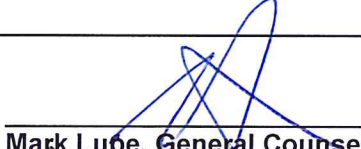
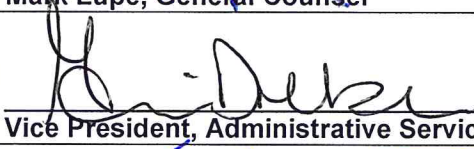



<b>FLORIDA SOUTHWESTERN STATE COLLEGE DISTRICT BOARD OF TRUSTEES</b> <b>Agenda Item Summary</b>	
Meeting Date: 1/27/2015	
1. <b>Action Requested/Purpose:</b> Amend Board Policy 6Hx6:2.03, Discrimination and Harassment Policy.  2. <b>Fiscal Impact:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A  3. <b>Funding Source:</b> Amount: \$  4. <b>Administration Recommendation:</b> Approval of the proposed amendment to Policy 6Hx6:2.03.	
5. <b>Agenda Item Type:</b>  <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Consent Agenda <input type="checkbox"/> Information Only <input type="checkbox"/> Board Requested Information/Report	8. <b>Requirement/Purpose (Include Citation)</b>  <input checked="" type="checkbox"/> Statute 1001.64; 1000.05 <input type="checkbox"/> Administrative Code <input type="checkbox"/> Other
9. <b>Background Information:</b>  Board Policy 6Hx6:2.03 was first adopted in 1992 and generally prohibits violence on campus. The proposed revision will substantially simplify the Policy by removing procedural matters. In addition, the policy is being updated with the new College name as well delegating to the President the authority to adopt College Operating Procedures to respond to the new legal mandates under the Clery Act as amended by the Violence Against Woman's Act and updating information on the Title IX Coordinator.	
<b>Requested By:</b>	 Mark Lupe, General Counsel
<b>Funding Verified by:</b>	 Vice President, Administrative Services
<b>Approved For Agenda by:</b>	 President

## District Board of Trustee Policy (BOT)



**Policy Title:** DISCRIMINATION AND HARASSMENT POLICY

**Policy Number:** 6Hx6:2.03

**Specific Authority:**

Florida Statute 1000.05; 1001.64 (18); 1001.65 (3)  
Florida Administrative Code

**Policy Approved:** 4/23/92; 12/16/93; 11/21/96; 11/25/97; 4/28/98; 08/99;  
6/25/02; 08/23/05; 02/18/09; 1/26/10

**Policy:**

Florida SouthWestern State College is committed to providing an educational and working environment free from discrimination or harassment based on such factors as race, sex, age, religion, national origin, disability, sexual orientation, marital or veteran status. Florida SouthWestern State College, as a matter of policy and in compliance with Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Florida Civil Rights Act of 1992 for employees, Title IX of the Education Act of 1972 and the Florida Education Equity Act, absolutely opposes any act of discrimination or 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 Florida SouthWestern State College.

For purposes of this Policy “discrimination” includes, but is not limited to, action with partiality or prejudice for or against a person of a group on the basis of one of the protected categories above.

For the purposes of this Policy “harassment” includes, but is not limited to, verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working or educational environment or that interferes with work performance or educational opportunities.

There are two types of educational/workplace sexual harassment. 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. 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, disparagement related to one’s sex, unwelcome sexual flirtations, sexually offensive jokes or comments, and sexually offensive material displayed in the workplace can create a sexually hostile environment. A sexually hostile environment will exist if the type of conduct described above 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.

Florida SouthWestern State College is also equally opposed to willful and intentional bad faith claims of discrimination or harassment. Bad faith claims are those that are known or should be 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.

If an employee or student becomes aware of any behavior that may constitute discrimination or harassment, it is the responsibility of that person to report such conduct. Discrimination or harassment complaints or concerns may be reported to the designated Equity Coordinator. Additionally, employees should notify their immediate supervisor, the Associate Vice President of Human Resources at (239) 489-9293 or the Executive Vice President at (239) 489-9089.

Students should notify either the Dean of Student Services at (239) 489-9388 or the Associate Vice President of Human Resources at (239) 489-9293.

Any report of alleged discrimination or harassment will be promptly and fully investigated by the individual contacted above or his or her designee in accordance with College Operating Procedure 05-0102, Discrimination and Harassment Complaint Procedure. The College will protect the confidentiality of the persons involved to the extent possible.

Appropriate disciplinary action will be taken against any employee, student or applicant who is determined to have violated this policy against discrimination or harassment or against anyone who knowingly files false claims of discrimination or 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 District President will recommend appropriate action to the District Board of Trustees following the completion of the investigation and the communication of the District President's position to the individuals involved. Claims of discrimination or 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 discrimination or harassment will not be tolerated. The individual investigating such reports or claims on behalf of the College, with the District President's full support, will make all efforts necessary to safeguard against any retaliation against any individual involved in the discrimination or harassment claim and any witnesses interviewed during the investigatory process.

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

*The Associate Vice President of Human Resources has been appointed as the Equity Coordinator. Questions pertaining to discrimination or harassment should be addressed to the*

*Associate Vice President of Human Resources at (239) 489-9293, or 8099 College Parkway,  
Fort Myers, FL 33919.*



## District Board of Trustee Policy (BOT)



**Policy Title:** Discrimination and Harassment Policy

**Policy Number:** 6Hx6:2.03

**Specific Authority:**

Florida Statute

Florida statute 1001.64 and 1000.05

Florida Administrative Code

**Policy Approved:**

Effective Date: 4/23/92; 2/16/93; 11/21/96; 11/25/97; 4/28/98;  
08/99; 6/25/02; 08/23/05; 02/18/09; 1/26/10; 06/26/12 ; 11/18/14

**Policy:**

Florida SouthWestern State College is committed to maintaining an educational and work environment in which no member of the College community is excluded from participation in, denied the benefits of, or subjected to discrimination or harassment in any College program or activity on the basis of race, sex, age, color, religion, national origin, ethnicity, disability, sexual orientation, marital status, gender identity, genetic information or veteran's status. Gender-based and sexual harassment, including sexual violence, are forms of sex discrimination which in the educational environment may deny or limit an individual's ability to participate in or benefit from College programs or activities.

Florida SouthWestern State college in compliance with Title VII of the Civil Rights Act of 1964, the American with Disabilities Act, Section 504 of the Rehabilitation Act, the Florida Civil Rights Act of 1992, Title IX of the Education Amendments of 1972, and relevant sections of the Violence Against Women Reauthorization Act opposes any act of discrimination or harassment and prohibits such action.

In the implementation of this policy, the President is authorized to adopt, review, and enforce procedures, including, but not limited to:

- (a) The provision of information identifying laws prohibiting such misconduct;
- (b) Information regarding the rights of complainants, victims and respondents and the services available to them;
- (c) Administrative procedures for the investigation by the college of cases involving discrimination or harassment--including sexual harassment, sexual discrimination and sexual violence and misconduct; including procedures prohibiting retaliation
- (d) Administrative proceedings, disciplinary actions, and penalties which may be imposed upon violators; and,
- (e) A comprehensive educational program to assure awareness within the College community of the problems of sexual misconduct, in order to discourage and attempt to prevent such misconduct, and to encourage reporting and the receipt of assistance.

*Jana Sabo is the Title IX Coordinator/Equity Officer. Questions pertaining to discrimination or harassment should be addressed to Jana Sabo at 239.489.9051 or 8099 College Parkway, Fort Myers, FL 33919.*