
Note: This policy addresses complaints of sex discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, discrimination based on sexual orientation, gender identity and/or expression, and retaliation targeting employees. For additional legally referenced material relating to discrimination, harassment, and retaliation, see DAA(LEGAL) and DIAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation targeting students, see FFDA. For complaints of discrimination or harassment based on race, color, national origin, religion, age, or disability, see DIAB.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any employee on the basis of sex, pregnancy, sexual orientation, and gender identity and/or gender expression. This policy prohibits sexual harassment, sexual assault, dating violence, domestic violence, and stalking. This policy also prohibits retaliation against any employee who in good faith reports a violation of this policy, who opposes conduct prohibited by this policy, or who cooperates in an investigation, disciplinary process, or judicial proceeding arising from such a report.

**Designated College
Officials for
Compliance**

The College District designates the following individuals to coordinate the College District's compliance with Title IX of the Education Amendments of 1972, as amended, Title VII of the Civil Rights Act of 1964, and related state and federal laws:

Title IX Coordinator:	Dr. Rosemary Coffman, Associate Dean, Student Affairs Jose Martinez, Title IX Coordinator
Address:	511 S. Whiting, Baytown, TX 77520-4703 Rundell Hall, Room 112 P.O. Box 818, Baytown, TX 77522-0818, Rundell Hall Room 105E
Telephone:	(281) 425-6387 (281) 425-6546
Email:	Title IX Coordinator email¹ josmartinez@lee.edu
Webpage:	Title IX/Sexual Misconduct webpage² https://www.lee.edu/titleix/
Title VII Coordinator:	Amanda Summers, Executive Director of Human Resources
Address:	P.O. Box 818, Baytown, TX 77522-0818 Rundell Hall, Room 201

Telephone: (281) 425-6875

Email: [Title IX Coordinator alternate email³](#)

Webpage: [Title IX/Sexual Misconduct webpage⁴](#)

Definitions

Days

“Days” shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

Employee

Solely for purposes of this policy, the term “employee” includes current employees, former employees, applicants for employment, and unpaid interns.

Complainant

In this policy, the term “complainant” refers to an employee who is alleged to have experienced prohibited conduct.

Respondent

In this policy, the term “respondent” refers to a person who is alleged to have committed prohibited conduct.

Sex Discrimination

Discrimination against an employee is defined as conduct directed at an employee because of that employee’s sex or gender that adversely affects the employee’s employment.

Sexual Harassment
(Title VII)

“Sexual harassment” of a College District employee is unwelcome physical, verbal, or nonverbal conduct based on the employee’s sex, sexual orientation, gender identity and/or expression, or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so sufficiently severe or pervasive that it has the purpose or the effect of unreasonably interfering with the employee’s work performance; or creating an intimidating, threatening, hostile, or offensive work environment.

Sexual Harassment
(Title IX)

“Sexual harassment” of a College District student by a College District employee is conduct occurring within a program or activity of the College District and includes:

1. Physical, verbal, or nonverbal conduct by a College District employee based on the student’s sex, sexual orientation, gender identity, and/or gender expression in which the employee conditions the provision of an aid, benefit, or service of the College District on an individual’s participation in unwelcome sexual conduct (“quid pro quo” harassment);

2. Unwelcome conduct directed toward a student by an employee, student, or third party that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College District education, program, or activity; or
3. Conduct that constitutes "sexual assault," "dating violence," "domestic violence," or "stalking" as defined in FFDA(LOCAL).

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.

Dating Violence

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse, a current or past intimate partner, a person who the victim shares a child with, or by a person similarly situated to a spouse or intimate partner of the victim under the domestic or family violence laws of the state. In the state, a person commits an assault against a family member, household member, or current or past dating partner if the assault consists of:

1. Intentionally, knowingly, or recklessly causing bodily injury to another person;
2. Intentionally or knowingly threatening another person with imminent bodily injury; or
3. Intentionally or knowingly causing physical contact with another that the offender knows or reasonably should know the victim will find provocative or offensive.

A person commits aggravated domestic assault if that person intentionally, knowingly, or recklessly causes serious bodily injury to a family member, household member, or a current or past dating partner, or uses or exhibits a deadly weapon in the course of committing the assault crime.

Stalking

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Examples

Examples of sexual harassment of an employee may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; remarks or conversations of a sexual nature; sexual assault as defined by law; offensive or derogatory language directed at another person's gender or gender identity; and other sexually or gender-motivated conduct, communication, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the employee, the employee's family members, or members of the employee's household; destroying the employee's property; threatening to commit suicide or homicide if the employee ends the relationship; tracking the employee; attempting to isolate the employee from friends and family; threatening an employee's spouse or partner; or encouraging others to engage in these behaviors.

Other Inappropriate
Conduct

This policy prohibits conduct of a sexual nature, even if the conduct does not meet the legal definitions of sexual harassment, sexual violence, dating violence, domestic violence, or stalking, where the conduct adversely impacts the working environment or campus environment. The term includes the following:

1. Unwelcome sexual advances or requests for sexual favors; persistent and unwanted sexual attention; sexual voyeurism (such as watching a person disrobing, using the restroom, or engaging in sexual acts, without the consent of the person observed); unwelcome sexual gestures; public exposure of one's sexual organs on campus or at an event under the control of the College District; displaying obscene materials in a public place on campus; forwarding pornographic or obscene material via email or text message to nonconsenting recipients; recording or photographing sexual activity or a person's genital area or breast area or from a vantage point that a reasonable person would view as an invasion of personal privacy; and allowing a third party to view consensual sex without the knowledge of the other participant(s).
2. Unwelcome comments of a sexual nature that a reasonable person would view as gratuitous, intimidating, offensive, and/or degrading and that adversely impacts an individual's educational environment. In the academic context, including the context of a classroom discussion or preparation of a course assignment, a relevant factor is whether the comments are reasonably related to course content or serve a le-

itimate pedagogical function. The College District's definitions are not intended to restrict constitutionally protected speech.

3. A consensual sexual or romantic relationship between a student and an employee when the student is enrolled in a course being taught or supervised by the employee; when the student is being supervised, coached, or advised by the employee in connection with a College District-related activity; and/or when the student is enrolled or working in a program in which the employee has direct or indirect supervisory authority.
4. A consensual sexual or romantic relationship between employees when one of the employees in the relationship teaches, manages, supervises, advises, or evaluates the other in any way.
5. Conduct of a sexual nature that is consensual between two or more parties but that is nonetheless inappropriate in an educational environment, such as engaging in sexual acts in a campus building.

Consent

Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Silence or lack of resistance does not constitute consent. Obtaining consent is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, or gender expression. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is mentally disabled or incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness, being asleep, or being involuntarily restrained. Consent does not exist when it is the result of any coercion, intimidation, force, or threat of harm. Consent does not exist when the respondent misrepresents his or her true identity to the victim.

Under the Texas Penal Code, victims under the age of 17 cannot give consent as a matter of law. However, it is an affirmative defense to criminal prosecution that the offender was not more than three years older than the victim at the time of the offense; did not

use duress, force, or a threat against the victim at the time of the offense; and was not a registered sex offender.

Prohibited Conduct In this policy, the term “prohibited conduct” includes sex discrimination, sexual harassment (under both Title IX and Title VII), dating violence, domestic violence, stalking, other inappropriate conduct, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Confidential Employee A “confidential employee” is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

Mandatory Employee Reporting An employee who, in the course and scope of the employee’s employment, observes or receives information regarding an incident that the employee reasonably believes constitutes sexual harassment (under Title IX or Title VII), sexual assault, dating violence, domestic violence, or stalking, that was committed by or against a College District employee must promptly report the incident or allegation to the College District’s Title IX coordinator unless an express exception applies. This duty to report applies if the alleged victim or alleged perpetrator was enrolled or employed at the College District at the time of the incident. The employee shall report all known information regarding the incident, including, if available, the name of the alleged victim, alleged respondent, location, and nature of the incident. If the alleged victim has expressed a desire for confidentiality, the employee shall provide this information to the Title IX coordinator.

“Course and scope of employment” means an employee performing duties in the furtherance of the College District’s interests.

Employees who fail to make a mandatory report are subject to termination in accordance with College District termination procedures. Additionally, the employee is subject to criminal prosecution as stated in Section 51.255 of the Texas Education Code.

An employee who makes a report under this policy may have additional reporting obligations under other law. Employees who are campus security authorities under the Clery Act will have an obligation to report incidents to the Lee College Security Office in accordance with the Clery Act. Additionally, any employee who has cause to believe that a child’s physical or mental health or welfare has been adversely affected by sexual abuse, child abuse, or neglect by any person must report the suspicion as required by Chapter 261 of the Texas Family Code. A child is a person who is 17 years old or younger. An employee who suspects abuse or neglect of a

child must within 48 hours report the suspicion to the Texas Abuse Hotline (1-800-252-5400) at the Texas Department of Family and Protective Services (DFPS). If the child is in immediate danger, the employee should first call 9-1-1 and then the Texas Abuse Hotline.

Exceptions to
Mandatory
Reporting

Victim Reporting

An employee is not required to report an incident in which that employee was the victim of sexual harassment, sexual assault, domestic violence, dating violence, or stalking.

*Disclosure at
Event*

A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by an employee organization affiliated with the institution is not required to report the prohibited conduct unless the person has authority to institute corrective measures on behalf of the College District.

Employee
Subject to
Confidentiality
Rules

Absent the employee's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the employee's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.

Prior Report

A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.

**Reporting
Procedures**

Employees have a right to report prohibited conduct, whether or not unlawful, to file complaints, and to seek a prompt and equitable resolution. An employee or other individual may report violations of this policy whether or not the person reporting is the complainant. Reports may be submitted in person or via email, telephone, or the [College District's website portal](#)⁵.

The submission of an anonymous report by a complainant alleging to have personally experienced prohibited conduct is permissible but may impair the College District's ability to investigate and address the prohibited conduct. An employee who is not the complainant and observes or receives information of a violation of this policy shall submit a report in accordance with this policy but shall not submit the report anonymously.

An employee alleging that another employee or third party has engaged in prohibited conduct may make a report to the employee's immediate supervisor (or next level supervisor if the supervisor is the respondent) or to the director of human resources. An employee alleging that a member of the Board engaged in prohibited conduct may make a report to the Board chair, or the Board vice chair if the report is against the Board chair. The Board chair or Board vice chair shall consult with Board counsel to ensure compliance with this policy.

No employee shall be required to report prohibited conduct to the person who allegedly committed the conduct. A report against the Title IX coordinator or director of human resources may be directed to the College President or designee. A report against the College President shall be submitted to the Board chair. The Board chair shall appoint an external, impartial investigator, who may be an attorney, to conduct an investigation and to report the result to the Board. The alternative reporting procedure does not satisfy a mandatory reporting requirement, if applicable.

**Reports to the
Police**

The decision whether to report to law enforcement belongs to the alleged victim. Crime victims may choose to report an offense to law enforcement or to decline to report a crime to law enforcement. Additionally, regardless of whether the alleged victim files a police report, the alleged victim has a right to file an administrative complaint with the College District or to seek support services or supportive measures from the College District. An employee may request assistance of the Title IX coordinator in making a police report.

Employees who have experienced sexual violence or other sexual misconduct are encouraged to go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

**Responsible
Employees**

All employees, with the exception of confidential employees, are designated as responsible employees. Supervisors at the level of director and above who receive notice of an alleged violation of this policy shall institute corrective measures reasonably necessary to ensure compliance with this policy. Supervisors at the level of director and above may counsel employees about appropriate and inappropriate behavior in the workplace and may issue appropriate directives to ensure compliance with this policy.

Timely Reporting

A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

DIAA
(LOCAL)

Notice of Report	Any College District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate College District official listed above and take any other steps required by this policy.
Initial Assessment and Response to the Report	Upon receipt or notice of a report, the Title IX coordinator or director of human resources shall review the allegations to determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy.
Sexual Harassment Under Title IX	If the director of human resources receives an allegation of conduct that, if proven, would meet the definition of sexual harassment under Title IX, the director of human resources shall refer the report to the Title IX coordinator, who shall promptly determine whether the Title IX formal complaint process [see FFDA(LOCAL)] is required. If the Title IX formal complaint process is required, the rights of the complainant and respondent will be governed by FFDA(LOCAL), and the supportive measures, informal resolution, investigatory, hearing, and appeals process of FFDA(LOCAL) will apply.
All Other Prohibited Conduct	If the Title IX coordinator receives or is referred an allegation of prohibited conduct by an employee that does not meet the definition of sexual harassment under Title IX, the Title IX coordinator shall refer the report to the director of human resources, and the investigatory, grievance, and appeals process of DIAA(LOCAL) or DIAB(LOCAL), as applicable, will apply.
Investigation of the Report	<p>The College District may request, but shall not insist upon, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form, and promptly provide a copy of such to the employee for review and comment. The report, and the employee's comments about that report, will then be provided to the appropriate College District official.</p> <p>Upon receipt or notice of a report, the Title IX coordinator 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, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.</p> <p>If the Title IX coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the Title IX coordinator shall refer the complaint for consideration under DIAB or DGBA, as appropriate.</p> <p>If appropriate, the College District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.</p>

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor shall be involved in or informed of the investigation.

For reports alleging a member of the Board engaged in prohibited conduct, the Board chair or Board vice chair shall designate an independent third party to conduct the investigation.

The investigation shall consist of personal interviews with the person making the report (or, if different, the complainant), the respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation shall also include analysis of other information or documents related to the allegations.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be conducted and completed in a reasonably prompt timeframe; 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 investigation report shall be filed with the College District employee overseeing the investigation. The investigation report of a complaint against a member of the Board shall be filed with the Board chair or Board vice chair overseeing the investigation. The outcome of the investigation shall be shared with the person who made the report (or, if different, the complainant).

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.

The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Appeal

The College President shall ensure the development of an appeal process for an employee who is dissatisfied with the outcome of an investigation under this policy.

The complainant may also have a right or responsibility to file a separate and independent complaint with appropriate state or federal agencies under procedures established by applicable federal or state law.

Confidentiality

To the greatest extent possible, the College District shall respect the privacy of the employee who made the report (or, if different, the complainant), respondent, and witnesses. Limited disclosures

may be necessary to conduct a thorough investigation, carry out the purposes of this policy and associated regulations, and to comply with applicable law.

Retaliation

The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the employee alleging to be the victim of prohibited conduct, or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.

A person who is alleged to have experienced retaliation may file a complaint in accordance with this policy.

Examples

Examples of retaliation include, but are not limited to, termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, or unjustified negative references. Unlawful retaliation does not include petty slights or annoyances.

False Claims

An employee who fails to make a required report or an employee or student who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.

Records Retention

Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]

Access to Policy, Procedures, and Related Materials

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials and any materials shall be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to an employee who makes a report.

¹ Title IX Coordinator email: <mailto:titleixsupport@lee.edu>

² Title IX/Sexual Misconduct webpage: <http://www.lee.edu/know-more/>

³ Alternate Title IX Coordinator email: <http://www.lee.edu/know-more/>

⁴ Title IX/Sexual Misconduct webpage: <http://www.lee.edu/know-more/>

⁵ College District's website portal: <http://www.lee.edu/online-reporting/>