

RULE

Subject	Harassment and Discrimination and Related Misconduct (Including Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal Violence, Stalking, Complicity and Retaliation)	Number: 6HX14-2.44
Authority	F.S. 1000.05, 1001.64, Chapter 760	Date: 5/19/2015
History	01/84, 04/95, 03/98 - Replaces Rule 6HX14-2.445. 7/99, 2/04, 6/09, 4/11. 3/13	
Source	Human Resources	

State College of Florida, Manatee – Sarasota (“SCF”) is committed to providing an educational and working environment free from harassment and discrimination based on such factors as race, color, sex, age, religion, genetic information, national origin, ethnicity, disability, marital status, sexual orientation and any other factor prohibited under applicable federal, state and local civil rights, laws, rules, and regulations (collectively referred to as “Protected Status”). SCF will not tolerate harassment or discrimination of its employees, students, applicants for admission and/or employment, volunteers, visitors, contractors, or any persons while present on any College campus or sponsored event. SCF will also attempt to protect its employees and students from harassment and discrimination by non-employees and non-students.

This Rule prohibits all forms of Discrimination and Harassment based on Protected Status. It expressly, therefore, also prohibits Sexual Assault and Sexual Exploitation, which by definition involve conduct of a sexual nature and are prohibited forms of Sexual or Gender-Based Harassment. This Rule further prohibits Stalking and Interpersonal Violence, which need not be based on an individual’s Protected Status. Finally, this Rule prohibits Complicity for knowingly assisting in an act that violates this Rule and Retaliation against an individual because of his or her good faith participation in reporting, investigation, and/or adjudication of violations of this Rule. These behaviors are collectively referred to in this Rule as Prohibited Conduct. This rule also applies to Prohibited Conduct that occurs off-campus, including online or electronic conduct, if the conduct occurs within the context of an employment or educational program or activity of the college, or has continuing adverse effects on campus or off-campus employment or educational program or activity.

Title IX of the Education Amendments of 1972 states that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, and Retaliation, as defined in this Policy, are prohibited forms of discrimination under Title IX, which covers all of the College’s programs and activities. Like racial, religious, and national origin harassment, Sexual or Gender-Based Harassment and Sexual Violence are also prohibited under Title VII of the Civil Rights Act of 1964, Section 760 et al, F.S., and other applicable laws.

The College’s prohibition against Interpersonal Violence (including domestic and dating violence) and Stalking is also governed by federal law because these forms of behavior are prohibited by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (the Clery Act) and Section 304 of the Violence Against Women Reauthorization Act of 2013. Such acts violate the essential dignity of our community member(s) and are contrary to our institutional values.

The College, as an educational community, will promptly and equitably respond to reports of Sexual Assault, Interpersonal Violence, and Stalking in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community. The College recognizes that Sexual Assault, Interpersonal Violence,

and Stalking encompass a broad spectrum of conduct and will respond according to both the severity of the offense and the threat it poses to the campus community.

For the purposes of this Rule “harassment” includes but is not limited to, verbal, physical, sexual violence, assault and visual conduct that creates an intimidating, offensive, or hostile working or education environment or that interferes with work performance or educational opportunities. Some examples include racial slurs, ethnic jokes, posting of offensive statements, posters, or cartoons or other similar conduct. Sexual harassment includes solicitation of sexual favors, unwelcome sexual advances, or other verbal, visual or physical conduct of a sexual nature.

For the purposes of this Rule “discrimination” means exclusion from participation in, or denial of the benefits of any public education program or activity, or in any employment condition or practice conducted by a public educational institution that receives or benefits from federal or state financial assistance on the basis of race, color, sex, age, religion, genetic information, national origin, ethnicity, disability, marital status, sexual orientation or any other factor prohibited under applicable federal, state and local civil rights laws, rules and regulations.

The College has an obligation to make reasonable efforts to investigate and address known or suspected instances of Prohibited Conduct. To foster a climate that encourages prevention and reporting of Prohibited Conduct, the College will actively promote prevention efforts, educate the College community, respond to all reports promptly, provide Interim Protective Measures to address safety and emotional well-being, and act in a manner that recognizes the inherent dignity of the individuals involved.

In the case of employees or students, if harassment or discrimination is established, SCF will discipline the offender. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including dismissal from the College depending upon the circumstances, With regard to acts of harassment or discrimination by non-employees or non-students, the College will take appropriate corrective action according to the particular circumstances involved.

This Policy is maintained by the Title IX Coordinator. The Title IX Coordinator and the Title IX Team will review this Policy on at least an annual basis. The review will capture evolving legal requirements, evaluate the support and resources available to the parties, and assess the effectiveness of the resolution process (including the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed). The review will include the opportunity for individuals affected by the Policy to provide feedback and will incorporate an aggregate view of reports, resolution, and climate.

The President or designee(s) shall adopt procedures to implement this Policy.

There may be relevant information in other College Rules. Where that information conflicts with information in this Rule, this Rule will control. See the following policies as well:

Reasonable Substitutions/Modifications for Individuals with Disabilities (6HX14-4.015)

Code of Ethical Behavior (6HX14-2.55)

Disciplinary Action – Employee (6HX14-2.53)

Complaint/Conflict Resolution (6HX14-1.14)

Contracts: Continuing Contract Status and Annual Appointments (6HX14-2.15)

Standards of Student-Behavior (6HX14-4.10)

Drug Free Campus (6HX14-1.32)

Vulnerable Persons Act- Reporting Responsibilities (6HX14-1.48)