

Chapter 4: Discrimination, Harassment, and Retaliation Prohibited

To view the Board policies associated with this chapter, go to <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=304&code=FFDB>.

This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting students. For legally referenced material relating to this subject matter, see Board policy FA (LEGAL) located at <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=304&code=FA>.

For discrimination, harassment, and retaliation targeting employees based on race, color, national origin, religion, age, or disability, see Board policies DIAB (LEGAL) and DIAB (LOCAL) located at <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=304&code=DIAB>.

Allegations of discrimination, harassment, and retaliation against a Collin College student or program applicant will be handled by the District Dean of Students Office, which may utilize the student disciplinary process. For more information, see [Chapter 13: Student Disciplinary Procedures](#) in this *Student Code of Conduct*. To view Board policies FM (LOCAL) and FMA (LOCAL) regarding the student disciplinary process, go to <https://pol.tasb.org/PolicyOnline/SearchResults/?key=304&query=fm>.

Statement of Non-Discrimination

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

Discrimination

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

Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or non-verbal conduct based on the student's race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from Collin College's educational program.

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.

Retaliation

Collin College prohibits retaliation by a student or Collin College employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, 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 Collin College investigation regarding discrimination or harassment will 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 they have experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee. For more information, see the [Responsible Employee](#) subsection below.

Employee Report

Any Collin College employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct will immediately notify the appropriate Collin College official listed in this policy and will take any other steps required by this policy.

Exceptions

A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person will not be required to disclose a report of prohibited conduct without the student’s consent.

A person who is a non-professional counselor or advocate designated in administrative procedures as a confidential source will not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is disclosing information as required for inclusion in Collin College’s *Annual Security and Fire Safety Report (ASFSR)* under the [Clery Act](#). For more information, see Board policy GCC (LEGAL) located at <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=304&code=GCC>.

Responsible Employee

For purposes of this policy, a “responsible employee” is an employee:

1. Who has the authority to remedy prohibited conduct.
2. Who has been given the duty of reporting incidents of prohibited conduct.
3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.

Collin College designates the following persons as responsible employees: any instructor, any administrator, or any Collin College official defined below.

Definition of Collin College Officials

For the purposes of this policy, Collin College officials are the ADA/Section 504 coordinators, Title IX coordinators, deputy Title IX coordinators, designated Leadership Team members, and the College District President.

ADA/Section 504 Coordinators

Reports of discrimination based on disability may be directed to the appropriate ADA/Section 504 coordinator. Collin College designates the following persons to coordinate its efforts to comply with [Title II](#) of the [Americans with Disabilities Act of 1990 \(ADA\)](#), as amended, which incorporates and expands the requirements of [Section 504](#)

of the [Rehabilitation Act of 1973](#), as amended:

ADA/Section 504 Coordinator for Students

Terrence Brennan
District Dean of Students
3452 Spur 399
Suite 457
McKinney, Texas 75069
Phone: 972.881.5734
Email: tbrennan@collin.edu

ADA/Section 504 Coordinator for Employees

Dr. Jennifer DuPlessis
Chief Human Resources Officer
3452 Spur 399
Suite 339
McKinney, Texas 75069
Phone: 972.985.3702
Email: jduplessis@collin.edu

Other Anti-Discrimination Laws

The College District President or designee will serve as coordinator for purposes of Collin College compliance with all other anti-discrimination laws.

Alternative Reporting Procedures

A student will 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, may be directed to the College District President.

A report against the College District President may be made directly to the Board of Trustees (Board). If a report is made directly to the Board, the Board will appoint an appropriate person to conduct an investigation.

Timely Reporting

Reports of prohibited conduct will be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair Collin College's ability to investigate and address the prohibited conduct.

To file a *Student Incident Report* with the District Dean of Students Office, call 972.881.5604, email dos@collin.edu, or go to [https://collin.guardianconduct.com/incident-reporting?incident_type=Student Incident Report](https://collin.guardianconduct.com/incident-reporting?incident_type=Student%20Incident%20Report).

Students who need to report a crime can contact the Collin College Police Department at 972.578.5555. If a student requests assistance with reporting to law enforcement, a Collin College official will help the student with that process. Students have the right not to report a crime or to decline to notify authorities, including law enforcement, if they so choose.

Investigation of the Report

Collin College may request, but will not require, a written report. If a report is made orally, the Collin College official will reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the Collin College official will determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Collin College official will immediately authorize or undertake an investigation, except as provided below in the [Criminal Investigation](#) subsection.

If the Collin College official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other Collin College rules or regulations, the Collin College official will refer the complaint for consideration under the appropriate policy.

Interim Action

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, Collin College will promptly take interim action calculated to address prohibited conduct as defined by this policy prior to the completion of Collin College's investigation.

Collin College Investigation

The investigation may be conducted by the Collin College official or a designee or by a third party designated by Collin College, such as an attorney. The investigator will have received appropriate training regarding the issues related to the complaint and the relevant Collin College policy and procedures.

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 Collin College that a criminal or regulatory investigation has been initiated, Collin College will confer with the agency to determine if Collin College's investigation would impede the criminal or regulatory investigation. Collin College will 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, Collin College will promptly resume its investigation.

Concluding the Investigation

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Collin College to delay its investigation, the investigation should be completed within 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.

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

Notification of the Outcome

Collin College will provide written notice of the outcome, within the extent permitted by the [Family Educational Rights and Privacy Act \(FERPA\)](#) or other law, to the victim and the person against whom the complaint is filed.

Collin College Action

Prohibited Conduct

If the results of an investigation indicate that prohibited conduct occurred, Collin College will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with Collin College policy and procedures. For more information, see [Chapter 13: Student Disciplinary Procedures](#) in this *Student Code of Conduct*. To view Board policies FM (LOCAL) and FMA (LOCAL) regarding the student disciplinary process and disciplinary penalties, go to <https://pol.tasb.org/PolicyOnline/SearchResults/?key=304&query=fm>.

Corrective Action

Examples of corrective action may include, but are not limited to:

1. A training program for those involved in the complaint,
2. A comprehensive education program for the Collin College community,
3. Counseling for the victim and the student who engaged in prohibited conduct,

4. Follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred,
5. Involving students in efforts to identify problems and improve the Collin College climate,
6. Increasing staff monitoring of areas where prohibited conduct has occurred, and
7. Reaffirming Collin College's policy against discrimination and harassment.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, Collin College may take disciplinary action in accordance with Collin College policy and procedures or other corrective action reasonably calculated to address the conduct. For more information, see [Chapter 13: Student Disciplinary Procedures](#) in this *Student Code of Conduct*. To view Board policies FM (LOCAL) and FMA (LOCAL) regarding the student disciplinary process and disciplinary penalties, go to <https://pol.tasb.org/PolicyOnline/SearchResults/?key=304&query=fm>.

Confidentiality

To the greatest extent possible, Collin College will 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 party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. For more information, see [Chapter 16: Appealing the District Dean of Students or Designee's Administrative Decision](#) in this *Student Code of Conduct* as well as Board policies DGBA (LOCAL) for employees, FLD (LOCAL) for students, and GB (LOCAL) for community members located at <https://pol.tasb.org/PolicyOnline/SearchResults/?key=304&query=appeals>.

Each party will be informed of their right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).

Records Retention

Retention of records will be in accordance with Collin College's records retention procedures. For more information, see [Chapter 22: Disciplinary Records and Retention](#) in this *Student Code of Conduct* and Board policy CIA (LOCAL) located at <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=304&code=CIA>.