

MANUAL OF POLICY

Title	Discrimination in Employment Prohibited	4206
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Date Approved by Board	Board Minute Order dated June 20, 2018	

A. Title VII of the Civil Rights Act of 1964 (Title VII).

Title VII is a federal law that prohibits employers from discriminating against employees on the basis of sex (including gender identity and sexual orientation), race, color, national origin, and religion. Title VII provides, in pertinent part, that it is an unlawful employment practice for an employer:

- (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
- (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin

B. Age Discrimination in Employment Act of 1967, as amended (ADEA).

The ADEA protects individuals who are 40 years of age and older from discrimination in employment that is based on the individual's age. Under this Act, it is unlawful for an employer to discriminate against an employee or applicant for employment who is 40 years of age or older because of the person's age with respect to any term, condition, or privilege of employment, such as hiring, promotion, demotion, firing, pay, or fringe benefits. The ADEA provides, in pertinent part, that it is unlawful for an employer:

- (1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;
- (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or
- (3) to reduce the wage rate of any employee in order to comply with the ADEA.

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C. Harassment

Harassment is discriminatory conduct which includes verbal, physical and visual conduct that is severe or pervasive enough to create a work environment for an employee that a reasonable person would consider intimidating, hostile, offensive or abusive. Harassment is a form of discrimination made unlawful by Title VII when 1) the offensive conduct is directed against an employee based on the employee's sex (including gender identity and sexual orientation), race, color, national origin, and religion; and 2) enduring the offensive conduct becomes a condition of continued employment for the employee. This offensive conduct is also a form of discrimination made unlawful by the ADEA when 1) the offensive conduct is directed against an employee who is 40 years of age or older based on the employee's age; and 2) enduring the offensive conduct becomes a condition of continued employment for the employee.

D. Retaliation

Title VII contains anti-retaliation provisions which provide that it is unlawful for an employer to discriminate against any employee or applicant for employment because such individual has opposed any practice made unlawful by Title VII, or because such individual, has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing or litigation under Title VII.

The ADEA contains anti-retaliation provisions which provide that it is unlawful for an employer to discriminate against any employee or applicant for employment because such individual has opposed any practice made unlawful by the ADEA, or because such individual, has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing or litigation under the ADEA.

E. Discrimination in Employment Prohibited

The South Texas College is committed to complying with Title VII and the ADEA, and prohibits its employees from engaging in any discriminatory conduct made unlawful by Title VII or by the ADEA.

The College disapproves of and will not tolerate discrimination against any employee or applicant for employment. It is the policy of the College that any practice or behavior that constitutes discrimination in violation of Title VII or of the ADEA will be subject to disciplinary action, including dismissal from employment.

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F. Discrimination Complaint Procedure.

Any employee who believes that she or he has been discriminated against with respect to any term, condition, or privilege of employment in violation of this policy, Title VII, and/or the ADEA should promptly report the matter, in writing, to the attention of the Director of Human Resources for South Texas College.

Each complaint filed shall be taken seriously and promptly investigated. The investigation shall be conducted by the Director of Human Resources or her/his designee. Employees are expected to fully cooperate with any internal investigation of complaints filed under this policy. Written findings of the results of any investigation of a discrimination complaint and of the remedial actions proposed and/or taken, if any, shall be provided to the complainant and the respondent, and shall be placed in their respective personnel files.

Regardless of the outcome of the investigation, no employee who participated or assisted in any manner in the investigation of a complaint under this policy shall be subject to harassment or retaliation from the College for participating or assisting in the investigation.

G. Remedies Cumulative.

An employee shall not be required to file a complaint under this policy or to exhaust the complaint procedure under this policy prior to filing a complaint with the U.S. Equal Employment Commission. An employee who files a complaint under this policy and obtains the desired relief shall not be precluded from filing a timely complaint regarding the same or other matter with the U.S. Equal Employment Commission.

Nothing in this policy shall be construed as extending the time period provided by law for an employee to file any charge or complaint of discrimination with the U.S. Equal Employment Commission.