



Administrative Rules

SUBJECT: Employee Freedom from Discrimination, Harassment, and Retaliation **AR#:** 6.02.001

Based on Board Policies: [DAA \(LEGAL\), Equal Employment Opportunity;](#)
[DAAA \(LEGAL\), Genetic Nondiscrimination;](#)
[DIAB \(LEGAL\) and \(LOCAL\), Freedom from](#)
[Discrimination, Harassment, and Retaliation; Other](#)
[Protected Characteristics](#)

Recommended by Council/President: Administrative Services Council
Date Approved/Amended: 02/04/1998; amended 04/21/11, 12/02/2020

Value Statement

The Austin Community College District (“ACC” or “the College”) seeks to maintain a professional, civil, courteous, and respectful educational and work environment free from discrimination and harassment.

Administrative Rule

The College prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, veteran’s status, disability, genetic information or any other basis prohibited by law in its employment policies and practices.

Reports of sexual misconduct, including sexual or gender-based discrimination and harassment, should be reported and investigated in accordance with Board Policy DIAA and the processes contained in Administrative Rule 3.10.003.

The College shall exercise reasonable care to prevent discrimination and harassment, promptly address the behavior, undertake an investigation, and take the appropriate action to stop the prohibited conduct that is based upon the protected classes and shall develop preventive or corrective measures to address these behaviors.

ACC prohibits retaliation against a person because the individual complained about discrimination or harassment, filed a charge of discrimination or harassment, or participated an investigation or lawsuit.

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.

Chancellor/CEO:  Date: 04/26/21

Definitions

- I. Prohibited Conduct.** The term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by Board policy and this rule, even if the behavior does not rise to the level of unlawful conduct.
- II. Protected characteristics** are those personal traits, beliefs and/or characteristics defined by law as protected from discrimination and/or harassment. They include: race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, veteran’s status, disability, genetic information or any other basis prohibited by law.

III. Discrimination/Harassment

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.

Harassment encompasses actions such as gestures, physical acts, or written, verbal, or graphic acts (including electronically transmitted acts) that are reasonably understood as being motivated by actual or perceived characteristics

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; offensive words, objects or pictures (including electronically transmitted communications such as email, voicemail, text messaging, social media, etc.); 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.

- IV. Racial harassment** is conduct which includes racially derogatory remarks, racial slurs or any other racially motivated action. Provisions of this rule will be applied without regard to the race of the employee(s) involved.

V. Retaliation

The College 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.

Retaliation is any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this rule, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this rule. Retaliation can take many forms, including abuse or violence, threats, and intimidation. Actions in response to a good faith report or response under this rule are considered retaliatory if they have a materially adverse effect on the working environment of an individual; or if they hinder or prevent the individual from effectively carrying out their responsibilities.

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.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting prohibited conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

Responsibilities

- a. The ACC Compliance Office shall manage discrimination and harassment complaints that are based on a protected class and conduct an investigation in accordance with ACC's policies and procedures.
- b. The Vice President of Human Resources will be consulted on matters relating to employees and will provide guidance, in accordance with ACC's policies and procedures.
- c. The appropriate Executive Vice President will render the final decision in all appeals.
- d. All employees are expected to cooperate with an investigator and provide truthful information. Providing false information may subject the employee to disciplinary action, up to and including termination.
- e. Supervisors are expected to participate in training on harassment prevention.
- f. The Compliance Office may assist College departments with training and support for investigations.
- g. Any applicant or employee who desires to file a complaint under this rule should do so as quickly as possible to prevent escalation and for the issue to be immediately addressed. Complaints can be filed with the ACC Compliance Office, Compliance Director, (512) 223-7964 or compliance@austincc.edu.