

Policy IV-B-3-b: Employee Harassment

1. INTRODUCTION

It is the policy of the San Jacinto College to provide an educational, employment, and business environment free of discrimination based on protected status: race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status. Trustees, administrators, faculty, staff, and other agents of the College will not engage in conduct constituting unlawful harassment or discrimination.

Each leader has the responsibility to maintain a workplace free of discrimination and harassment. The College will promptly investigate all allegations of discrimination and harassment and take appropriate disciplinary action, including dismissal, against employees who engage in unlawful harassment.

Exclusion: This policy does not apply to students. Students who wish to file discrimination or harassment complaint must use procedures identified in Board Policy IV-B-3a, Student Harassment.

2. POLICY

It is a violation of this Policy to discriminate regarding employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, due to the employee's protected status.

Citizenship status discrimination does not violate this policy when such discrimination is required to comply with a statute, regulation, executive order, or federal government contract.

Discrimination and harassment are prohibited by numerous federal and state laws, including Title VII of the Civil Rights Act 1964; the Age Discrimination in Employment Act of 1975; the Americans with Disabilities Act of 1990; and the Texas Labor Code. This Policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Prohibited discrimination and harassment includes, but is not limited to, conduct based on a protected characteristic that:

1. Creates an intimidating or offensive work environment;
2. Unreasonably interferes with an individual's work or academic performance;
3. Otherwise adversely affects an individual's employment opportunities.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome verbal comments of a sexual nature, and unwelcome physical contact or touching of a sexual nature. Sexual harassment is wrongful regardless of whether the parties are of the same sex or of the opposite sex. A violation of this policy occurs when:

1. Submission to such conduct is explicitly or implicitly made a term or condition of employment;
2. Submission to or rejection of such conduct is used as a basis for personnel that affect the individual who has been subjected to sexual advances; and/or
3. Such conduct has the effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

DISPUTE RESOLUTION AND COMPLAINT PROCESS

Any employee alleging discrimination or harassment in violation of this policy is encouraged to seek resolution of his/her complaint. The College administration shall prepare and disseminate a procedure for investigating complaints about discrimination and harassment. This procedure shall be available to employees on the College's web site.

RETALIATION IS PROHIBITED

Employees have a legal right to file charges of harassment and to participate as witnesses in an investigation of such a charge. Retaliation against complainants and witnesses is strictly forbidden.

“Retaliation” is conduct or decisions that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this policy or under the law. The protection against retaliation applies to all good-faith complaints, even if the complaints ultimately are not sustained.

COMPLAINTS AGAINST DISTRICT OFFICIALS AND BOARD MEMBERS

Charges of harassment and discrimination against the Vice Chancellor of Human Resources shall be filed directly with the Chancellor. Charges against the Chancellor or any board member shall be filed with the Board Chairman. Charges against the Chairman shall be filed with the Vice Chairman. The official receiving the charge shall take appropriate, prompt action to ensure that the complaint is investigated including, as appropriate, hiring an external investigator.

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