

CHANCELLOR'S DIRECTIVE

07-03

May 22, 2007

The Chancellor's Directives are presented as a series of clarifications and reminders to ACCD employees, vendors, students and others affiliated with our colleges regarding board policies and administrative procedures and their implementation. Please retain the directives as a quick guide to ACCD policies and procedures. As always, please let me know if you have further questions or recommendations for improvement.

TOPIC: HARASSMENT AND DISCRIMINATION

PURPOSE:

To reaffirm that the ACCD will not tolerate unlawful discrimination and workplace harassment, and to provide guidance on preventing them.

ACCD CORE VALUES: Appreciation of Diversity; Collaboration

SCOPE:

All ACCD full-time, part-time, temporary and work study employees, students, consultants, and volunteers.

DIRECTIVE

The ACCD is an equal opportunity employer where sexual harassment and other types of harassment and discrimination are not tolerated. I reaffirm the position of the ACCD that all employees and students will be treated with fairness, dignity and respect.

Discrimination is unequal treatment of a person based on race, color, national origin, sex, religion, age or disability.

Harassment includes such actions as unwelcome, offensive slurs, jokes, or other conduct directed toward a person that creates an intimidating, hostile, or offensive educational or work environment. An example of harassment is offensive conduct toward a person because the person is an immigrant, speaks another language, or has a foreign accent.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature, or any conduct or offensive unequal treatment that would not occur but for the sex of the person, where submission to the conduct is made a condition of the person's educational status or employment, submission to or rejection of the conduct is used as a basis for decisions affecting the person's employment or educational achievement, or the conduct has the purpose or effect of interfering with the person's work performance or creating an intimidating, hostile, or offensive work or educational environment. See policies DHA(LOCAL) and DHA(LEGAL) for additional guidance on sexual harassment.

Actions that may constitute sexual harassment against students include telephoning, text messaging or emailing students to solicit inappropriate social relationships; physical contact that would reasonably be considered sexual in nature; and enticing or threatening students to engage in sexual behavior in exchange for grades or other school-related benefits.

Employees and students should report sexual harassment and other types of harassment and discrimination to the District Director of Human Resources (208-8075), who serves as the ADA/Section 504/Title IX coordinator for the ACCD. Any employee who receives a report of sexual harassment is required to notify the District Director of Human Resources within the same business day the complaint is received, and supervisors are required to report other types of harassment within two business days.

The ACCD prohibits retaliation against a person for bringing a charge of harassment or discrimination or for cooperating with or participating in an investigation or hearing (see Chancellor's Directive 07-02). Any employee who becomes aware of retaliatory behavior is required to notify the District Director of Human Resources immediately.

CONSEQUENCES:

Sexual harassment and other unlawful harassment and discrimination may in some cases make a person liable for civil and criminal penalties under federal and state law. In addition, in the event harassment (including sexual harassment) or discrimination in violation of ACCD policy is found, disciplinary action will be taken by the ACCD, up to and including termination. The ACCD also reserves the right to decline to indemnify, pay a judgment against, or defend any employee who engages in retaliation.

APPLICABLE POLICIES, PROCEDURES, LAW, REGULATIONS AND CODES:

Note: The following is a representative list of references. It may not be a complete list.

FEDERAL LAW:

Title VII of the Civil Rights Act of 1964 (employment discrimination based on race, color, religion, sex, or national origin)
Equal Pay Act of 1963 (sex-based wage discrimination)
Age Discrimination in Employment Act of 1967
Title I and Title V of the Americans with Disabilities Act of 1990
Civil Rights Act of 1991
Title IX, Education Amendments of 1972
The Rehabilitation Act
United States Constitution Amendment 1

TEXAS LAW:

Labor Code Chapter 21 (Texas Commission on Human Rights Act)
Civil Practices and Remedies Code Chapter 106 and Section 110.003
Labor Code Section 451.001

ACCD CODE OF CONDUCT:

EVENHANDEDNESS: treating others with impartiality
RESPECT: treating others with civility and decency

ACCD POLICIES:

AD(LOCAL) - Educational Role and Mission, Purpose, and Responsibility
CKE(LEGAL) - Insurance and Annuities Management: Workers' Compensation
CLB(LEGAL) - Facilities Planning: Existing Facilities
DAA(LEGAL) and (LOCAL) - Employment Objectives: Equal Employment Opportunity
DEC(LEGAL) - Compensation and Benefits: Leaves and Absences
DGBA(LOCAL) - Personnel-Management Relations: Employee Complaints
DH(LOCAL) - Employee Standards of Conduct
DHA(LEGAL) and (LOCAL) - Employee Standards of Conduct: Sexual Harassment
DHC(LOCAL) - Employee Standards of Conduct: Harassment
DMB(LOCAL) - Termination of Employment: Tenure
EFCA(LEGAL) - Special Programs: Disabled Students
FA(LEGAL) - Equal Educational Opportunities
FKC(LEGAL) - Student Activities: Registered Student Organizations
FLDA(LEGAL) and (LOCAL) - Student Complaints: Sexual Harassment
FLDC(LOCAL) - Student Complaints: Harassment
GL(LEGAL) - Access to Programs, Services, and Activities

ACCD ETHICS HANDBOOK: "Employment", p. 14

APPROVED:



Dr. Bruce H. Leslie, Chancellor