

# Policy Manual



<b>Title: Discrimination, Harassment and Retaliation</b>	<b>Number:</b> 6Hx2-3.34
<b>Legal Authority:</b> <i>Title VII, Civil Rights Act of 1964, amended 1972; Title IX, Civil Rights Act of 1964, State Board of Education Rule 6A-14.0247, 6A-19.008; Florida Statutes 1001.64-65</i>	<b>Page:</b> 1 of 4

## GENERAL STATEMENT

Broward College (“College”) recognizes its obligation to work towards a community in which diversity is valued and equal employment opportunities are provided free from discrimination, unlawful harassment and retaliation in accordance with federal and state laws.

The College strongly encourages any alleged victims of harassment and/or discrimination to promptly report the incident. The College recognizes the unusual burden that the alleged harassing or discriminatory conduct places on the recipient and acknowledges the necessity for a thorough and careful resolution of all reported cases. It is contrary to College policy for any individual to engage, whether directly or indirectly, in retaliatory action against a person who files a harassment and/or discrimination complaint. Likewise, persons who participate in any investigation of such a complaint should not be retaliated against. As used in this paragraph, “retaliatory action” is any material adverse action taken against the person who makes or supports a complaint of discrimination. A material adverse action can be (depending on all of the circumstances) disciplinary action, the denial of a promotion, the denial of job benefits, negative evaluations, material changes in the terms and conditions of employment, changes in job responsibilities (increase or decrease of responsibilities), job transfer or a termination. Any employee who believes that retaliatory actions have been taken against him or her for having filed a complaint or provided testimony in an investigation of harassment and/or discrimination must contact the equity office in human resources.

Scope of prohibitions: The policies enunciated herein are relevant to all employment practices involving the College and its employees including, but not limited to, all educational, cultural, and social activities occurring on campus or sponsored by the College.

All employees are required by the College to complete the on-line Preventing Employment Discrimination Program within their probationary period.

## THE POLICY and THE STUDENT

The College affirms its commitment to ensure that each member of the College community shall be permitted to work in an environment free from any form of discrimination or harassment based upon race, color, gender, national origin, religion, age, disability, marital status, sexual orientation, genetic information or other legally protected classification.

## THE POLICY and THE FACULTY and STAFF

The College affirms its commitment to ensure that each member of the College community shall be permitted to work in an environment free from any form of discrimination or harassment based upon race, color, gender, national origin, religion, age, disability, marital status, sexual orientation, genetic information or other legally protected classification.

<b>History:</b> <i>Issued on April 24, 2002; revised March 23, 2005; revised May 1, 2008; revised January 25, 2011, revised on September 25, 2012; revised October 28, 2014</i>			
<b>Approved by the Board of Trustees</b>	<b>Date:</b> 10/28/14	<b>President’s Signature</b> 	<b>Date:</b> 10/28/14

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## IMPLEMENTATION and OVERSIGHT

**Administration and Consultation.** The Equity Office in Human Resources shall investigate all complaints according to the College policies and procedures. This authority is delegated from the College president to the Executive Director of Human Resources and Equity, and carries the obligation to ensure that the College community adheres to the College's policies prohibiting discrimination, harassment and retaliation. This jurisdiction includes the following:

- a. Complaints by student, faculty, or staff against faculty or staff in carrying out the applicable College policies. Upon receipt of a complaint, the equity office in human resources will investigate or facilitate investigation and make recommendations following such investigations. Consistent with federal and state law and the State Board of Education's and College policies related to harassment and nondiscrimination, these offices will investigate (or facilitate investigation) complaints of harassment and discrimination on the bases of any protected category. These offices may also conduct investigations (or facilitate investigations) based upon requests for Administrative Reviews from deans, directors, provosts, vice presidents and the president when those administrators believe that harassment and/or discrimination in violation of federal or state law or the State Board of Education's and College policies may be occurring in their units.
- b. Complaints by student against student are not covered by this policy. Upon receipt of a complaint by a student against another student charging harassment or discrimination, the equity office in human resources shall refer the complaint to the appropriate campus dean of student affairs. Students should refer to College Policy 6Hx2-5.23 *Complaint Process for Students*.

## VIOLATION OF POLICY

1. Any employee who believes that they have been subjected to discrimination, harassment or retaliation in violation of the College's policies may file a complaint within ninety (90) days of the alleged harassment, discrimination or retaliatory conduct by utilizing either an informal and/or a formal complaint process as defined in Procedure A6Hx2-3.34.
2. The College affirms its commitment to ensure that employees who complain about discrimination or harassment are protected from retaliation based upon their good faith opposition to discriminatory conduct. Pursuant to this policy, the College establishes a procedure whereby employees can file a complaint of alleged discrimination or harassment without fear of retaliation.

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3. It shall be a violation of this policy for any officer, employee, or agent of the College to discriminate against or harass, as herein after defined, any other officer, employee, student, or agent of the College.
4. Any administrator or supervisor who suspects or becomes aware of an alleged discrimination, harassment or retaliation must immediately notify the equity office in human resources.
5. The failure to notify the equity office in human resources of actual or suspected sexual harassment or any other type of discrimination, harassment or retaliation of any type is a violation of this policy.
6. Violation of this policy shall result in appropriate corrective and/or disciplinary action, up to and including termination of employment.
7. The procedure and time limitations for filing a complaint for a violation of this policy are set forth in Broward College Procedure A6Hx2-3.34, Reporting Violations and Conducting Investigations of Complaints alleging Discrimination, Harassment and Retaliation.
8. All complaints of discrimination, harassment, retaliation, and investigations of the same will be kept as confidential as possible to permit an effective investigation, and as allowed by law.
9. All persons who are involved in the investigation of a complaint of discrimination, harassment or retaliation are urged to respect the privacy of both the complaining employee and the alleged wrongdoer so as not to impair the careers or reputations of either. All parties must be aware of the seriousness of such complaints and the potential harm to everyone concerned.
10. Discrimination in the terms and conditions of employment based upon a bona fide occupational requirement or distinction (i.e., gender-specific restrooms, athletics, and other such areas) is not a violation of this policy.
11. Any person who knowingly files a false complaint of harassment or retaliation against another shall be subject to disciplinary action, up to and including dismissal.

## DEFINITIONS

Discrimination is defined as treating any member of the College community differently than others are treated based upon race, color, sex gender, national origin, religion, age, disability, marital status, sexual orientation, genetic information or other legally protected classification.

Conduct which falls into the definition of discrimination and which is prohibited by this policy includes, but is not limited to:

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1. Disparity of treatment or effect in employment, job placement, promotion or other benefits and all other terms and conditions of employment based upon membership in one of the groups listed in item (a) above.
2. Limiting access to athletic, social, cultural or other activities of the College based upon membership in one of the groups listed in item (a) above.
3. Retaliation for filing complaints or protesting practices which are prohibited under this policy.
  - a) Unlawful harassment is defined as conduct that is unwelcome and unreasonably interferes with an employee's employment by creating an intimidating, hostile, or offensive working environment.
    1. It may, depending on the circumstances, include offensive or demeaning language or treatment of an individual, where such language or treatment is based on prejudicial stereotypes of the group to which an individual may belong.
    2. It may also include, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual.
    3. For the purpose of this policy, sexual harassment is defined as any unwelcome conduct of a sexual nature, sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which (1) makes submission to or rejection of such conduct either an explicit or implicit basis for employment affecting the individual or (2) unreasonably interferes with the individual's employment by creating an intimidating, hostile or offensive environment.
4. Conduct which falls into the definition of harassment may include, but is not limited to:
  - a. Unwelcome physical contact of a sexual nature such as patting, pinching, or unnecessary touching.
  - b. Overt or implied threats against an individual to induce him/her to perform sexual favors or to engage in an unwelcome sexual relationship
  - c. Verbal innuendos or jokes of sexual nature, including graphic or degrading verbal comments about an individual and/or his appearance
  - d. Use of sexually suggestive terms or gestures to describe a person's body, clothing or sexual activities
  - e. Displaying or posting offensive sexually suggestive pictures or materials in the work place
  - f. Conduct which falls into the definition of unlawful harassment includes, but is not limited to, harassment based on race, color, sex, national origin, religion, age, disability, marital status, sexual orientation or other legally protected classification.

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