

**LONE STAR COLLEGE SYSTEM DISTRICT
BOARD POLICY MANUAL
Fourth Edition**

eligible employees. As a Texas institution of higher education, the College's retirement plans are governed by the State of Texas. Indeed, the State of Texas is the final authority on plan eligibility, contribution levels, and other plan-related details. Every College employee enrolls in TRS, ORP, or TIAA-CREF (defined below).

(a) Teacher Retirement System of Texas (TRS)

TRS is a defined benefit plan controlled and governed by the State of Texas. TRS contributions are housed in a State-controlled trust fund and managed by investment professionals. TRS is available to all benefits-eligible employees.

(b) Optional Retirement Program (ORP)

ORP is a defined contribution plan that allows certain eligible participants to select a College-approved financial institution for retirement fund investment. Benefits-eligible employees must enroll in either TRS or ORP within 90 calendar days of employment. This is an irrevocable decision. If a benefits-eligible employee fails to make such a decision, the benefits-eligible employee will be automatically enrolled in TRS.

(c) TIAA

TIAA is a defined contribution plan. College employees not TRS or ORP eligible must participate in TIAA.

(d) Tax Deferred Annuity (TDA)

TDA allows employees to set aside tax-deferred income. TDA is optional and available to all College employees. Contribution levels are subject to current federal income tax laws.

(e) Deferred Compensation Plans

Deferred compensation plans allow employees to defer certain compensation, taxable at distribution. The College's deferred compensation plans are optional and available to certain College employees.

IV.E. EMPLOYEE RIGHTS

IV.E.1. Prohibited Unlawful Discrimination and Harassment

IV.E.1.1. Policy

The College strives to comply with all applicable employment laws, including laws outlawing discrimination, harassment, or retaliation based on race, color, sex, age, sexual orientation, gender identity, gender expression, religion, ethnic or national origin, genetic information, disability, veteran status, or any other protected status.

The College does not tolerate unlawful employment discrimination. The College prohibits retaliation against individuals who complain about unlawful discrimination or who cooperate in an investigation of alleged unlawful discrimination.

This policy section does not cover sexual harassment and sexual violence. Those topics are covered in the Sexual Harassment, Assault, Violence, and Discrimination policy.

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IV.E.1.2. Definitions

(a) **Complainant** means an individual who reports witnessing or receiving prohibited conduct.

(b) **Interim Measures** means steps taken to protect a complainant and respondent pending an investigation's result. Interim measures include, but are not limited to, issuing an order prohibiting the parties from contacting each other; paid administrative leave; directing an employee's lateral transfer; or arranging alternative employment environments.

(c) **Respondent** means a person reported to have committed prohibited conduct.

(d) **Retaliation** means making unfavorable decisions or engaging in unfavorable actions in response to an individual's protected activity.

(e) **Unlawful discrimination** is defined by federal and state statutes to include unfavorable or unfair treatment of an individual or group of individuals because of protected status. Unlawful discrimination includes varying an employee's or student's employment or education terms or conditions because of the employee's or student's protected status.

(f) **Unlawful harassment** means a form of employment discrimination defined as unwelcome conduct based upon a protected status.

IV.E.1.3. College Community Member Responsibilities

Each College community member helps ensure an environment free from prohibited conduct. Prevention is the best tool to eliminate unlawful discrimination, harassment, and retaliation. Employees are encouraged to inform harassers directly that the conduct is unwelcome and must stop. Any College community member who experiences or witnesses an incident constituting unlawful employment discrimination, harassment, or retaliation as defined in this policy, or who otherwise becomes aware of such an incident, should immediately notify the chief human resources officer to prevent its escalation. Reports may also be made through the College's ethics hotline.

Employees are expected to fully cooperate with College investigations regarding reported discrimination, harassment, or retaliation as defined by this policy. Full cooperation with an investigation requires participants to maintain confidentiality to respect the privacy and rights of the individuals involved, maintain a harmonious work environment, minimize any risk of retaliation, and preserve the integrity of the investigative process. The College's confidentiality requirement during a College investigative process does not prohibit filing a police report or filing a complaint with a government agency.

IV.E.1.4. Addressing Employment Discrimination Complaints

When the College receives employment discrimination, harassment, or retaliation complaints about conduct identified in this policy, other than sexual harassment or sexual violence which are covered in another policy section, the Office of Human Resources

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promptly and impartially investigates the complaint. Interim measures may be applied. All actions taken to investigate and resolve complaints through this policy and the Chancellor's procedures are conducted with as much privacy, discretion, and confidentiality as possible without compromising the investigation's thoroughness and fairness.

Complaints, in certain circumstances, may be referred to the Office of Governance, Audit, and Compliance (OGAC), the Office of the General Counsel, or an external third-party for investigation. Employees found to have discriminated, harassed, or retaliated against another individual as defined in this policy will be subject to appropriate disciplinary actions, which may include but are not limited to reprimand, change in work assignment, loss of privileges, mandatory training, or employment termination.

IV.E.1.5. No Retaliation for Discrimination Complaints

Retaliation against any individual for engaging in protected activity as defined in this policy is not tolerated. Engaging in protected activity, however, does not shield an employee from all discipline or discharge. Any retaliatory acts will be subject to appropriate disciplinary actions, which may include but are not limited to reprimand, change in work assignment, privilege loss, mandatory training, or employment termination.

Incidents of unlawful retaliation should be referred to the Office of Human Resources for investigation and will be investigated in the same manner as employment discrimination claims.

IV.E.1.6. Educational Setting

This policy acknowledges academic freedom. Faculty and students should review the Academic Freedom and Responsibilities discussion in Section V.I.

IV.E.1.7. State and Federal Agencies

Employees who believe they may have been subjected to unlawful employment discrimination, harassment, or retaliation may file a formal complaint with any of the government agencies below.

Equal Employment Opportunity Commission (EEOC)
Mickey Leland Federal Building
1919 Smith Street, 6th Floor
Houston, Texas 77002

Texas Workforce Commission (TWC)
101 E. 15th Street, Guadalupe CRD
Austin, Texas 78778

Office for Civil Rights (OCR)
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201

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Using the College's internal complaint processes does not prohibit an individual from filing a complaint with these agencies. Employees also have the right to file a complaint with local law enforcement. Filing a criminal complaint will not preclude any individual from participating in an internal College complaint process as provided herein.

IV.E.1.8. Compliance and Training

The College expects the Office of the General Counsel, Office of Governance, Audit, and Compliance, and the Office of Human Resources to coordinate efforts to comply with this policy and to conduct any investigation in accordance with applicable laws. The College provides training consistent with Texas and federal law to (1) new and existing employees regarding their protections under federal and state discrimination laws and the College's related policies and complaint procedures; and (2) all employees, especially supervisory personnel, regarding the College's non-discrimination obligations.

IV.E.1.9. Ethics Hotline

The College is committed to an environment where open, honest communications are the expectation, not the exception. The College encourages employees to feel comfortable in approaching their supervisors or administration (Human Resources, OGAC, OGC, etc.) when employees believe violations of Board Policy or Chancellor Procedures have occurred. The College makes available, however, an anonymous hotline for employees to report College policy and procedure violations. The hotline, EthicsPoint, is hosted by a third-party hotline provider. Employees are encouraged to submit reports relating to violations, request guidance related to policies and procedures, and provide positive suggestions and stories.

IV.E.2. Family and Medical Leave Act Rights Policy

IV.E.2.1. Policy

The College complies with the Family and Medical Leave Act of 1993 (FMLA). FMLA is intended to allow employees to balance their work and family life by taking reasonable leave for medical reasons that include: the birth, adoption, or foster care of a child; the care of a child, spouse, or parent with a serious health condition; or the employee's own serious health condition. Accrued paid leave and Workers' Compensation leave, if applicable, are used concurrently with FMLA leave.

This policy is implemented through Chancellor's Procedures that comply with the FMLA, implementing regulations, and applicable state law.

IV.E.3. Employee Disability Rights

IV.E.3.1. Policy

The College recognizes and supports principles set forth in federal and state laws designed to eliminate employment discrimination against qualified individuals with disabilities. The College provides reasonable workplace accommodations for eligible, qualified employees