

College Operating Procedures (COP)



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| Procedure Title: | Harassment |
| Procedure Number: | 05-0103 |
| Originating Department: | Office of Human Resources |
| <u>Specific Authority:</u> | |
| Board Policy | 6Hx6:2.03 |
| Florida Statute | 1001.64, 1001.65 |
| Florida Administrative Code | n/a |
| Procedure Actions: | Adopted: 4/23/92; 7/1/00; 11/3/04; 12/2/08; 02/16/10; 11/1/10; 4/16/12; 11/4/13 |
| Purpose Statement: | To provide College employees and students with policy and information about all types of harassment and procedures to follow. |

Guidelines:

Florida SouthWestern State College (College) is committed to providing an educational and working environment free from sexual harassment as well as harassment based on such factors as race, sex, color, age, religion, genetic information, national origin, ethnicity, disability, sexual orientation, marital status, or veteran's status. The College, as a matter of policy and in compliance with Title VII of the Civil Rights Act of 1964, Florida Civil Rights Act of 1992, Title IX of the Education Act of 1972, and the Florida Education Equity Act, absolutely opposes any act of harassment and strictly prohibits and will not tolerate such action, whether those involved stand in a subordinate-supervisory relationship, student-faculty relationship, student-student relationship, or others doing business with the College.

For the purposes of this Rule, "harassment" includes, but is not limited to, verbal, physical, sexual violence, assault, and visual conduct that create an intimidating, offensive, or hostile working or educational environment or that interferes with work performance or educational opportunities. Examples of harassment include racial slurs, ethnic jokes, posting of offensive statements, posters, or other similar conduct.

Sexual harassment is a form of unwelcome misconduct that undermines the individual's integrity and human dignity. There are two types of educational/workplace sexual harassment:

1. The first is "quid pro quo" which generally means that type of harassment where a person is promised better employment conditions such as a promotion or a desired transfer or, in the alternative, is threatened with lesser conditions such as a demotion or termination if the person refuses sexual overtures from a supervisor or some other person in the management structure of the employer.

2. The second type of sexual harassment is a "hostile environment". A hostile environment is created by a pervasive sexually oriented work/educational atmosphere. For example, inappropriate put-downs related to one's sex, unwelcome sexual flirtations, sexually offensive jokes or comments, and sexually offensive material displayed in the work place can create a sexually hostile environment. A sexually hostile environment will exist if the type of conduct described above is severe or pervasive and has the purpose or effect of unreasonably interfering with an individual's work performance or academic or professional performance or creating an intimidating, hostile or offensive working or educational environment.

This rule applies to consensual or non-consensual supervisor/instructor-staff and staff-staff romantic and/or sexual relationships where the supervisor or staff member is in a position to affect a staff member's career advancement or working conditions. These types of relationships are unprofessional and undermine the essential atmosphere necessary in the workplace. This type of unprofessional behavior is subject to discipline.

This rule also applies to consensual or non-consensual instructor/staff-student romantic and/or sexual relationships where the instructor or staff member is in a position to determine a student's grade or otherwise effect a student's academic progress or environment. Since the instructor/staff-student relationship is one of professional and client, the above inappropriate form is unacceptable in a college because it is a form of unprofessional behavior which seriously undermines the atmosphere of trust essential to the academic setting and is subject to discipline.

The College is also equally opposed to willful and intentional bad faith claims of harassment, by which the College means claims of harassment which are known by the alleging employee/student to be false. The College takes this strong stand because such claims often affect the future employment and important family relationships of, not only the claimant but also the person against whom the claim is made.

Procedures

No type of harassment will be tolerated by the College. This is a professional environment, and we expect all employees and students to act accordingly. If an employee or student becomes aware of any behavior that may constitute harassment, it is the responsibility of that person to report such conduct.

- Employees should notify their immediate supervisor and, the Equity Officer at 239.489.9051 or equity@fsw.edu.
- Students should notify the Vice President, Student Affairs at 239.433.6950 and the Equity Officer at 239.489.9051 or equity@fsw.edu.

Any report of alleged harassment will be fully investigated by the individual contacted above or their designee pursuant to College Operating Procedure 05-0107. Appropriate disciplinary action will be taken against any employee/student who violates this policy against harassment or

against anyone who knowingly files false claims of harassment. Based on the seriousness of the offense, disciplinary action may include a verbal or written reprimand, suspension, or termination. Certain disciplinary actions, as determined by the President, may require action by the District Board of Trustees, depending upon the nature of the offenses and the resulting severity of the action to be taken. In such cases, the President will recommend appropriate action to the Board following the completion of the investigation and the communication of the President's position to the individuals involved. Claims of harassment made against a student may be referred to the student disciplinary committee. Results of the hearing may lead to suspension or expulsion.

Retaliatory action against anyone filing a valid complaint of any type of harassment will not be tolerated. Any claims of retaliatory behavior will be investigated pursuant to College Operating Procedure 05-0107. Appropriate disciplinary action will be taken against any individual that engages in retaliatory conduct.

This policy is intended to reflect applicable laws regarding harassment, as such laws may from time to time be restated or clarified, and to provide no greater or lesser protection than the law provides. This policy is to be interpreted and applied with that understanding.