDING THE ADOPTION OF PROPOSED REVISIONS TO LOCAL BOARD POLICIES AND REGULATIONS: SECTION C – BUSINESS AND SUPPORT SERVICES (CDE, CHC, CJA), SECTION E – INSTRUCTION (EFBA, EFBC), SECTION F – STUDENTS (FB, FBA):

Mr. Lewis moved to recommend approval of the policy changes to the Board of Regents; Ms. Longoria seconded. The motion passed unanimously.

VII. ADJOURNMENT: There being no further business to come before the Policies Committee, the meeting adjourned at 4:26 p.m.

APPROVED AS CORRECT:

Breanne Lorefice, Clerk

Carolyn L. Sunseri, Chairperson

Review and Discuss Proposed Revisions to Local Board Policies and Regulations

Staff will present proposed revisions to Local Board Policies and regulations in:

- Section B – Local Governance (BBD, BBI, BG)
- Section C – Business and Support Services (CFE, CGC, CS, CU)
- Section D – Personnel (DAA, DIAA, DIAB)
- Section E – Instruction (ECC)
- Section F – Students (FAA, FAB, FFDA, FFDB)

Following discussion, the Committee will determine a recommendation to the Board of Regents regarding these proposed local policies.

**GALVESTON COLLEGE
PROPOSED BOARD POLICIES**

Policy		Policy Title	Comments
BBD	Local	Board Members: Orientation and Training	Updates information concerning public information training for Board members
BBI	Local	Board Members: Technology Resources and Electronic Communications	Updates policy reference for information security (CS)
BG	Local	Administrative Organization	Proposed new policy for the implementation of SB17 (Diversity, Equity, and Inclusion) (from the 2023 legislative session)
CFE	Local	Purchasing and Acquisition: Vendor Relations	Proposed new policy for the implementation of SB17 (Diversity, Equity, and Inclusion) (from the 2023 legislative session)
CGC	Local	Safety Program: Emergency Plans and Alerts	Updates language to be able to address other requirements as established by the Texas School Safety Center.
CS	Local	Information Security	Updates language to clarify a security incident (as defined by law).
CU	Local	Research	Proposed new policy to establish parameters for security of research and designate the Director of Institutional Effectiveness and Research as GC' research security officer.
DAA	Local	Employment Objectives: Equal Employment Opportunity	Proposed new policy for the implementation of SB17 (Diversity, Equity, and Inclusion) (from the 2023 legislative session)
DIAA	Local	Freedom from Discrimination, Harassment, and Retaliation: Sex and Sexual Violence	Updates the named Title IX officer.
DIAB	Local	Freedom from Discrimination, Harassment, and Retaliation: Other Protected Characteristics	Updates the named ADA / Section 504 Coordinator
ECC	Local	Instructional Arrangements: Student Course Load and Schedules	Updates and provides additional exceptions for good cause for students who need to exceed the limit on number of dropped courses.
FAA	Local	Equal Educational Opportunity: Diversity, Equity, and Inclusion	Proposed new policy for the implementation of SB17 (Diversity, Equity, and Inclusion) (from the 2023 legislative session)
FAB	Local	Equal Educational Opportunity: Pregnant and Parenting Students	Proposed new policy to implement legislation protect and accommodate pregnant and parenting students.
FFDA	Local	Freedom from Discrimination, Harassment, and Retaliation: Sex and Sexual Violence	Updates the named Title IX officer.
FFDB	Local	Freedom from Discrimination, Harassment, and Retaliation: Other Protected Characteristics	Updates the named ADA / Section 504 Coordinator

Orientation of New Board Members

The Board and the President shall provide an orientation for new Board members within the calendar year of their election to assist them in understanding the Board's function, policies, and procedures. Assistance given in the orientation of new Board members may include the following, as appropriate or available:

1. Selected materials on the responsibilities of being a contributing member of the Board.
2. Material pertinent to meetings and an explanation of its use.
3. Invitations to meet with the [G head of district/college/ESC, initial upper case] and other administrative personnel designated by the [G head of district/college/ESC, initial upper case] to discuss services the administration performs for the Board.
4. Access to a copy of the Board's policies and administrative regulations and other documents and information currently in use by other Board members.
5. Information regarding appropriate meetings and workshops.
6. A formal orientation on legal and budgetary oversight responsibilities of the Board.
7. Other information and activities as the Board or the [G head of district/college/ESC, initial upper case] deems useful in fulfilling the role of Board member.

Annual Training Plan

The President shall work with the Board to develop and implement an annual plan to address the training needs of Board members.

Cybersecurity Training

The President or designee shall determine, from the list of cybersecurity training programs certified by the Department of Information Resources (DIR) and published to DIR's website, the cybersecurity training program to be used in the College District. The President may remove access to the College District's computer systems and databases for noncompliance with training requirements as appropriate.

The President shall periodically require an internal review of the College District to ensure compliance with the cybersecurity training requirements.

**Public Information
Coordinator-Act
Training**

The President or designee shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012.

Public Information Act (PIA) training is to be completed by newly elected Board members no later than the 90th day after the member takes office.

A Board member who receives written notice from the Attorney General that the member must complete the PIA training described by Section 552.012 following failure to comply with the PIA training requirement shall complete the training within the timelines described by law.

Note: For employee, student, and community use of College District technology resources, see CR. [For Information Security, see CS.](#)

TECHNOLOGY
RESOURCES

For purposes of this policy, “technology resources” means electronic communication systems and electronic equipment.

AVAILABILITY OF
ACCESS

Access to the College District’s technology resources, including the internet, shall be made available to Board members primarily for official duties and in accordance with administrative regulations.

LIMITED
PERSONAL USE

Limited personal use of the College District’s technology resources shall be permitted if the use:

1. Imposes no tangible cost on the College District; and
2. Does not unduly burden the College District’s technology resources.

ACCEPTABLE USE

A Board member shall be required to acknowledge receipt and understanding of the user agreement governing use of the College District’s technology resources and shall agree in writing to allow monitoring of his or her use. Noncompliance may result in suspension of access or termination of privileges. Violations of law may result in criminal prosecution.

MONITORED USE

Electronic mail transmissions and other use of the College District’s technology resources by a Board member shall not be considered private. The College President or designee shall be authorized to monitor the College District’s technology resources at any time to ensure appropriate use.

DISCLAIMER OF
LIABILITY

The College District shall not be liable for a Board member’s inappropriate use of technology resources, violations of copyright restrictions or other laws, mistakes or negligence, and costs incurred. The College District shall not be responsible for ensuring the availability of the College District’s technology resources or the accuracy, appropriateness, or usability of any information found on the internet.

RECORDS RETENTION

A Board member shall retain electronic records, whether created or maintained using the College District’s technology resources or using personal technology resources, in accordance with the College District’s record management program. [See BBE, CIA, and GCB]

Note: For related information on diversity, equity, and inclusion initiatives, see CFE for contractor discipline, DAA for employees, DH for employee discipline, and FAA for students.

Diversity, Equity, and Inclusion Office

Except as required by federal law, the College District shall not:

1. Establish or maintain a diversity, equity, and inclusion office; or
2. Hire or assign an employee or contract with a third party to perform the duties of a diversity, equity, and inclusion office.

"Diversity, equity, and inclusion office" means an office, division, or other unit of the College District established for the purpose of:

1. Influencing hiring or employment practices at the College District with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
3. Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
4. Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or

2. Certifies compliance with state and federal antidiscrimination laws.

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

**Diversity, Equity,
and Inclusion
Initiatives**

The President or designee shall develop procedures addressing the discipline, up to and including termination, of a College District contractor who violates Education Code 51.3525(b)(1). [See BG, DAA, and FA]

SAFETY PROGRAM
EMERGENCY PLANS AND ALERTS

CGC
(LOCAL)

EMERGENCY
OPERATIONS PLAN

In accordance with state requirements, the College District shall maintain a multihazard emergency operations plan that provides for appropriate employee training, coordination with state and local entities, ~~and~~ implementation of a safety and security audit, ~~and~~ other requirements as established by the Texas School Safety Center (TxSSC).

MISSING STUDENTS

The College President shall have the authority to develop procedures for when a College District student is thought to be or has been determined to be missing. These procedures shall be included in the College District's emergency operations plan.

EMERGENCY
RESPONSE AND
EVACUATION
PROCEDURES

In accordance with federal law, the College District shall maintain effective emergency response and evacuation procedures that can be implemented on short notice and that will ensure optimum safety for students and personnel.

EMERGENCY ALERT
SYSTEM

In accordance with state requirements, the College District shall maintain an emergency alert system that provides for timely notification to students, faculty, and staff of emergencies affecting the College District or its students and employees.

[For details on the state requirements for emergency operations plans and emergency alert systems and federal requirements regarding emergency response and evacuation procedures, see CGC(LEGAL).]

SEVERE WEATHER OR
OTHER EMERGENCY
SITUATION

Only the College President or designee shall have the authority to close the College District. When this action is to be taken, the College President will notify the College District vice presidents, the director of ~~public information~~ marketing and communications, and the director of facilities and security who in turn will make appropriate notifications, including area radio and television stations.

Only the College President or designee shall have the authority to represent the College District and make statements to the press/public regarding the College District and severe weather and/or other emergency situations.

PERSONAL SAFETY

A student shall not attempt to attend classes, and an employee shall not report to work if, in his or her opinion or on the warning of law enforcement officials, travel conditions in the person's area are unsafe or if other circumstances would place the person's life or health in jeopardy. A student who chooses not to attend classes while the College District remains open shall be responsible for all course makeup work and for fulfilling course requirements/assignments as directed by the instructor. If the College District remains open and an employee decides not to report to work, the employee

must notify his or her supervisor and must submit a leave request for the work time missed in accordance with the College District's absence and leave procedures.

INFORMATION
SECURITY PROGRAM

The College President shall approve an information security program designed to address the security of the College District's information resources against unauthorized or accidental modification, destruction, or disclosure. This program shall include procedures for risk assessment and for information security awareness education for employees when hired and ongoing program for all users, as well as compliance with all applicable laws.

The College President or designee shall designate an information security officer (ISO) who is authorized to administer the information security requirements under the law. The College President or designee shall notify the Texas Department of Information Resources (DIR) of the individual designated to serve as the ISO.

The College shall adopt procedures for addressing the privacy and security of information resources, including the College's website and mobile applications and shall submit, as required, the procedures to DIR for review.

The procedures must require the developer of a website or application for the College District that processes confidential information to submit information regarding the preservation of the confidentiality of the information. The College must subject the website or application to vulnerability and penetration test before deployment.

The College shall submit a biennial information security plan to DIR in accordance with law.

The ISO shall report annually to the President on the effectiveness of the College's information security policies, procedures, and practices in accordance with law and administrative procedures.

SECURITY BREACH
NOTIFICATION

Upon discovering or receiving notification of a breach of system security [or a security incident, as defined by law](#), the College District shall disclose the breach [or incident](#) to affected persons or entities in accordance with the time frames established by law. The College shall also assess the significance of a security incident and report urgent incidents to DIR and law enforcement in accordance with law and, if applicable, DIR requirements.

The College District shall give notice by using one or more of the following methods:

1. Written notice.
2. Electronic mail, if the College District has electronic mail addresses for the affected persons.
3. Conspicuous posting on the College District's Web site.

4. Publication through broadcast media.

The College District must provide summary reports of security incidents in accordance with DIR guidelines.

The College District shall include in any vendor or third-party contract the requirement that the vendor or third party report information security incidents to the College District in accordance with current law and administrative procedures.

ACCESS BY
INDIVIDUALS WITH
DISABILITIES

The College President or designee shall develop procedures to ensure that individuals with disabilities have access to the College District's electronic and information resources similar to individuals without disabilities. The procedures shall include the standards and specifications in accordance with 1 Administrative Code Chapter 213.

SECURITY AND
PRIVACY

The security and integrity of the College District's electronic and technology resources are essential. Therefore, priority shall be given to maintaining system security and integrity, backing up the system, and general maintenance of the system. The following relate to system security, integrity, and privacy:

1. The College President shall appoint an administrator responsible for developing and maintaining College District procedures regarding security and privacy of computer data, software, and hardware.
2. Any student or employee use of College District electronic and technology resources is a privilege that may be revoked for violation of this policy, regardless of the need for such use in performing assigned duties.
3. A student or employee (regardless of employment contract or tenure status) found to be involved in infractions of this policy or civil or criminal laws regarding College District electronic and technology resources security and privacy shall be subject to disciplinary actions including, but not limited to, revocation of user privileges, suspension, dismissal, prosecution, and restitution for damages. Involvement, as used here, includes, but is not limited to, participating, encouraging, aiding, or failing to report known infractions.
4. Under the authority of the College President, the department of information technology shall have the authority to monitor all electronic and technology resources to protect the integrity of the College District's systems, computing software, workstations, and lab facilities. Designated personnel from the IT department shall have the authority to access files when necessary for the maintenance of the electronic and technology

systems. When performing maintenance, every effort shall be made to ensure the privacy of a user's files. However, if violations are discovered, the violation(s) shall be reported immediately to the director of human resources, the appropriate vice president, and the College President.

5. Some jobs or activities of the College District involve access to resources critical to electronic and technology resources security and privacy. The College District may require employees or students involved in these jobs or activities to disclose personal histories, participate in special training, or sign special agreements concerning computer use.
6. All students and employees shall cooperate with official state and federal law enforcement authorities in aiding the investigation and prosecution of any suspected infraction of security and privacy involving either College District personnel or College District electronic and technology resources.
7. The College District shall make every effort to ensure the integrity of its various systems. All electronic and technology resources available to users offer some form of dataset protection, which can be modified by an authorized user as needed. However, none of the systems offer absolute security. Therefore, users shall not place sensitive information on a publicly accessible system.
8. The College District shall not be responsible for the safe storage of student-generated files. Each student shall be responsible for maintaining copies of any information and work created on College District equipment. The College District shall not be responsible for any loss of student information or student-generated files from College District electronic and technology resources equipment, regardless of the cause.

IDENTITY THEFT
PREVENTION

The College President or designee shall approve and maintain an Identity Theft Prevention Program designed to prevent the unauthorized distribution or theft of personal/confidential information pursuant to the Federal Trade Commission's Red Flags Rule (Rule), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. [16 CFR 681.2]

SECURITY AND
PRIVACY

The College District has identified the following areas requiring oversight for the prevention of identity theft:

1. Customer/consumer information submitted to and required by the College District or by a third party;
2. Employee information submitted to and required by the College District or by a third party; and

3. Confidential information of an employee or a student provided to a third party.

OBJECTIVES

The objectives of the Identity Theft Prevention Program shall be:

1. To ensure the security and confidentiality of customer/consumer information;
2. To prevent disclosure of an employee's personal/confidential information;
3. To protect and secure personal/confidential information stored in departmental file cabinets;
4. To protect and secure personal/confidential information stored in the College District's ERP system or other computers owned by the College District;
5. To protect and secure personal/confidential information provided to third parties;
6. To protect against any anticipated threats or hazards to the security or integrity of such information; and
7. To protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any employee or student/customer/consumer.

Research Security

The College District shall promote the security of the College District’s academic research so as to achieve the highest level of compliance with applicable ethical, legal, regulatory, contractual, and College District standards and requirements for securing and protecting the College District’s research portfolios.

Research Security Officer

The Director of Institutional Effectiveness and Research shall serve as the research security officer (RSO) and shall be responsible for administering the College District’s research security program consistent with law, this policy, and associated administrative procedures. The RSO shall maintain classified information, maintain controlled unclassified information, conduct foreign influence reporting, maintain the export control program, and coordinate the National Security Presidential Memorandum 33 (NSPM-33) requirements. The RSO shall also be the point of contact for communication with federal and state agencies on research security matters.

The RSO shall attend the annual academic security and counter exploitation program seminar offered by Texas A&M University.

Research Security Program

The RSO shall develop, administer, and annually review and approve a research security program designed in accordance with law and applicable standards to address the security of College District research against unauthorized disclosure or foreign interference. The program shall include procedures for risk assessment and mitigation, research security awareness education for employees when hired and periodically thereafter, and advising College District employees and officials on research security practices.

Note: For complaints of discrimination, harassment, and retaliation targeting employees on the basis of a protected characteristic, see DIAA and DIAB.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

The prohibitions do not apply to:

1. Submitting a statement as part of a grant application or to comply with the terms of accreditation that highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations, or that certifies compliance with state and federal antidiscrimination laws;
2. Academic course instruction;
3. Scholarly research or a creative work by College District employees or students;

4. An activity of a student organization registered with or recognized by the College District;
5. Guest speakers or performers on short-term engagements;
6. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
7. Data collection; or
8. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DH for employee discipline, and FA for students.

Note: This policy addresses complaints of sex and gender discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation targeting employees. For additional legally referenced material relating to discrimination, harassment, and retaliation, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation targeting students, see FFDA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any employee on the basis of sex. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Employee

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

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of sex that adversely affects the employee’s employment.

In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

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 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.

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.

Dating Violence “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence “Domestic violence” means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim’s family as defined by state law;
- Any other current or former member of the victim’s household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Examples Examples of sexual harassment of an employee may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; sexual assault as defined by law; offensive or derogatory language

directed at another person's gender identity; and other sexually motivated conduct, communication, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the employee, the employee's family members, or members of the employee's household; destroying the employee's property; threatening to commit suicide or homicide if the employee ends the relationship; tracking the employee; attempting to isolate the employee from friends and family; threatening an employee's spouse or partner; or encouraging others to engage in these behaviors.

Prohibited Conduct In this policy, the term "prohibited conduct" includes discrimination, sexual harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Complainant In this policy, the term "complainant" refers to an employee who is alleged to have experienced prohibited conduct.

Respondent In this policy, the term "respondent" refers to a person who is alleged to have committed prohibited conduct.

Confidential Employee A "confidential employee" is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

Reporting Procedures A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.

Reporting by
Alleged Victim

An employee who believes that he or she has experienced prohibited conduct may report the alleged acts to his or her immediate supervisor, to the Title IX coordinator, or to the President or designee.

Reports against the Title IX coordinator may be directed to the College President or designee. A report against the 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. An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct.

Alternatively, the employee may report electronically through the College District's website.

A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

Reporting by Other
Employees

Any employee who believes that another employee has experienced prohibited conduct, regardless of when or where the incident occurred, shall immediately report the alleged acts to the Title IX coordinator. Additionally, the employee may report to the President or designee.

A report against the President must also 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.

Exceptions

Disclosure at
Event

A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by an employee organization affiliated with the institution is not required to report the prohibited conduct unless the person has authority to institute corrective measures on behalf of the College District.

Employee
Subject to
Confidentiality
Rules

Absent the employee's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the employee's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.

Prior Report

A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.

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, and related state and federal laws:

Title IX Coordinator: ~~Dr. Mary Jan Lantz~~ Teena Marie Wilson
Address: 4015 Avenue Q, Galveston, TX 77550
Telephone: 409.944.1281
Email: TitleIXCoordinator@gc.edu
Webpage: gc.edu/campus-security-safety/incident-report

Responsible Employees	All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.
Timely Reporting	A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.
Consolidate Reports	When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may consolidate the complaints.
Advisor	Each party to a complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.
Conflict of Interest Prohibited	No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.
Training	A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Extension of Timelines	Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension. A limited delay determined to be necessary so as not to impede a criminal or regulatory investigation shall constitute good cause for an extension of timelines established by this policy and associated procedures.

Investigation of the Report

The College District may request, but shall not insist upon, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant. The Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator shall immediately provide notice to the known parties to the complaint.

If the Title IX coordinator 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 Title IX coordinator shall refer the complaint for consideration under the appropriate policy.

Request Not to Investigate

The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint

To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.

Notice to Parties

The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.

If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.

Informal Resolution

The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution

of a formal complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within ten days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process.

Formal Resolution If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation.

Supportive Measures If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to prevent prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include work accommodations, such as leaves of absence or administrative leave; mutual restrictions on contact between the parties; counseling and health services; and increased security and monitoring of certain areas of the campus.

College District Investigation The investigation may be conducted by the Title IX coordinator 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 complainant, the respondent, 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.

The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.

At least ten days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

Concluding the Investigation The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

	<p>The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.</p>
<p>Notification of the Report</p>	<p>The Title IX coordinator shall provide the investigation report, within the extent permitted by law, to the complainant and the respondent promptly following receipt. The parties shall be given ten days to respond to the report.</p>
<p>College District Action</p>	<p>The Title IX coordinator shall submit the investigation report to the decision maker as designated by the President promptly after receipt of the parties' response, but no later than the expiration of the parties' deadline to respond.</p> <p>The decision maker as designated by the President shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days. The hearing shall be conducted in accordance with law and College District procedures.</p> <p>After the hearing, the decision maker as designated by the President shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the decision maker as designated by the President shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The decision maker as designated by the President shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.</p>
<p>Disciplinary or Corrective Action</p>	<p>If the decision maker as designated by the President determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.</p> <p>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.</p> <p>Examples of disciplinary or corrective action may include:</p> <ul style="list-style-type: none">• Implementing the disciplinary measures described in college policy and/or procedures;• Providing a training program for those involved in the complaint;

- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the student who engaged in prohibited conduct;
- Permitting the victim or student engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
- Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving employees in efforts to identify problems and improve the College District climate;
- Increasing staff monitoring of areas where prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and
- Taking other actions described in College District regulations.

Exception

The College District shall minimize attempts to require a complainant 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.

Improper Conduct

If the decision maker as designated by the President determines that improper conduct occurred 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.

Dismissal of Complaint

Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Permissive Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or decision maker as designated by the President shall provide the parties written notice of the dismissal.

Confidentiality	To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respondent or a person who makes a report or as a witness. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.
Retaliation	<p>The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.</p> <p>A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy FFDA, as appropriate.</p>
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.
Failure to Report and False Claims	An employee who fails to make a required report or an employee or student who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.
Appeal	If the decision maker as designated by the President determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the decision maker as designated by the President shall inform the employee in writing of the determination, and if requested, a hearing shall be scheduled in accordance with DMAA.
Discipline or Corrective Action	
<i>Employees</i>	
Suspension Without Pay or Termination of Contract Employees	
Other Action	If the decision maker as designated by the President determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the employee that the employee may appeal the determination within ten days in accordance with the College's grievance procedures.
<i>Students</i>	
Suspension	If the decision maker as designated by the President determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evi-

dence collected during the investigation and hearing to the President or designee. A conference shall be scheduled within ten days of the notice of determination in accordance with FMA, beginning at Appeal to the College District Administration.

Expulsion If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants expulsion, the official shall forward the determination and all evidence collected during the investigation and hearing to the President or designee to schedule an expulsion hearing as provided for in College policy and procedures.

Other Action If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the student that the student may appeal the determination within ten days in accordance with FMA, beginning at Appeal to the College District Administration.

Other Appeals All other appeals related to this policy may be submitted through the applicable grievance policy and/or procedures beginning at the appropriate level. [See Employee Handbook for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

Complaints Filed with State or Federal Agencies A party shall be informed of any right to file a complaint with appropriate state or federal agencies.

Records Retention Retention of records shall 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, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians of dual credit 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 and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily

available at the College District's administrative offices and shall be distributed to an employee who makes a report.

Note: This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting employees. For discrimination, harassment, and retaliation of students based on race, color, national origin, religion, age, or disability, see FFDB.

**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.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

DIAB
(LOCAL)

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 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:

Name: [Dr. Mary Jan Lantz](#) [Teena Marie Wilson](#)
Position: Director of Human Resources
and Risk Management
Address: 4015 Avenue Q, Galveston, TX 77550
Telephone: 409.944.1281

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 ADA/Section 504 Coordinator, may be directed to the College President or designee.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

DIAB
(LOCAL)

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; therefore, reports should be made within 90 calendar days of the incident (when possible).

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 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

Galveston College shall conduct a prompt, fair, and impartial investigation from initial report to final results.

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.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

DIAB
(LOCAL)

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 the College's policies and procedures, beginning at the appropriate level.

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

Records Retention

Retention of records shall 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 shall be published annually on the College's website to ensure easy access and wide distribution. Copies of the policy shall also be readily available at the College administrative offices upon request.

INSTRUCTIONAL ARRANGEMENTS
STUDENT COURSE LOAD AND SCHEDULES

COURSE LOAD The normal course load for a full-time student for the fall or spring semester shall be 15 semester hours. Course loads of 19 semester hours or more shall require the approval of the Vice President of Instruction or designee.

During a five or six-week summer term, a full-time student shall normally enroll in 6 to 8 semester hours or 12 to 14 hours for the full summer. Course loads in excess of 8 semester hours for a five or six-week term or 16 semester hours for a full summer shall require the approval of the Vice President of Instruction or designee.

LIMITATION ON NUMBER OF DROPPED COURSES A student shall not be permitted to drop more than six courses. This limit on the number of dropped courses shall include any course a student has dropped at another institution of higher education. For the limit to apply:

1. The student must be permitted to drop the course without receiving a grade or being penalized academically;
2. The student's transcript must indicate or will indicate the student was enrolled in the course; and,
3. The student must not have dropped the course to withdraw ~~for~~ from the College District.

EXCEPTIONS FOR GOOD CAUSE A student shall be permitted to exceed the limit on the number of dropped courses for any of the following reasons:

1. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
2. The care of sick, injured, or needy person if providing that the care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family;
4. The death of a person who has a sufficiently close relationship to the student;

5. The student's active military duty service;
6. The active military service of a member of the student's family or a person who has a sufficiently close relationship to the student;
7. A change in student's work schedule that is beyond the student's control and affects the student's ability to satisfactorily complete the course; or,
8. A disaster declared by the governor that prevents or limits in-person course attendance for a period determined by the College District, in accordance with law, that significantly affects the student's ability to participate in the coursework.
9. A qualifying reenrolled student may drop a seventh course in accordance with the law.
10. A dual credit or dual enrollment course dropped by a student before graduating from high school may not be counted toward the limit on the number of dropped courses.
11. A course dropped by a student while pursuing a bachelor's degree that the student ultimately earned credit for may not be counted toward the limit on the number of dropped courses.

A course dropped by a student during the 2020 spring or summer semester or the 2020-2021 academic year because of a bar or limit on in-person course attendance due to the COVID-19 pandemic may not be counted toward the limit on the number of dropped courses.

PROCEDURES The College President or designee shall develop appropriate procedures to implement this policy.

Note: For complaints of discrimination, harassment, and retaliation on the basis of a protected characteristic, see FFDA and FFDB.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DAA for employees, and DH for employee discipline.

Note: For complaints of discrimination, harassment, and retaliation on the basis of sex or gender, see FFDA. For all other discrimination, harassment, and retaliation complaints related to this policy, see FFDB.

Procedures

The President or designee shall develop procedures addressing protections and accommodations, consistent with law, for students who are pregnant or parenting, including procedures addressing early registration and leaves of absence.

Liaison

The President shall designate a pregnant and parenting students' liaison for current or incoming students at the institution who are the parents or guardians of children younger than 18 years of age. The liaison shall provide the students information regarding support services and other available resources and serve as the point of contact for a student requesting a protection or accommodation under Education Code 51.982. The liaison's contact information shall be included in the procedures described above.

Publication

The procedures and the liaison's contact information shall be published in the student and employee handbooks and posted on the College District's website.

Note: This policy addresses complaints of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, see [FA\(LEGAL\)](#) and [FAA\(LEGAL\)](#). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any student on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

*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 to participate in a college program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from the College District's educational program or activities.

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 limits or denies a student's ability to participate in or benefit from the College District's educational program or activities.

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.

Dating Violence

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

“Domestic violence” means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim’s family as defined by state law;
- Any other current or former member of the victim’s household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical con-

tact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault as defined by law; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household; destroying the student's property; threatening to commit suicide or homicide if the student ends the relationship; tracking the student; attempting to isolate the student from friends and family; threatening a student's spouse or partner; or encouraging others to engage in these behaviors.

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 limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

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.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Complainant

In this policy, the term "complainant" refers to an applicant for admission or a student who is alleged to have experienced prohibited conduct. The term also includes a former student who is alleged to have experienced prohibited conduct while participating, or attempting to participate, in the College District's educational program or activity.

Respondent

In this policy, the term "respondent" refers to a person who is alleged to have committed prohibited conduct.

Confidential
Employee

A “confidential employee” is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

**Reporting
Procedures**

Student Report

A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the 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 the Title IX coordinator, the President or designee, or another employee. A report against the 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. A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct.

Alternatively, a student may submit the report electronically through the College District’s website. The submission of an anonymous electronic report may impair the College District’s ability to investigate and address the prohibited conduct.

A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

Exception

Absent consent or unless required by law, a student designated in administrative regulations as a student advocate to whom another student may speak confidentially concerning prohibited conduct may not disclose any communication made by the other student.

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, regardless of when or where the incident occurred, shall immediately notify the Title IX coordinator and shall take any other steps required by this policy. Additionally, the employee may report to the President or designee.

A report against the President must also 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.

<i>Exceptions</i>	A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution is not required to report the prohibited conduct unless the person has the authority to institute corrective measures on behalf of the College District.
Disclosure at Event	
Employee Subject to Confidentiality Rules	Absent the student's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the student's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.
Prior Report	A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.

Title IX Coordinator Reports of discrimination based on sex, including sexual harassment and 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, and related state and federal laws:

Title IX Coordinator: ~~Dr. Mary Jan Lantz~~ [Teena Marie Wilson](#)
Address: 4015 Avenue Q, Galveston, TX 77550
Telephone: 409.944.1281
Email: TitleIXCoordinator@gc.edu
Webpage: gc.edu/campus-security-safety/incident-report

Responsible Employees All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.

Timely Reporting A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.

Consolidate Reports	When the allegations underlying two or more reports arise out of the same facts or circumstances, the College District may consolidate the reports.
Advisor	Each party to the complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.
Conflict of Interest Prohibited	No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.
Training	A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Extension of Timelines	Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension.
Investigation of the Report	The College District may request, but shall not require, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.
Initial Assessment	Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant. The Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator shall immediately provide notice to the known parties to the complaint. If the Title IX coordinator 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 Title IX coordinator shall refer the complaint for consideration under the appropriate policy.
<i>Request Not to Investigate</i>	The complainant may request that the College District not investigate the allegations. If the complainant requests that the allega-

tions not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint	To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.
Notice to Parties	<p>The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.</p> <p>If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.</p>
Informal Resolution	The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of the complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within ten days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process. This process is not available in situations where an employee is alleged to have sexually harassed a student.
Formal Resolution	If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation, except as provided below at Criminal or Regulatory Investigation.
Supportive Measures	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to address prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive

measures include academic accommodations, such as extensions of deadlines or other course-related adjustments and modifications of class schedules; housing and dining modifications; temporary removal from an education program or activity in accordance with law; counseling; health services; campus escort services; mutual restrictions on contact between the parties; and increased security and monitoring of certain areas of the campus.

College District Investigation

The investigation may be conducted by the Title IX coordinator or designee or by a third party designated by the College District, such as an attorney.

The investigation may consist of personal interviews with the complainant, the respondent, 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.

The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.

At least ten days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

Criminal or Regulatory 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. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.

Concluding the Investigation

The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.

Notification of the
Report

The Title IX coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the complainant and the respondent promptly following receipt. The parties shall be given ten days to respond to the report.

**College District
Action**

The Title IX coordinator shall submit the investigation report and any response from the parties to the decision maker as designated by the President promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.

The decision maker as designated by the President shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days, following the receipt of the investigation report. The hearing shall be conducted in accordance with law and College District procedures.

After the hearing, the decision maker as designated by the President shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the decision maker as designated by the President shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The decision maker as designated by the President shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.

Disciplinary or
Corrective Action

If the decision maker as designated by the President determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

Examples of disciplinary or corrective action may include:

- Implementing the disciplinary measures described in college policies and procedures for employees;
- Providing a training program for those involved in the complaint;
- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the party who engaged in prohibited conduct;

- Permitting the victim or student who engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
- 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 prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and,
- Taking other actions described in College District policies, procedures, and regulations.

Exception

The College District shall minimize attempts to require a complainant 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. In no event may a student be required to resolve a complaint of sexual harassment by an employee directly with the employee.

Improper Conduct

If the decision maker as designated by the President determines that improper conduct occurred 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.

Dismissal of Complaint

Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Permissive Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or the decision maker as designated by the President shall provide the parties written notice of the dismissal.

Confidentiality	To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respondent or a person who makes a report or serves as a witness. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.
Retaliation	<p>The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.</p> <p>A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy DIAA, as appropriate.</p>
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.
Failure to Report and False Claims	An employee who fails to make a required report or a student or employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.
Appeal	If the decision maker as designated by the President determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evidence collected during the investigation and hearing to the President or designee. A conference shall be scheduled within ten days of the notice of determination in accordance with FM and/or FMA, beginning at Appeal to the College District Administration.
Discipline or Corrective Action	
<i>Students</i>	
Suspension	If the decision maker as designated by the President determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evidence collected during the investigation and hearing to the President or designee to schedule an expulsion hearing in accordance with College policy and procedures.
Expulsion	If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants expulsion, the official shall forward the determination and all evidence collected during the investigation and hearing to the President or designee to schedule an expulsion hearing in accordance with College policy and procedures.
Other Action	If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the student that the student may appeal the determination within ten days in accordance with FM and/or FMA, beginning at Appeal to the College District Administration.

<i>Employee</i>	If the decision maker as designated by the President determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the decision maker as designated by the President shall inform the employee in writing of the determination, and hearing shall be scheduled in accordance with College policy and procedures.
Suspension Without Pay or Termination of Contract Employees	
Other Action	If the decision maker as designated by the President determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the employee that the employee may appeal the determination within ten days in accordance with College policy and procedures.
Other Appeals	All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See Employee Handbook for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]
Complaints Filed with OCR	A party shall be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).
Records Retention	Retention of records shall 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, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians of dual credit 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 and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.

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

STATEMENT OF
NONDISCRIMINATION

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

PROHIBITED
HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the 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 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	Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee.
STUDENT REPORT	
EMPLOYEE REPORT	College District employees who suspect, and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct, shall immediately notify the appropriate College District official listed in this policy and shall take any other steps required by this policy.
EXCEPTIONS	<p>A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person shall not be required to disclose a report of prohibited conduct without the student’s consent.</p> <p>A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is disclosing information as required for inclusion in the College District’s annual security report under the Clery Act.</p>
RESPONSIBLE EMPLOYEE	<p>For purposes of this policy, a “responsible employee” is an employee:</p> <ol style="list-style-type: none">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. <p>The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below.</p>

DEFINITION OF
COLLEGE DISTRICT
OFFICIALS
ADA / SECTION 504
COORDINATOR

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

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: ~~Dr. Mary Jan Lantz~~ Teena Marie Wilson

Position: Director of Human Resources and Risk Management

Address: 4015 Avenue Q, Galveston, TX 77550

Telephone: 409.944.1281

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, 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; therefore, reports should be made within 90 calendar days of the incident when possible.

INVESTIGATION OF
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

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.

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 FFDA, as appropriate.

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. The investigator shall 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	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	<p>Galveston College will conduct a prompt, fair, and impartial investigation from initial report to final results.</p> <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 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.</p> <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 THE OUTCOME	The College District shall provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed.

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, in accordance with College District policy and procedures [see FM and FMA].
PROHIBITED 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 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.
IMPROPER CONDUCT	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.
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 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 U.S. Department of Education Office for Civil Rights.
RECORDS RETENTION	Retention of records shall 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, shall be published annually on the College's website to ensure easy access and wide distribution. Copies of the policy and procedures shall also be available at the College District's administrative offices upon request.

Review and Discuss Proposed Revisions to Local Board Policies and Regulations

Staff will present proposed revisions to Local Board Policies and regulations in:

- Section B – Local Governance (BBD, BBI, BG)
- Section C – Business and Support Services (CFE, CGC, CS, CU)
- Section D – Personnel (DAA, DIAA, DIAB)
- Section E – Instruction (ECC)
- Section F – Students (FAA, FAB, FFDA, FFDB)

Following discussion, the Committee will determine a recommendation to the Board of Regents regarding these proposed local policies.

**GALVESTON COLLEGE
PROPOSED BOARD POLICIES**

Policy		Policy Title	Comments
BBD	Local	Board Members: Orientation and Training	Updates information concerning public information training for Board members
BBI	Local	Board Members: Technology Resources and Electronic Communications	Updates policy reference for information security (CS)
BG	Local	Administrative Organization	Proposed new policy for the implementation of SB17 (Diversity, Equity, and Inclusion) (from the 2023 legislative session)
CFE	Local	Purchasing and Acquisition: Vendor Relations	Proposed new policy for the implementation of SB17 (Diversity, Equity, and Inclusion) (from the 2023 legislative session)
CGC	Local	Safety Program: Emergency Plans and Alerts	Updates language to be able to address other requirements as established by the Texas School Safety Center.
CS	Local	Information Security	Updates language to clarify a security incident (as defined by law).
CU	Local	Research	Proposed new policy to establish parameters for security of research and designate the Director of Institutional Effectiveness and Research as GC' research security officer.
DAA	Local	Employment Objectives: Equal Employment Opportunity	Proposed new policy for the implementation of SB17 (Diversity, Equity, and Inclusion) (from the 2023 legislative session)
DIAA	Local	Freedom from Discrimination, Harassment, and Retaliation: Sex and Sexual Violence	Updates the named Title IX officer.
DIAB	Local	Freedom from Discrimination, Harassment, and Retaliation: Other Protected Characteristics	Updates the named ADA / Section 504 Coordinator
ECC	Local	Instructional Arrangements: Student Course Load and Schedules	Updates and provides additional exceptions for good cause for students who need to exceed the limit on number of dropped courses.
FAA	Local	Equal Educational Opportunity: Diversity, Equity, and Inclusion	Proposed new policy for the implementation of SB17 (Diversity, Equity, and Inclusion) (from the 2023 legislative session)
FAB	Local	Equal Educational Opportunity: Pregnant and Parenting Students	Proposed new policy to implement legislation protect and accommodate pregnant and parenting students.
FFDA	Local	Freedom from Discrimination, Harassment, and Retaliation: Sex and Sexual Violence	Updates the named Title IX officer.
FFDB	Local	Freedom from Discrimination, Harassment, and Retaliation: Other Protected Characteristics	Updates the named ADA / Section 504 Coordinator

Orientation of New Board Members

The Board and the President shall provide an orientation for new Board members within the calendar year of their election to assist them in understanding the Board's function, policies, and procedures. Assistance given in the orientation of new Board members may include the following, as appropriate or available:

1. Selected materials on the responsibilities of being a contributing member of the Board.
2. Material pertinent to meetings and an explanation of its use.
3. Invitations to meet with the [G head of district/college/ESC, initial upper case] and other administrative personnel designated by the [G head of district/college/ESC, initial upper case] to discuss services the administration performs for the Board.
4. Access to a copy of the Board's policies and administrative regulations and other documents and information currently in use by other Board members.
5. Information regarding appropriate meetings and workshops.
6. A formal orientation on legal and budgetary oversight responsibilities of the Board.
7. Other information and activities as the Board or the [G head of district/college/ESC, initial upper case] deems useful in fulfilling the role of Board member.

Annual Training Plan

The President shall work with the Board to develop and implement an annual plan to address the training needs of Board members.

Cybersecurity Training

The President or designee shall determine, from the list of cybersecurity training programs certified by the Department of Information Resources (DIR) and published to DIR's website, the cybersecurity training program to be used in the College District. The President may remove access to the College District's computer systems and databases for noncompliance with training requirements as appropriate.

The President shall periodically require an internal review of the College District to ensure compliance with the cybersecurity training requirements.

**Public Information
Coordinator-Act
Training**

The President or designee shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012.

Public Information Act (PIA) training is to be completed by newly elected Board members no later than the 90th day after the member takes office.

A Board member who receives written notice from the Attorney General that the member must complete the PIA training described by Section 552.012 following failure to comply with the PIA training requirement shall complete the training within the timelines described by law.

Note: For employee, student, and community use of College District technology resources, see CR. [For Information Security, see CS.](#)

TECHNOLOGY
RESOURCES

For purposes of this policy, “technology resources” means electronic communication systems and electronic equipment.

AVAILABILITY OF
ACCESS

Access to the College District’s technology resources, including the internet, shall be made available to Board members primarily for official duties and in accordance with administrative regulations.

LIMITED
PERSONAL USE

Limited personal use of the College District’s technology resources shall be permitted if the use:

1. Imposes no tangible cost on the College District; and
2. Does not unduly burden the College District’s technology resources.

ACCEPTABLE USE

A Board member shall be required to acknowledge receipt and understanding of the user agreement governing use of the College District’s technology resources and shall agree in writing to allow monitoring of his or her use. Noncompliance may result in suspension of access or termination of privileges. Violations of law may result in criminal prosecution.

MONITORED USE

Electronic mail transmissions and other use of the College District’s technology resources by a Board member shall not be considered private. The College President or designee shall be authorized to monitor the College District’s technology resources at any time to ensure appropriate use.

DISCLAIMER OF
LIABILITY

The College District shall not be liable for a Board member’s inappropriate use of technology resources, violations of copyright restrictions or other laws, mistakes or negligence, and costs incurred. The College District shall not be responsible for ensuring the availability of the College District’s technology resources or the accuracy, appropriateness, or usability of any information found on the internet.

RECORDS RETENTION

A Board member shall retain electronic records, whether created or maintained using the College District’s technology resources or using personal technology resources, in accordance with the College District’s record management program. [See BBE, CIA, and GCB]

Note: For related information on diversity, equity, and inclusion initiatives, see CFE for contractor discipline, DAA for employees, DH for employee discipline, and FAA for students.

Diversity, Equity, and Inclusion Office

Except as required by federal law, the College District shall not:

1. Establish or maintain a diversity, equity, and inclusion office; or
2. Hire or assign an employee or contract with a third party to perform the duties of a diversity, equity, and inclusion office.

"Diversity, equity, and inclusion office" means an office, division, or other unit of the College District established for the purpose of:

1. Influencing hiring or employment practices at the College District with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
3. Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
4. Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or

2. Certifies compliance with state and federal antidiscrimination laws.

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

**Diversity, Equity,
and Inclusion
Initiatives**

The President or designee shall develop procedures addressing the discipline, up to and including termination, of a College District contractor who violates Education Code 51.3525(b)(1). [See BG, DAA, and FA]

SAFETY PROGRAM
EMERGENCY PLANS AND ALERTS

CGC
(LOCAL)

EMERGENCY
OPERATIONS PLAN

In accordance with state requirements, the College District shall maintain a multihazard emergency operations plan that provides for appropriate employee training, coordination with state and local entities, ~~and~~ implementation of a safety and security audit, ~~and~~ other requirements as established by the Texas School Safety Center (TxSSC).

MISSING STUDENTS

The College President shall have the authority to develop procedures for when a College District student is thought to be or has been determined to be missing. These procedures shall be included in the College District's emergency operations plan.

EMERGENCY
RESPONSE AND
EVACUATION
PROCEDURES

In accordance with federal law, the College District shall maintain effective emergency response and evacuation procedures that can be implemented on short notice and that will ensure optimum safety for students and personnel.

EMERGENCY ALERT
SYSTEM

In accordance with state requirements, the College District shall maintain an emergency alert system that provides for timely notification to students, faculty, and staff of emergencies affecting the College District or its students and employees.

[For details on the state requirements for emergency operations plans and emergency alert systems and federal requirements regarding emergency response and evacuation procedures, see CGC(LEGAL).]

SEVERE WEATHER OR
OTHER EMERGENCY
SITUATION

Only the College President or designee shall have the authority to close the College District. When this action is to be taken, the College President will notify the College District vice presidents, the director of ~~public information~~ marketing and communications, and the director of facilities and security who in turn will make appropriate notifications, including area radio and television stations.

Only the College President or designee shall have the authority to represent the College District and make statements to the press/public regarding the College District and severe weather and/or other emergency situations.

PERSONAL SAFETY

A student shall not attempt to attend classes, and an employee shall not report to work if, in his or her opinion or on the warning of law enforcement officials, travel conditions in the person's area are unsafe or if other circumstances would place the person's life or health in jeopardy. A student who chooses not to attend classes while the College District remains open shall be responsible for all course makeup work and for fulfilling course requirements/assignments as directed by the instructor. If the College District remains open and an employee decides not to report to work, the employee

must notify his or her supervisor and must submit a leave request for the work time missed in accordance with the College District's absence and leave procedures.

INFORMATION
SECURITY PROGRAM

The College President shall approve an information security program designed to address the security of the College District's information resources against unauthorized or accidental modification, destruction, or disclosure. This program shall include procedures for risk assessment and for information security awareness education for employees when hired and ongoing program for all users, as well as compliance with all applicable laws.

The College President or designee shall designate an information security officer (ISO) who is authorized to administer the information security requirements under the law. The College President or designee shall notify the Texas Department of Information Resources (DIR) of the individual designated to serve as the ISO.

The College shall adopt procedures for addressing the privacy and security of information resources, including the College's website and mobile applications and shall submit, as required, the procedures to DIR for review.

The procedures must require the developer of a website or application for the College District that processes confidential information to submit information regarding the preservation of the confidentiality of the information. The College must subject the website or application to vulnerability and penetration test before deployment.

The College shall submit a biennial information security plan to DIR in accordance with law.

The ISO shall report annually to the President on the effectiveness of the College's information security policies, procedures, and practices in accordance with law and administrative procedures.

SECURITY BREACH
NOTIFICATION

Upon discovering or receiving notification of a breach of system security or a security incident, as defined by law, the College District shall disclose the breach or incident to affected persons or entities in accordance with the time frames established by law. The College shall also assess the significance of a security incident and report urgent incidents to DIR and law enforcement in accordance with law and, if applicable, DIR requirements.

The College District shall give notice by using one or more of the following methods:

1. Written notice.
2. Electronic mail, if the College District has electronic mail addresses for the affected persons.
3. Conspicuous posting on the College District's Web site.

4. Publication through broadcast media.

The College District must provide summary reports of security incidents in accordance with DIR guidelines.

The College District shall include in any vendor or third-party contract the requirement that the vendor or third party report information security incidents to the College District in accordance with current law and administrative procedures.

ACCESS BY
INDIVIDUALS WITH
DISABILITIES

The College President or designee shall develop procedures to ensure that individuals with disabilities have access to the College District's electronic and information resources similar to individuals without disabilities. The procedures shall include the standards and specifications in accordance with 1 Administrative Code Chapter 213.

SECURITY AND
PRIVACY

The security and integrity of the College District's electronic and technology resources are essential. Therefore, priority shall be given to maintaining system security and integrity, backing up the system, and general maintenance of the system. The following relate to system security, integrity, and privacy:

1. The College President shall appoint an administrator responsible for developing and maintaining College District procedures regarding security and privacy of computer data, software, and hardware.
2. Any student or employee use of College District electronic and technology resources is a privilege that may be revoked for violation of this policy, regardless of the need for such use in performing assigned duties.
3. A student or employee (regardless of employment contract or tenure status) found to be involved in infractions of this policy or civil or criminal laws regarding College District electronic and technology resources security and privacy shall be subject to disciplinary actions including, but not limited to, revocation of user privileges, suspension, dismissal, prosecution, and restitution for damages. Involvement, as used here, includes, but is not limited to, participating, encouraging, aiding, or failing to report known infractions.
4. Under the authority of the College President, the department of information technology shall have the authority to monitor all electronic and technology resources to protect the integrity of the College District's systems, computing software, workstations, and lab facilities. Designated personnel from the IT department shall have the authority to access files when necessary for the maintenance of the electronic and technology

systems. When performing maintenance, every effort shall be made to ensure the privacy of a user's files. However, if violations are discovered, the violation(s) shall be reported immediately to the director of human resources, the appropriate vice president, and the College President.

5. Some jobs or activities of the College District involve access to resources critical to electronic and technology resources security and privacy. The College District may require employees or students involved in these jobs or activities to disclose personal histories, participate in special training, or sign special agreements concerning computer use.
6. All students and employees shall cooperate with official state and federal law enforcement authorities in aiding the investigation and prosecution of any suspected infraction of security and privacy involving either College District personnel or College District electronic and technology resources.
7. The College District shall make every effort to ensure the integrity of its various systems. All electronic and technology resources available to users offer some form of dataset protection, which can be modified by an authorized user as needed. However, none of the systems offer absolute security. Therefore, users shall not place sensitive information on a publicly accessible system.
8. The College District shall not be responsible for the safe storage of student-generated files. Each student shall be responsible for maintaining copies of any information and work created on College District equipment. The College District shall not be responsible for any loss of student information or student-generated files from College District electronic and technology resources equipment, regardless of the cause.

IDENTITY THEFT
PREVENTION

The College President or designee shall approve and maintain an Identity Theft Prevention Program designed to prevent the unauthorized distribution or theft of personal/confidential information pursuant to the Federal Trade Commission's Red Flags Rule (Rule), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. [16 CFR 681.2]

SECURITY AND
PRIVACY

The College District has identified the following areas requiring oversight for the prevention of identity theft:

1. Customer/consumer information submitted to and required by the College District or by a third party;
2. Employee information submitted to and required by the College District or by a third party; and

3. Confidential information of an employee or a student provided to a third party.

OBJECTIVES

The objectives of the Identity Theft Prevention Program shall be:

1. To ensure the security and confidentiality of customer/consumer information;
2. To prevent disclosure of an employee's personal/confidential information;
3. To protect and secure personal/confidential information stored in departmental file cabinets;
4. To protect and secure personal/confidential information stored in the College District's ERP system or other computers owned by the College District;
5. To protect and secure personal/confidential information provided to third parties;
6. To protect against any anticipated threats or hazards to the security or integrity of such information; and
7. To protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any employee or student/customer/consumer.

Research Security	The College District shall promote the security of the College District's academic research so as to achieve the highest level of compliance with applicable ethical, legal, regulatory, contractual, and College District standards and requirements for securing and protecting the College District's research portfolios.
Research Security Officer	The Director of Institutional Effectiveness and Research shall serve as the research security officer (RSO) and shall be responsible for administering the College District's research security program consistent with law, this policy, and associated administrative procedures. The RSO shall maintain classified information, maintain controlled unclassified information, conduct foreign influence reporting, maintain the export control program, and coordinate the National Security Presidential Memorandum 33 (NSPM-33) requirements. The RSO shall also be the point of contact for communication with federal and state agencies on research security matters. The RSO shall attend the annual academic security and counter exploitation program seminar offered by Texas A&M University.
Research Security Program	The RSO shall develop, administer, and annually review and approve a research security program designed in accordance with law and applicable standards to address the security of College District research against unauthorized disclosure or foreign interference. The program shall include procedures for risk assessment and mitigation, research security awareness education for employees when hired and periodically thereafter, and advising College District employees and officials on research security practices.

Note: For complaints of discrimination, harassment, and retaliation targeting employees on the basis of a protected characteristic, see DIAA and DIAB.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

The prohibitions do not apply to:

1. Submitting a statement as part of a grant application or to comply with the terms of accreditation that highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations, or that certifies compliance with state and federal antidiscrimination laws;
2. Academic course instruction;
3. Scholarly research or a creative work by College District employees or students;

4. An activity of a student organization registered with or recognized by the College District;
5. Guest speakers or performers on short-term engagements;
6. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
7. Data collection; or
8. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DH for employee discipline, and FA for students.

Note: This policy addresses complaints of sex and gender discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation targeting employees. For additional legally referenced material relating to discrimination, harassment, and retaliation, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation targeting students, see FFDA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any employee on the basis of sex. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Employee

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

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of sex that adversely affects the employee’s employment.

In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

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 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.

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.

Dating Violence “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence “Domestic violence” means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim’s family as defined by state law;
- Any other current or former member of the victim’s household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Examples Examples of sexual harassment of an employee may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; sexual assault as defined by law; offensive or derogatory language

directed at another person's gender identity; and other sexually motivated conduct, communication, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the employee, the employee's family members, or members of the employee's household; destroying the employee's property; threatening to commit suicide or homicide if the employee ends the relationship; tracking the employee; attempting to isolate the employee from friends and family; threatening an employee's spouse or partner; or encouraging others to engage in these behaviors.

Prohibited Conduct In this policy, the term "prohibited conduct" includes discrimination, sexual harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Complainant In this policy, the term "complainant" refers to an employee who is alleged to have experienced prohibited conduct.

Respondent In this policy, the term "respondent" refers to a person who is alleged to have committed prohibited conduct.

Confidential Employee A "confidential employee" is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

Reporting Procedures A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.

Reporting by
Alleged Victim

An employee who believes that he or she has experienced prohibited conduct may report the alleged acts to his or her immediate supervisor, to the Title IX coordinator, or to the President or designee.

Reports against the Title IX coordinator may be directed to the College President or designee. A report against the 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. An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct.

Alternatively, the employee may report electronically through the College District's website.

	<p>A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.</p> <p>It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.</p>
Reporting by Other Employees	<p>Any employee who believes that another employee has experienced prohibited conduct, regardless of when or where the incident occurred, shall immediately report the alleged acts to the Title IX coordinator. Additionally, the employee may report to the President or designee.</p> <p>A report against the President must also 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.</p>
<i>Exceptions</i>	
Disclosure at Event	<p>A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by an employee organization affiliated with the institution is not required to report the prohibited conduct unless the person has authority to institute corrective measures on behalf of the College District.</p>
Employee Subject to Confidentiality Rules	<p>Absent the employee's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the employee's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.</p>
Prior Report	<p>A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.</p>
Title IX Coordinator	<p>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, and related state and federal laws:</p>

Title IX Coordinator: ~~Dr. Mary Jan Lantz~~ Teena Marie Wilson
Address: 4015 Avenue Q, Galveston, TX 77550
Telephone: 409.944.1281
Email: TitleIXCoordinator@gc.edu
Webpage: gc.edu/campus-security-safety/incident-report

- Responsible Employees** All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.
- Timely Reporting** A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.
- Consolidate Reports** When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may consolidate the complaints.
- Advisor** Each party to a complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.
- Conflict of Interest Prohibited** No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.
- Training** A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.
- Days** "Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
- Extension of Timelines** Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension. A limited delay determined to be necessary so as not to impede a criminal or regulatory investigation shall constitute good cause for an extension of timelines established by this policy and associated procedures.

Investigation of the Report

The College District may request, but shall not insist upon, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant. The Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator shall immediately provide notice to the known parties to the complaint.

If the Title IX coordinator 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 Title IX coordinator shall refer the complaint for consideration under the appropriate policy.

Request Not to Investigate

The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint

To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.

Notice to Parties

The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.

If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.

Informal Resolution

The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution

of a formal complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within ten days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process.

Formal Resolution If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation.

Supportive Measures If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to prevent prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include work accommodations, such as leaves of absence or administrative leave; mutual restrictions on contact between the parties; counseling and health services; and increased security and monitoring of certain areas of the campus.

College District Investigation The investigation may be conducted by the Title IX coordinator 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 complainant, the respondent, 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.

The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.

At least ten days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

Concluding the Investigation The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

	<p>The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.</p>
Notification of the Report	<p>The Title IX coordinator shall provide the investigation report, within the extent permitted by law, to the complainant and the respondent promptly following receipt. The parties shall be given ten days to respond to the report.</p>
College District Action	<p>The Title IX coordinator shall submit the investigation report to the decision maker as designated by the President promptly after receipt of the parties' response, but no later than the expiration of the parties' deadline to respond.</p> <p>The decision maker as designated by the President shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days. The hearing shall be conducted in accordance with law and College District procedures.</p> <p>After the hearing, the decision maker as designated by the President shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the decision maker as designated by the President shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The decision maker as designated by the President shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.</p>
Disciplinary or Corrective Action	<p>If the decision maker as designated by the President determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.</p> <p>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.</p> <p>Examples of disciplinary or corrective action may include:</p> <ul style="list-style-type: none">• Implementing the disciplinary measures described in college policy and/or procedures;• Providing a training program for those involved in the complaint;

- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the student who engaged in prohibited conduct;
- Permitting the victim or student engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
- Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving employees in efforts to identify problems and improve the College District climate;
- Increasing staff monitoring of areas where prohibited conduct has occurred;
- Reaffirming the College District’s policy against discrimination and harassment; and
- Taking other actions described in College District regulations.

Exception

The College District shall minimize attempts to require a complainant 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.

Improper Conduct

If the decision maker as designated by the President determines that improper conduct occurred 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.

Dismissal of Complaint

Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Permissive Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or decision maker as designated by the President shall provide the parties written notice of the dismissal.

Confidentiality To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respondent or a person who makes a report or as a witness. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.

Retaliation The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.

A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy FFDA, as appropriate.

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.

Failure to Report and False Claims An employee who fails to make a required report or an employee or student who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.

Appeal If the decision maker as designated by the President determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the decision maker as designated by the President shall inform the employee in writing of the determination, and if requested, a hearing shall be scheduled in accordance with DMAA.

Discipline or
Corrective Action

Employees

Suspension
Without Pay or
Termination of
Contract
Employees

Other Action

If the decision maker as designated by the President determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the employee that the employee may appeal the determination within ten days in accordance with the College's grievance procedures.

Students

Suspension

If the decision maker as designated by the President determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evi-

dence collected during the investigation and hearing to the President or designee. A conference shall be scheduled within ten days of the notice of determination in accordance with FMA, beginning at Appeal to the College District Administration.

Expulsion If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants expulsion, the official shall forward the determination and all evidence collected during the investigation and hearing to the President or designee to schedule an expulsion hearing as provided for in College policy and procedures.

Other Action If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the student that the student may appeal the determination within ten days in accordance with FMA, beginning at Appeal to the College District Administration.

Other Appeals All other appeals related to this policy may be submitted through the applicable grievance policy and/or procedures beginning at the appropriate level. [See Employee Handbook for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

Complaints Filed with State or Federal Agencies A party shall be informed of any right to file a complaint with appropriate state or federal agencies.

Records Retention Retention of records shall 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, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians of dual credit 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 and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily

available at the College District's administrative offices and shall be distributed to an employee who makes a report.

Note: This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting employees. For discrimination, harassment, and retaliation of students based on race, color, national origin, religion, age, or disability, see FFDB.

**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.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

DIAB
(LOCAL)

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 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:

Name: [Dr. Mary Jan Lantz](#) [Teena Marie Wilson](#)
Position: Director of Human Resources
and Risk Management
Address: 4015 Avenue Q, Galveston, TX 77550
Telephone: 409.944.1281

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 ADA/Section 504 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; therefore, reports should be made within 90 calendar days of the incident (when possible).

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 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

Galveston College shall conduct a prompt, fair, and impartial investigation from initial report to final results.

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.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

DIAB
(LOCAL)

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 the College's policies and procedures, beginning at the appropriate level.

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

Records Retention

Retention of records shall 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 shall be published annually on the College's website to ensure easy access and wide distribution. Copies of the policy shall also be readily available at the College administrative offices upon request.

INSTRUCTIONAL ARRANGEMENTS
STUDENT COURSE LOAD AND SCHEDULES

COURSE LOAD The normal course load for a full-time student for the fall or spring semester shall be 15 semester hours. Course loads of 19 semester hours or more shall require the approval of the Vice President of Instruction or designee.

During a five or six-week summer term, a full-time student shall normally enroll in 6 to 8 semester hours or 12 to 14 hours for the full summer. Course loads in excess of 8 semester hours for a five or six-week term or 16 semester hours for a full summer shall require the approval of the Vice President of Instruction or designee.

LIMITATION ON NUMBER OF DROPPED COURSES A student shall not be permitted to drop more than six courses. This limit on the number of dropped courses shall include any course a student has dropped at another institution of higher education. For the limit to apply:

1. The student must be permitted to drop the course without receiving a grade or being penalized academically;
2. The student's transcript must indicate or will indicate the student was enrolled in the course; and,
3. The student must not have dropped the course to withdraw ~~for~~ from the College District.

EXCEPTIONS FOR GOOD CAUSE A student shall be permitted to exceed the limit on the number of dropped courses for any of the following reasons:

1. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
2. The care of sick, injured, or needy person if providing that the care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family;
4. The death of a person who has a sufficiently close relationship to the student;

5. The student's active military duty service;
6. The active military service of a member of the student's family or a person who has a sufficiently close relationship to the student;
7. A change in student's work schedule that is beyond the student's control and affects the student's ability to satisfactorily complete the course; or,
8. A disaster declared by the governor that prevents or limits in-person course attendance for a period determined by the College District, in accordance with law, that significantly affects the student's ability to participate in the coursework.
9. A qualifying reenrolled student may drop a seventh course in accordance with the law.
10. A dual credit or dual enrollment course dropped by a student before graduating from high school may not be counted toward the limit on the number of dropped courses.
11. A course dropped by a student while pursuing a bachelor's degree that the student ultimately earned credit for may not be counted toward the limit on the number of dropped courses.

A course dropped by a student during the 2020 spring or summer semester or the 2020-2021 academic year because of a bar or limit on in-person course attendance due to the COVID-19 pandemic may not be counted toward the limit on the number of dropped courses.

PROCEDURES The College President or designee shall develop appropriate procedures to implement this policy.

Note: For complaints of discrimination, harassment, and retaliation on the basis of a protected characteristic, see FFDA and FFDB.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DAA for employees, and DH for employee discipline.

Note: For complaints of discrimination, harassment, and retaliation on the basis of sex or gender, see FFDA. For all other discrimination, harassment, and retaliation complaints related to this policy, see FFDB.

Procedures

The President or designee shall develop procedures addressing protections and accommodations, consistent with law, for students who are pregnant or parenting, including procedures addressing early registration and leaves of absence.

Liaison

The President shall designate a pregnant and parenting students' liaison for current or incoming students at the institution who are the parents or guardians of children younger than 18 years of age. The liaison shall provide the students information regarding support services and other available resources and serve as the point of contact for a student requesting a protection or accommodation under Education Code 51.982. The liaison's contact information shall be included in the procedures described above.

Publication

The procedures and the liaison's contact information shall be published in the student and employee handbooks and posted on the College District's website.

Note: This policy addresses complaints of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, see [FA\(LEGAL\)](#) and [FAA\(LEGAL\)](#). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any student on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

*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 to participate in a college program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from the College District's educational program or activities.

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 limits or denies a student's ability to participate in or benefit from the College District's educational program or activities.

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.

Dating Violence

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

“Domestic violence” means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim’s family as defined by state law;
- Any other current or former member of the victim’s household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical con-

tact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault as defined by law; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household; destroying the student's property; threatening to commit suicide or homicide if the student ends the relationship; tracking the student; attempting to isolate the student from friends and family; threatening a student's spouse or partner; or encouraging others to engage in these behaviors.

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 limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

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.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Complainant

In this policy, the term "complainant" refers to an applicant for admission or a student who is alleged to have experienced prohibited conduct. The term also includes a former student who is alleged to have experienced prohibited conduct while participating, or attempting to participate, in the College District's educational program or activity.

Respondent

In this policy, the term "respondent" refers to a person who is alleged to have committed prohibited conduct.

Confidential
Employee

A “confidential employee” is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

**Reporting
Procedures**

Student Report

A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the 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 the Title IX coordinator, the President or designee, or another employee. A report against the 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. A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct.

Alternatively, a student may submit the report electronically through the College District’s website. The submission of an anonymous electronic report may impair the College District’s ability to investigate and address the prohibited conduct.

A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

Exception

Absent consent or unless required by law, a student designated in administrative regulations as a student advocate to whom another student may speak confidentially concerning prohibited conduct may not disclose any communication made by the other student.

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, regardless of when or where the incident occurred, shall immediately notify the Title IX coordinator and shall take any other steps required by this policy. Additionally, the employee may report to the President or designee.

A report against the President must also 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.

<i>Exceptions</i>	A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution is not required to report the prohibited conduct unless the person has the authority to institute corrective measures on behalf of the College District.
Disclosure at Event	
Employee Subject to Confidentiality Rules	Absent the student's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the student's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.
Prior Report	A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.

Title IX Coordinator Reports of discrimination based on sex, including sexual harassment and 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, and related state and federal laws:

Title IX Coordinator: ~~Dr. Mary Jan Lantz~~ [Teena Marie Wilson](#)
Address: 4015 Avenue Q, Galveston, TX 77550
Telephone: 409.944.1281
Email: TitleIXCoordinator@gc.edu
Webpage: gc.edu/campus-security-safety/incident-report

Responsible Employees All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.

Timely Reporting A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.

Consolidate Reports	When the allegations underlying two or more reports arise out of the same facts or circumstances, the College District may consolidate the reports.
Advisor	Each party to the complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.
Conflict of Interest Prohibited	No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.
Training	A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Extension of Timelines	Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension.
Investigation of the Report	The College District may request, but shall not require, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.
Initial Assessment	Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant. The Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator shall immediately provide notice to the known parties to the complaint. If the Title IX coordinator 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 Title IX coordinator shall refer the complaint for consideration under the appropriate policy.
<i>Request Not to Investigate</i>	The complainant may request that the College District not investigate the allegations. If the complainant requests that the allega-

tions not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint	To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.
Notice to Parties	<p>The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.</p> <p>If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.</p>
Informal Resolution	The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of the complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within ten days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process. This process is not available in situations where an employee is alleged to have sexually harassed a student.
Formal Resolution	If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation, except as provided below at Criminal or Regulatory Investigation.
Supportive Measures	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to address prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive

measures include academic accommodations, such as extensions of deadlines or other course-related adjustments and modifications of class schedules; housing and dining modifications; temporary removal from an education program or activity in accordance with law; counseling; health services; campus escort services; mutual restrictions on contact between the parties; and increased security and monitoring of certain areas of the campus.

College District Investigation

The investigation may be conducted by the Title IX coordinator or designee or by a third party designated by the College District, such as an attorney.

The investigation may consist of personal interviews with the complainant, the respondent, 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.

The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.

At least ten days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

Criminal or Regulatory 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. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.

Concluding the Investigation

The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.

Notification of the
Report

The Title IX coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the complainant and the respondent promptly following receipt. The parties shall be given ten days to respond to the report.

**College District
Action**

The Title IX coordinator shall submit the investigation report and any response from the parties to the decision maker as designated by the President promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.

The decision maker as designated by the President shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days, following the receipt of the investigation report. The hearing shall be conducted in accordance with law and College District procedures.

After the hearing, the decision maker as designated by the President shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the decision maker as designated by the President shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The decision maker as designated by the President shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.

Disciplinary or
Corrective Action

If the decision maker as designated by the President determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

Examples of disciplinary or corrective action may include:

- Implementing the disciplinary measures described in college policies and procedures for employees;
- Providing a training program for those involved in the complaint;
- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the party who engaged in prohibited conduct;

- Permitting the victim or student who engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
- 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 prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and,
- Taking other actions described in College District policies, procedures, and regulations.

Exception

The College District shall minimize attempts to require a complainant 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. In no event may a student be required to resolve a complaint of sexual harassment by an employee directly with the employee.

Improper Conduct

If the decision maker as designated by the President determines that improper conduct occurred 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.

Dismissal of Complaint

Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Permissive Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or the decision maker as designated by the President shall provide the parties written notice of the dismissal.

Confidentiality	To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respondent or a person who makes a report or serves as a witness. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.
Retaliation	<p>The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.</p> <p>A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy DIAA, as appropriate.</p>
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.
Failure to Report and False Claims	An employee who fails to make a required report or a student or employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.
Appeal	If the decision maker as designated by the President determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evidence collected during the investigation and hearing to the President or designee. A conference shall be scheduled within ten days of the notice of determination in accordance with FM and/or FMA, beginning at Appeal to the College District Administration.
Discipline or Corrective Action	
<i>Students</i>	
Suspension	If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants suspension, the official shall forward the determination and all evidence collected during the investigation and hearing to the President or designee to schedule an expulsion hearing in accordance with College policy and procedures.
Expulsion	
Other Action	If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the student that the student may appeal the determination within ten days in accordance with FM and/or FMA, beginning at Appeal to the College District Administration.

<i>Employee</i>	If the decision maker as designated by the President determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the decision maker as designated by the President shall inform the employee in writing of the determination, and hearing shall be scheduled in accordance with College policy and procedures.
Suspension Without Pay or Termination of Contract Employees	
Other Action	If the decision maker as designated by the President determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the employee that the employee may appeal the determination within ten days in accordance with College policy and procedures.
Other Appeals	All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See Employee Handbook for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]
Complaints Filed with OCR	A party shall be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).
Records Retention	Retention of records shall 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, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians of dual credit 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 and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.

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

STATEMENT OF
NONDISCRIMINATION

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

PROHIBITED
HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the 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 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	Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee.
STUDENT REPORT	
EMPLOYEE REPORT	College District employees who suspect, and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct, shall immediately notify the appropriate College District official listed in this policy and shall take any other steps required by this policy.
EXCEPTIONS	<p>A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person shall not be required to disclose a report of prohibited conduct without the student’s consent.</p> <p>A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is disclosing information as required for inclusion in the College District’s annual security report under the Clery Act.</p>
RESPONSIBLE EMPLOYEE	<p>For purposes of this policy, a “responsible employee” is an employee:</p> <ol style="list-style-type: none">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. <p>The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below.</p>

DEFINITION OF
COLLEGE DISTRICT
OFFICIALS
ADA / SECTION 504
COORDINATOR

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

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: ~~Dr. Mary Jan Lantz~~ Teena Marie Wilson

Position: Director of Human Resources and Risk Management

Address: 4015 Avenue Q, Galveston, TX 77550

Telephone: 409.944.1281

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, 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; therefore, reports should be made within 90 calendar days of the incident when possible.

INVESTIGATION OF
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

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.

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 FFDA, as appropriate.

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. The investigator shall 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	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	<p>Galveston College will conduct a prompt, fair, and impartial investigation from initial report to final results.</p> <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 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.</p> <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 THE OUTCOME	The College District shall provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed.

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, in accordance with College District policy and procedures [see FM and FMA].
PROHIBITED 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 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.
IMPROPER CONDUCT	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.
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 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 U.S. Department of Education Office for Civil Rights.
RECORDS RETENTION	Retention of records shall 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, shall be published annually on the College's website to ensure easy access and wide distribution. Copies of the policy and procedures shall also be available at the College District's administrative offices upon request.

Discuss Updates on New Federal and State Rules and Regulations

Dr. Shelton will present an update on the following items:

- New Title IX Rules
- Governor Abbott's Executive Order GA-44 Pertaining to hate Speech and Antisemitism
- Department of Labor's New Rules Pertaining to New Salary Thresholds for Exempt Employees

FACT SHEET: U.S. Department of Education’s 2024 Title IX Final Rule Overview

Title IX of the Education Amendments of 1972 (Title IX) was signed into law more than 50 years ago. In the decades since, Title IX’s protections have paved the way for tremendous strides in access to education and more for millions of students across the country and have opened doors for generations of women and girls. In spite of this historic progress, rates of sexual harassment and assault in our nation’s schools and colleges remain unacceptably high. Many women see their education derailed because of pregnancy discrimination. And many LGBTQI+ students face bullying and harassment just because of who they are. The Biden-Harris Administration believes that the promise of Title IX, an education free from sex discrimination, remains as vital now as it was when it was first signed into law.

On April 19, 2024, the U.S. Department of Education released its final rule to fully effectuate Title IX’s promise that no person experiences sex discrimination in federally funded education. Before issuing the proposed regulations, the Department received feedback on its Title IX regulations, as amended in 2020, from a wide variety of stakeholders. The regulations released today draw on the Department’s engagement with tens of thousands of students, parents, educators, State government representatives, advocates, lawyers, researchers, and representatives from elementary schools, secondary schools, and postsecondary institutions. After releasing the proposed regulations in July 2022, the Department received and reviewed more than 240,000 comments from the public to inform this rulemaking.

The final regulations will help to ensure that all persons, including students and employees, receive appropriate support if they experience sex discrimination in schools and that schools’ procedures for investigating and resolving complaints of sex discrimination are accurate and fair to all involved. The final regulations strengthen several major provisions from the current regulations and provide schools with information to meet their Title IX obligations while providing appropriate discretion and flexibility to account for variations in school size, student populations, and administrative structures. The final regulations also provide greater clarity regarding: the definition of “sex-based harassment”; the scope of sex discrimination, including schools’ obligations not to discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and schools’ obligations to provide an educational environment free from discrimination on the basis of sex.

The final regulations strengthen vital protections for students in our nation’s schools and provide clear rules to help schools meet their Title IX obligation to eliminate sex discrimination in their education programs and activities. The final regulations also reaffirm the Department’s core commitment to fundamental fairness for all parties; the rights of parents and guardians to support minor children; respect for freedom of speech and academic freedom; and respect for the autonomy that complainants need and deserve when they come forward with a claim of sex discrimination.

The final regulations:

Provide full protection from sex-based harassment.

The final regulations strengthen vital protections from all forms of sex-based harassment, including sexual violence and unwelcome sex-based conduct that creates a hostile environment by limiting or denying a person's ability to participate in or benefit from a school's education program or activity.

Require schools to take prompt and effective action to end any sex discrimination in their education programs or activities—and to prevent its recurrence and remedy its effects.

The final regulations promote accountability and fulfill Title IX's nondiscrimination mandate by requiring schools to act promptly and effectively in response to information about conduct that reasonably may constitute sex discrimination, including sexual violence and other forms of sex-based harassment. These regulations also require that schools train employees about the school's obligation to address sex discrimination, as well as employees' obligations to notify or provide contact information for the Title IX Coordinator.

Require schools to provide supportive measures to complainants and respondents affected by conduct that may constitute sex discrimination, including sexual violence and other forms of sex-based harassment.

Under the final regulations, schools are required to offer supportive measures, as appropriate, to restore or preserve a party's access to the school's education program or activity or provide support during a school's grievance procedures or the informal resolution process. Supportive measures cannot be unreasonably burdensome to a party and cannot be imposed for punitive or disciplinary reasons.

Require schools to respond promptly and effectively to all complaints of sex discrimination with a fair, transparent, and reliable process that includes trained, unbiased decisionmakers to evaluate all relevant and not otherwise impermissible evidence.

The final regulations strengthen requirements for schools to conduct reliable and impartial investigations of all sex discrimination complaints. The final regulations maintain several major provisions from the current regulations to ensure consistency for schools while updating required procedures to more effectively protect against sex discrimination in the nation's elementary schools, secondary schools, and postsecondary institutions.

The Department's final regulations include the following:

- All schools must treat complainants and respondents equitably.
- Title IX Coordinators, investigators, decisionmakers, and facilitators of an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- A school's grievance procedures must include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the school's grievance procedures.
- A school's grievance procedures must require adequate notice to the parties of the allegations, dismissal, delays, meetings, proceedings, and determinations.
- A school's grievance procedures must give the parties an equal opportunity to present and access relevant and not otherwise impermissible evidence, as well as provide a reasonable opportunity for each party to respond to that evidence.

- The school's decisionmakers must objectively evaluate each party's relevant and not otherwise impermissible evidence.
- A school must have a process enabling the decisionmaker to assess a party's or witness's credibility when credibility is in dispute and relevant. For sex-based harassment complaints involving a student party at a postsecondary institution, this process must include either: questioning by the investigator or decisionmaker during individual meetings with a party or witness (including questions proposed by each party), or questioning by the decisionmaker during a live hearing (including questions proposed by each party and asked by the decisionmaker or the party's advisor).
- In evaluating the parties' evidence, a school must use the preponderance of the evidence standard of proof unless the school uses the clear and convincing evidence standard in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the school may use that standard in determining whether sex discrimination occurred.
- A school must not impose disciplinary sanctions under Title IX on any person unless it determines at the conclusion of grievance procedures that sex discrimination for which the person was responsible has occurred.

Provide schools with flexibility to adapt the regulations' grievance procedure requirements to their educational communities so that all schools can implement Title IX's promise of nondiscrimination fully and fairly in their educational environments.

The Department's final regulations will enable all schools to meet their Title IX obligations while providing appropriate discretion and flexibility to account for variations in school size, student populations, and administrative structures. For instance, schools have the option to use a single-investigator model, and schools may choose to use this model in some, but not all, cases as long as it is clear in their grievance procedures when this model will be utilized. Schools also have the option to offer an informal resolution process for sex discrimination complaints unless the complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or unless such a process would conflict with Federal, State, or local law.

Further, the Department's final regulations reflect a framework that accounts for differences in the age, maturity, needs, and level of independence of students in various educational settings. The final regulations include some requirements that apply in all educational settings as well as specialized requirements that are tailored to the unique situation of sex-based harassment complaints involving postsecondary students. This framework is designed to ensure that all elementary and secondary schools and postsecondary institutions provide for the prompt and equitable resolution of sex discrimination complaints in their respective settings.

Protect students, employees, and applicants from discrimination based on pregnancy or related conditions.

The final regulations update longstanding existing protections for students, employees, and applicants against discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery from these conditions. Specifically, the final regulations strengthen requirements that schools provide reasonable modifications for students

based on pregnancy or related conditions, allow for reasonable break time for lactation for employees, and access to a clean, private lactation space for students and employees.

The final regulations also require that when a student, a parent of a minor student, or other authorized legal representative informs a school employee of a student's pregnancy or related conditions, the employee then must provide the individual with information about the school's obligations to prevent discrimination and ensure equal access. The final regulations also prohibit schools from disclosing personally identifiable information they obtain through complying with Title IX, including information about reasonable modifications for pregnancy or related conditions, with limited exceptions.

Prohibit discrimination against LGBTQI+ students, employees, and others.

The rule prohibits discrimination and harassment based on sexual orientation, gender identity, and sex characteristics in federally funded education programs, applying the reasoning of the Supreme Court's ruling in *Bostock v. Clayton County*.

Protect people from harm when they are separated or treated differently based on sex in school.

The final regulations clarify that a school must not separate or treat people differently based on sex in a manner that subjects them to more than de minimis harm, except in limited circumstances permitted by Title IX. The final regulations further recognize that preventing someone from participating in school (including in sex-separate activities) consistent with their gender identity causes that person more than de minimis harm. This general nondiscrimination principle applies except in the limited circumstances specified by statute, such as in the context of sex-separate living facilities and sex-separate athletic teams.

The final regulations do not include new rules governing eligibility criteria for athletic teams.

Protects students, employees, and others from retaliation.

The final regulations reinforce that schools must not intimidate, threaten, coerce, or discriminate against someone in order to interfere with their Title IX rights or because they reported sex discrimination, including sexual violence or other forms of sex-based harassment, or participated in, or refused to participate in, the school's Title IX process. The final regulations also make clear that schools must protect students from peer retaliation by other students.

Support the right of parents and guardians to act on behalf of their elementary and secondary school children.

The final regulations support the rights of parents and guardians to act on behalf of a minor student, including when seeking assistance under Title IX and participating in a school's Title IX grievance procedures.

Ensure that schools communicate their nondiscrimination policies and procedures.

The final regulations require schools to clearly and effectively inform key people, including students, employees, and applicants, of their nondiscrimination policies and procedures.

Prohibit schools from sharing personal information.

The final regulations prohibit schools from disclosing personally identifiable information they obtain through complying with Title IX, with limited exceptions, such as when they have prior written consent or when the information is disclosed to the parent of a minor.

The unofficial version of the final regulations is available [here](#). In addition, the Department has released a [summary](#) of the major provisions of the final regulations and a [resource](#) for drafting Title IX nondiscrimination policies, notices of nondiscrimination, and grievance procedures. The final regulations are effective on August 1, 2024, and apply to complaints of sex discrimination regarding alleged conduct that occurs on or after that date. The Department is committed to supporting schools in implementing the final regulations and will provide technical assistance and additional resources to schools to support implementation and compliance, as appropriate.



GOVERNOR GREG ABBOTT

March 27, 2024

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:15 AM 'CLOCK

MAR 27 2024

Jane Nelson
Secretary of State

The Honorable Jane Nelson
Secretary of State
State Capitol, Room 1E.8
Austin, Texas 78701

Dear Secretary Nelson:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-44 relating to addressing acts of antisemitism in institutions of higher education.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "GSD", with a long horizontal flourish extending to the right.

Gregory S. Davidson
Executive Clerk to the Governor

GSD:gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 27, 2024

EXECUTIVE ORDER
GA 44

Relating to addressing acts of antisemitism in institutions of higher education.

WHEREAS, on October 7th of last year, the terrorist group Hamas committed unspeakable and heinous acts when they launched a surprise attack on Israel; and

WHEREAS, this attack killed over 1,200 innocent civilians including women, children, and approximately 30 American citizens, and Hamas took over 250 individuals hostage, including at least 10 Americans; and

WHEREAS, immediately after the October 7th attack, Governor Abbott reiterated his longstanding support for Israel and the Texas Jewish community and took initial steps to address acts of antisemitism in Texas, including authorizing \$4 million in additional grant funds to protect synagogues and Jewish schools, prohibiting state agencies from purchasing goods from the Gaza Strip or entities that support Hamas, and directing the Texas Education Agency and the Texas Holocaust, Genocide, and Antisemitism Advisory Commission to educate Texans about the Israel–Hamas War and antisemitism; and

WHEREAS, Texas will continue to stand with Israel and support our Jewish neighbors in Texas; and

WHEREAS, incidents of antisemitism have increased since Hamas' attack, and the proliferation of antisemitism at public universities is particularly concerning; and

WHEREAS, while many Texas universities have acted quickly to condemn antisemitism and foster appropriate discourse on the terrorist attacks against Israel and the ensuing Israel–Hamas War, some radical organizations have engaged in unacceptable actions on university campuses; and

WHEREAS, protected free speech areas on Texas university campuses, as well as the buildings and parking lots of Jewish student organizations, have been covered in antisemitic graffiti; and

WHEREAS, multiple protests and walkouts have been staged by universities' student organizations, with students chanting antisemitic phrases such as "from the river to the sea, Palestine will be free," which has long been used by Hamas supporters to call for the violent dismantling of the State of Israel and the destruction of the Jewish people who live there; and

WHEREAS, Texas supports free speech, especially on university campuses, but that freedom comes with responsibilities for both students and the institutions themselves; and

WHEREAS, such speech can never incite violence, encourage people to violate the law

harass other students or other Texans, or disrupt the core educational purpose of a university; and

WHEREAS, Section 51.9315(f) of the Texas Education Code requires all higher education institutions to adopt policies detailing students' responsibilities regarding free expression on campus; and

WHEREAS, Section 51.9315(c)(2) of the Texas Education Code provides that students should not participate in, and higher education institutions should not allow, expression that is unlawful or disrupts the operations of the institution; and

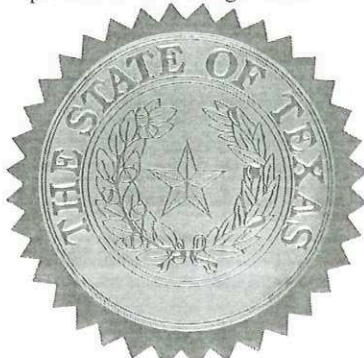
WHEREAS, antisemitism and the harassment of Jewish students have no place on Texas university campuses and will not be tolerated by my administration;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, hereby direct all Texas higher education institutions to do the following:

1. Review and update free speech policies to address the sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution.
2. Ensure that these policies are being enforced on campuses and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.
3. Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech.

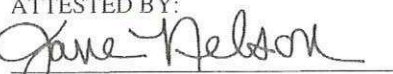
Within 90 days of this executive order, the chair of the board of regents for each Texas public university system shall report to the Office of the Governor, Budget and Policy Division, that the above actions were taken by each institution of higher education overseen by that board of regents. The report shall include documentation verifying revisions made to free speech policies and evidence that those policies are being enforced.

This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the
27th day of March, 2024.


GREG ABBOTT
Governor

ATTESTED BY:

JANE NELSON
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:15AM O'CLOCK

MAR 27 2024

DOL FAQs

EARNINGS THRESHOLDS

7. What is the Department changing about the regulations for the EAP exemption?

In this final rule, the Department is making the following changes:

- On July 1, 2024, the Department will update the standard salary level using the existing methodology from the 2019 final rule and current data, raising the salary level from \$684 per week to \$844 per week (equivalent to \$43,888 per year). For highly compensated employees, also following the 2019 methodology, the annual compensation level to be exempt from overtime pay will increase from \$107,432 to \$132,964.
- On January 1, 2025, the Department will implement the new salary methodology, setting the standard salary level at the 35th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region (the South), resulting in a salary level of \$1,128 per week (equivalent to \$58,656 per year). For highly compensated employees, the compensation level will be set at the annualized weekly earnings of the 85th percentile of full-time salaried workers nationally, resulting in a compensation level of \$151,164.
- Future updates to the salary and compensation levels will occur every three years and will apply up-to-date wage data to the salary and compensation methodologies in the regulations at the time of the update. The next three-year update will take place on July 1, 2027.