
Note: This policy addresses discrimination, harassment, and retaliation targeting College District students. For the College District's response regarding discrimination, harassment, and retaliation targeting College District employees, see DIA.

STATEMENT OF
NONDISCRIMINATION

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

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law that adversely affects the student.

PROHIBITED
HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

SEXUAL HARASSMENT
BY AN EMPLOYEE

Sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make

an educational decision based on whether or not the student submits to the conduct; or

2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.
3. The conduct explicitly or implicitly affects a student's education or interferes with a student's educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive.

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance;
3. Otherwise adversely affects the student's educational opportunities; or
4. Explicitly or implicitly affects a student's education or interferes with a student's educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive.

EXAMPLES

Examples of harassing behavior include, but are not limited to, unwelcome and inappropriate touching, sexually suggestive remarks or gestures, unsolicited pornographic materials, obscene messages sent via text or computer, pressure for sexual activity, and sexual assault and rape.

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.

Sexual assault is defined as any unwanted, nonconsensual sexual contact against any individual by another. Sexual assault can oc-

cur either forcibly (against a person's will) or when a person cannot give consent (under the age of consent, intoxicated, developmentally disabled, or mentally/physically unable to consent).

Rape is defined as nonconsensual sexual intercourse that involves the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. When the person is incapable of giving consent because he or she is incapacitated from alcohol and/or drugs, or if a mental disorder or developmental or physical disability renders the victim incapable of giving consent, this is nonconsensual.

EXAMPLES

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Physical contact not reasonably construed as sexual in nature is not sexual harassment.

GENDER-BASED
HARASSMENT

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

RETALIATION

The College District prohibits retaliation by a student or College District employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith,

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makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

EXAMPLES

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

FALSE CLAIMS

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.

PROHIBITED
CONDUCT

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

REPORTING
PROCEDURES

STUDENT 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 an instructor, counselor, administrator, other College District employee, or the appropriate College District official listed in this policy.

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 shall immediately notify the appropriate College District official listed in this policy and shall take any other steps required by this policy.

DEFINITION OF
COLLEGE DISTRICT
OFFICIALS

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

ADA / SECTION 504
COORDINATOR

Reports of discrimination based on disability may be directed to the appropriate ADA/Section 504 coordinator. The College District designates the following people 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: Patricia Moran

Position: Director, Disability Services

Address: 902 College Avenue, Brenham, TX 77833

Telephone: (979) 830-4157

E-mail: pmoran@blinn.edu

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Name: Brenda Wilkins
Position: Director, Disability Services, Bryan
Address: 2423 Blinn Boulevard, Bryan, TX 77805
Telephone: (979) 209-7264
E-mail: brenda.wilkins@blinn.edu

TITLE IX
COORDINATORS

Reports of discrimination based on sex, including sexual harassment/violence or gender-based harassment, may be directed to the Title IX coordinators or campus police. The College District designates the following people to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

COORDINATOR -
ALL CAMPUSES

Name: James Reed
Position: Director, Housing
Address: 902 College Avenue, Brenham, TX 77833
Telephone: (979) 830-4789
E-mail: james.reed@blinn.edu

DEPUTY
COORDINATOR -
BRENHAM
CAMPUS

Name: Mordecai Brownlee
Position: Dean, Student Life
Address: 902 College Avenue, Brenham, TX 77833
Telephone: (979) 830-4282
E-mail: mordecai.brownlee@blinn.edu

DEPUTY
COORDINATOR -
BRYAN CAMPUS

Name: Bennie Graves
Position: Director, Student Activities
Address: 2423 Blinn Boulevard, Bryan, TX 77805
Telephone: (979) 209-7400
E-mail: bgraves@blinn.edu

DEPUTY
COORDINATOR -
SCHULENBURG
CAMPUS

Name: Rebecca Garlick
Position: Director, Schulenburg Campus
Address: 100 Ranger Drive, Schulenburg, TX 78956
Telephone: (979) 743-5222
E-mail: bgarlick@blinn.edu

DEPUTY
COORDINATOR -
SEALY CAMPUS

Name: Lisa Caton
Position: Director, Sealy Campus

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Address: 3701 Outlet Center Drive, Sealy, TX 77474

Telephone: (979) 627-0286

E-mail: lisa.caton@blinn.edu

OTHER ANTI-
DISCRIMINATION
LAWS

The District 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 coordinators or the Title IX coordinators may be directed to the District President.

A report against the District President or designee 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.

INVESTIGATION OF
THE 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 FFE.

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

The investigation may be conducted by the College District official or designee(s) or by a third party designated by the College District, such as an attorney.

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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.

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

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.

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

NOTIFICATION OF
OUTCOME

The College District shall provide written notice of the outcome, within the extent permitted by law, to the victim and the person against whom the complaint is filed, in compliance with the Family Educational Rights and Privacy Act (FERPA).

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.

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.

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EXCEPTION	The College District shall minimize attempts to require a student who complains of sexual harassment to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution method, the College District shall be involved in an appropriate manner. Mediation shall not be used to resolve sexual harassment complaints.
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 United States 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 AND PROCEDURES	Information regarding this policy and any accompanying procedures shall be distributed annually to College District employees and students in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in major College District publications. Information regarding the policy and procedures shall also be prominently published on the College District's website. Copies of the policy and procedures shall be readily available at the College District's administrative offices.