



Administrative Rules

SUBJECT: Prohibition of Discrimination or Harassment of Students on the Basis of Disability, Race, Color or National Origin **AR#:** 6.02.002

Based on Board Policies: [FA\(LEGAL\), Equal Educational Opportunity; FFDB \(LEGAL\), Freedom from Discrimination, Harassment, and Retaliation](#)

Recommended by Council/President: Academic and Student Affairs Council

Date Approved/Amended: 06/07/2013; amended 03/24/20, 11/06/20

Value Statement

The Austin Community College District (“ACC” or “the College”) seeks to maintain an educational environment free from any form of discrimination or harassment including but not limited to discrimination or harassment on the basis of:

1. Disability in accordance with Section 504 of the Rehabilitation Act of 1973, as amended, and the ADA Amendments Act of 2008(ADAAA).
2. Race, Color, or National Origin in accordance with Title VI of the Civil Rights Act of 1964.

Administrative Rule

ACC prohibits discrimination or harassment of all forms, including but not limited to behavior such as physical, verbal, or nonverbal misconduct based on a student’s disability and/or race, color or national origin, that is so severe, persistent, or pervasive that the misconduct:

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.

Nonacademic and extracurricular services shall be provided in a manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities.

The College shall exercise reasonable care to prevent and promptly correct discriminating or harassing behavior and shall develop preventative or corrective measures to address these behaviors.

Chancellor:  Date: 11/13/20

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ACC also prohibits retaliation against anyone for reporting discriminating or harassing behavior or for participating in discrimination or harassment investigations or lawsuits.

Discrimination or Harassment

Discrimination or harassment on the basis of a disability, race, color, or national origin may be based on intentional conduct that constitutes disparate treatment of a student or may be based on disparate impact or disparate effects of a facially neutral procedure or policy. Intentional conduct occurs when similarly situated students are treated differently because of their disability, race, color, or national origin. Disparate impact occurs when facially neutral procedures or policies have a disproportionate adverse effect on persons on the basis of their disability, race, color, or national origin without substantial legitimate justification.

Academic Freedom and Free Speech

The College is committed to academic freedom and free speech. This commitment requires that the College protect individual's expression of ideas in their teaching and learning including topics that may be controversial, provocative, or unpopular. This protection extends to the expression of ideas, however controversial, in the classroom, and other campus-related activities.

It must be recognized, however, that this protection has its limits. College Policy and this Rule define those limits and conduct which is found to be "harassing" is not consistent with the College's commitment to academic freedom and free speech. No member of the College community may escape responsibility for engaging in harassing conduct as defined herein, merely by labeling the conduct as "speech" or other expressive activity.

Notice of Student Rights and Complaint Process

Any student with a qualifying disability who believes he or she has been the object of discrimination or harassment on the basis of such disability, or any student who believes he or she has been the object of discrimination or harassment on the basis of race, color, or national origin, has the right to file a complaint with the Director, Compliance Office.

Charlene Buckley
Director, Compliance Office
Highland Business Center
5930 Middle Fiskville Rd. Austin TX. 78752
512-223-7964
compliance@austincc.edu or charlene.buckley@austincc.edu

Students may also file a complaint with the United States Department of Education Office for Civil Rights by using the online complaint form at the U.S. Department of Education Office for Civil Rights website at www.ed.gov/about/offices/list/ocr or by calling (800) 421-3481.

ACC's procedure for processing such complaints is outlined in the corresponding Guideline/Procedure and the College Catalog.