



Santa Fe College Rules Manual

Title: Policy Prohibiting Discrimination and Harassment

Rule 2.8

General Authority: FS 1001.64

Law Implemented: The Florida Civil Rights Act of 1992, FS Chapter 760; Title IX of the Educational Amendment Act of 1972, as amended; Titles IV, VI, and VII of the Civil Rights Act of 1964, as amended; The Violence Against Women Act Reauthorization Act of 2013; Section 504 of the Rehabilitation Act of 1973; The Americans with Disabilities Act of 1990, as amended; The Americans with Disabilities Act Amendments Act of 2008; Age Discrimination in Employment Act 1967; The Age Discrimination Act of 1975; Title II of the Genetic Information Nondiscrimination Act of 2008; Uniformed Services Employment and Reemployment Rights Act, 38 USC 4301-4335; FS Chapter 295; FS 110.105, 112.04, 1000.05, 1006.53; Chapters 6A-19 and 55A-7, FAC

Effective Date: May 17, 2017

Purpose: To state and explain the college's policy prohibiting discrimination and harassment and to implement educational programs and prevention measures relating to sexual harassment, including sexual violence.

I. Policy Statement

Santa Fe College (SF) is committed to maintaining a work and educational environment where no member of the college community is excluded from participation in, denied the benefits of, or subject to discrimination in any college program or activity based on their race, ethnicity, national origin, color, religion, age, disability, sex, pregnancy status, gender identity, sexual orientation, marital status, genetic information, political opinions or affiliations, and veteran status. This commitment applies to employees, volunteers, students, and, to the extent possible, to third parties, applicants for admission, applicants for employment, and the general public.

SF shall take all complaints seriously and will strive to promptly, equitably and thoroughly investigate all complaints. If, after thorough investigation, it is determined that discrimination or harassment has occurred, the college will undertake elimination, prevention, and remedying measures.

Members of the college community should be aware that every employee, other than those

considered confidential by SF, is responsible for making SF aware of any concerns or complaints of discrimination or harassment. SF has designated the Equity Officer/Title IX Coordinator as the individual responsible for receiving any information that may indicate discrimination or harassment. Sharing this information allows the college to make sure affected individuals receive appropriate support services, track incidents and identify patterns, and protect the college community. An employee's failure to report information or complaints about possible discrimination or harassment may result in disciplinary action.

This policy should not be interpreted to abridge academic freedom, principles of free speech, or SF's values.

II. Definitions and Scope of the Policy

A. Discrimination

Discrimination is conduct that is based upon an individual's race, ethnicity, national origin, color, religion, age, disability, sex, pregnancy status, gender identity, sexual orientation, marital status, genetic information, political opinions or affiliations, and veteran status, that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently in, or otherwise adversely affects a term or condition of an individual's employment, education, or participation in a Santa Fe College program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

B. Harassment

Harassment is a type of discrimination. Harassment is covered under this policy if:

- 1) it is based upon race, ethnicity, national origin, color, religion, age, disability, sex, pregnancy status, gender identity, sexual orientation, marital status, genetic information, political opinions or affiliations, or veteran status; and
- 2) such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from SF's education or work programs or activities (also called *hostile environment* harassment).

Harassing conduct may take various forms, including verbal, non-verbal, graphic or written statements (including the use of cell phones or the Internet), or other physical conduct that may be threatening, harmful, or humiliating. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment, which is further defined below, and non-sexual harassment based on stereotypical

notions of what is female/feminine vs. male/masculine or a failure to conform to those gender stereotypes.

College community members are encouraged to not wait to report conduct of concern until harassment becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The Equity Officer/Title IX Coordinator and other college officials can take proactive steps to prevent harassment from continuing or escalating and to protect or otherwise assist the person harassed. The Equity Officer/Title IX Coordinator can help identify conduct that might be a warning sign of or constitute hostile environment harassment prohibited by this policy and address any concerns or complaints appropriately.

C. Sexual Harassment

- 1) Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, when one of the following occur:
 - (a) submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (also called *quid pro quo* harassment); or
 - (b) such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from SF's education or work programs or activities (also called a *hostile environment*).

Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex.

A *hostile environment* can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

Sexual violence, including rape, sexual assault, domestic and dating violence, and stalking (as defined by state law and to the extent they include conduct of a sexual nature or are based on sex or gender), are forms of sexual harassment and may violate this policy.

Examples of sexual conduct that may violate this Policy:

- Repeated sexual advances, whether or not they involve physical touching

- Commenting about or inappropriately touching an individual's body
- Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties
- Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipients
- Requests for sexual favors in exchange for actual or promised job or educational benefits
- Lewd or sexually suggestive comments, jokes, innuendoes, or gestures
- Stalking

SF recognizes that sexual harassment, including sexual violence, can occur regardless of sex, sexual orientation, or gender identity of the parties involved.

- 2) Unwelcome Conduct - Conduct is unwelcome if a person
 - a. did not request or invite it, and
 - b. regarded the unrequested or uninvited conduct as undesirable or offensive.

It is important to note that just because a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome at a later time.

If a person is deemed to be so impaired or incapacitated as to be incapable of requesting or inviting the conduct, SF will consider the conduct unwelcome. A person can be incapable to invite conduct due to the effects of drugs, alcohol, sleep, or unconsciousness.

- 3) Romantic Relationships

Romantic relationships that might be appropriate in other circumstances are prohibited when they occur between a member of the college and a person for whom that individual has a professional responsibility (for example, an Instructor and a student in their class or an employee and a direct supervisor). Such relationships likely result in an appearance of an unfair advantage and abuse of power accruing from the relationship.

- 4) Education and Preventative Measures

The President is directed to implement educational and preventative programming to address preventing, recognizing, and appropriately addressing sexual harassment, including sexual violence such as sexual assault, rape, domestic violence, dating violence, and stalking. The college shall conduct primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness campaigns for students and faculty. Specific topics may include: risk reduction; safe and positive options for bystander intervention; applicable institutional policies and procedures; how and to whom

to report concerns; and campus and community counseling, health, mental health, victim advocacy, legal services, and other student and employee services.

D. Access to college programs for individuals with disabilities.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities. Students and employees requesting accommodations should self-identify to the appropriate offices to begin the accommodation process. The Disabilities Resource Center (DRC) is responsible for receiving, approving, and coordinating services and accommodations for qualified students with disabilities so as to ensure they are provided access to the Santa Fe College programs and activities. The Equity Officer is responsible for receiving, approving, and coordinating services and accommodations for qualified employees with disabilities so as to ensure they are able to have meaningful access and employment at Santa Fe College.

The DRC or Equity Officer, as appropriate, will first engaged with the student or employee to evaluate whether the student or employee is a qualified individual with a disability as defined by federal law. Through an interactive process, reasonable accommodations will be considered as necessary to enable the student or employee to have an equal opportunity to participate in and benefit from services, programs, or activities of the college.

E. Religious Observances

SF will reasonably accommodate the religious observance, practice, and belief of individual students, in regard to admissions, class attendance, and the schedule of examinations and work assignments. SF will likewise accommodate an employee's religious beliefs and practices unless doing so would cause more than a minimal burden on the operations of the college.

III. Jurisdiction

Discrimination or harassment will be covered by this policy when it is committed by students, staff, faculty, or third parties and it is:

1. On SF property or property controlled by SF; or
2. Off SF property, and
 - a. The conduct was in connection with SF or an SF sponsored¹ program or activity; or
 - b. The conduct may have the effect of creating a hostile environment for a member of the SF community

Conduct reported to the college that occurs outside of the jurisdiction of this policy may be investigated by the Equity Officer/Title IX Coordinator or designee at the request of a Vice President or the President. Otherwise, such information will be forwarded to the appropriate

¹ Whether a program is an SF sponsored program or activity will be evaluated on a case by case basis and will consider how much involvement SF has with the program or activity and how much authority over the parties the college would be able to assert.

Vice President or Vice President's designee to be processed as any other form of misconduct.

IV. Confidentiality

At all times, SF will take all appropriate steps to keep student and employee information private. The Equity Officer/Title IX Coordinator will keep the information shared with them as private as possible. Information may be shared with others at the college on a need to know basis in order to implement interim measures and respond to and investigate possible discrimination and harassment.

Students can receive confidential counseling at the Counseling Center and full-time employees can receive confidential support and referrals from the free Employee Assistance Program. For contact information for confidential advocacy, counseling or other support services, please see section XI below.

V. Interim Measures

Interim measures designed to support and protect any community member or the SF community may be considered or implemented at any time, including during a request for information or advice, informal resolution, or a formal complaint investigation and proceeding. An individual does not need to file a complaint with the college to receive an interim measure. Interim measures are designed, in conversation with the parties involved, to ensure that students and employees can fully participate in their work or educational programs.

Appropriate interim measures may include but are not limited to temporary changes in working conditions (such as changes in supervisor, shift, job site, or office location), changes in class or work schedule, directives to the complainant and the respondent to avoid personal contact (e.g. a "stay-away" or "no-contact" order) or refrain from such contact without a neutral third person present, increased monitoring of certain areas of campus, and in severe cases, leave or suspension pending an investigation.

Individuals seeking interim measures should contact the Equity Officer/ Title IX Coordinator.

VI. Possible Remedies

Depending on the nature and severity of the conduct, possible remedies for the complainant upon a finding of discrimination or harassment might include, but are not limited to: providing an escort to ensure that the complainant can move safely and comfortably between classes and activities; ensuring that the complainant and respondent do not attend the same classes; prohibiting contact between the complainant and the respondent; providing counseling services; providing referral to off campus providers of medical care; providing academic support services, such as tutoring; arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being

disciplined; training for the college community; campus climate assessments; and disseminating educational information.

VII. Possible Sanctions

Sanctions for a student found to have violated this rule include, but are not limited to: a written letter of reprimand; mandatory completion of a harassment or discrimination training program; referral for student conduct proceedings; an ongoing stay away or no contact order prohibiting contact with the victim; restrictions on eligibility for college employment; suspension, probation, or expulsion; transfer to another class; a trespass order prohibiting the student from coming to campus; if alcohol was involved, mandatory attendance at an alcohol abuse program; mandatory community service; and/or mandatory attendance at counseling sessions.

Sanctions for an employee found to have violated this rule include, but are not limited to: a written letter of reprimand; mandatory completion of a harassment or discrimination training program; an ongoing stay away or no-contact order prohibiting contact with the victim; suspension, probation, or discharge; a trespass order prohibiting the employee from coming to campus; job change or transfer; and/or mandatory attendance at counseling sessions.

Sanctions for third parties, including vendors, found to have violated this rule may include, but are not limited to: an ongoing stay away or no-contact order prohibiting contact with the victim, limiting or terminating the third party's permission to be present on campus, or suspension from doing business with the college (if a vendor).

VIII. Retaliation

Any individual who makes a claim of discrimination or harassment, participates in an investigation, proceeding, or hearing, or otherwise lawfully opposes discrimination, shall be protected from adverse action taken on the basis of that conduct.

Disciplinary action up to and including discharge or expulsion may be taken against any person who participates in retaliatory conduct. Examples of retaliatory conduct include, but are not limited to: unfair grading; unfair evaluation; unfair assignments; having information withheld or made difficult to obtain in a timely manner such as class information, recommendations, or grades; not being informed about important events such as meetings or changes in policies; ridicule or name-calling (public or private); oral or written threats or bribes; or refusal to meet with person even though that person has a right to do so.

IX. Frivolous Complaints and Interference with an Investigation

It is a violation of this policy to fabricate or falsify evidence or to knowingly, maliciously, and in bad faith make a false complaint. In cases where there has been a finding of a bad faith complaint or falsification/fabrication of evidence, the college may undertake appropriate steps to ameliorate the effects of the complaint.

All employees and students are expected to cooperate fully during the course of a discrimination and/or harassment investigation. It is a violation of this policy for any employee or student to intentionally and in bad faith impede, obstruct, or delay the progress of any such investigation.

X. Requests for Information, To Whom to Report an Incident, and How to File A Complaint

Concerns, questions, and complaints of discrimination and harassment and inquiries regarding non-discrimination policies and procedures should be directed to the college's Equity Officer/Title IX Coordinator.

Grievance Procedures for complaints and appeals shall be adopted by the President and can be found in Procedure 2.8P to be adopted by the President after review by Cabinet. Complaints should be submitted to the Equity Officer through email, in person, or through the mail.

Individuals who report incidents of sexual assault, domestic violence, dating violence, and stalking to SF will be provided information about the importance of preserving evidence, options about involvement of law enforcement and campus authorities, relevant policies and procedures, and support resources both within the institution and in the community.

XI. Contact Information and Resources

1) Equity Officer and Title IX Coordinator

Jasmine Gibbs
Equity Officer and Title IX Coordinator
3000 NW 83rd Street, R-Annex, Room 113
Gainesville, FL 32606
352-395-5950
equity.officer@sfcollge.edu

2) Disabilities Resource Center – The Disabilities Resource Center serves students who document disabilities that limit academic access, faculty instructing students with disabilities, and other individuals seeking disability information.

Disabilities Resource Center (DRC)
Building S, Room 229
3000 NW 83rd St., Gainesville, FL 32606
Voice/TTY (352) 395-4400;
Fax (352) 395-4100
E-mail: disability.info@sfcollge.edu
Web www.sfcollge.edu/student/drc/

3) Confidential Resources

Counseling Center - All Santa Fe College Counseling Center staff members are licensed professionals able to provide confidential counseling, crisis intervention, and advocacy.

Santa Fe College Counseling Center
Building R, Room 227
3000 NW 83rd Street
Gainesville, FL 32606
Phone 352.395.5508
Web www.sfcollge.edu/counseling

Employee Assistance Program (for full-time employees only) – 1-800-272-7252

- 4) Santa Fe College Police Department:
For emergencies, call: 352-395-5555 (or dial 911); for all other police business, call: 352-395-5519
- 5) Outside Agencies

Whether or not a complaint is filed with Santa Fe College, any person may file a complaint of discrimination with the following agencies or any other state or federal agency having jurisdiction:

Florida Human Rights Commission - Web: <http://fchr.state.fl.us/>

U.S. Equal Employment Opportunity Commission – Web: <https://www.eeoc.gov/employees/charge.cfm>

U.S. Department of Education Office of Civil Rights -
Office for Civil Rights, Atlanta Office
U.S. Department of Education
61 Forsyth St. SW, Suite 19T70
Atlanta, GA 30303-8927
Telephone: 404-974-9406*
E-mail: OCR.Atlanta@ed.gov

Rule History

May 2017 (410.535)
January 2015 (410.496)
April 2013 (410.470)
June 2005 (410.378)
September 2002 (410.339)
May 2001 (410.303)
October 1992 (410.165)