

<p><b>TITLE</b></p>	<p>Discrimination, Harassment, Sexual Harassment and Retaliation Policy</p>	<p><b>NUMBER</b> 6Hx-18-5.86</p>
<p><b>LEGAL AUTHORITY</b></p>	<p>1001.64 FS, 1001.65 FS, Title VII of the Civil Rights Act of 1992; Chapter 760 of the Florida Civil Rights Act; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794; and its implementing regulation at 34 C.F.R. Part 104; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 <i>et seq.</i>, and its implementing regulation at 28 C.F.R. Part 35; Jean Clery Disclosure of Campus Security and Campus Crime Statistics Act (The Clery Act) As amended in 2008; The Violence Against Women Reauthorization Act of 2020 (“VAWA”), Section 4; The Americans with Disabilities Act of 2008 (ADAA), Genetic Information Non-Discrimination Act of 2008.</p>	<p><b>PAGE</b> 1 of 4</p>
<p><b>DATE ADOPTED/AMENDED</b></p>	<p>Adopted 5/9/2000; Amended 06/19/2001, 03/12/2002, 05/12/2009, 03/13/2012, 1/16/2018, 10/08/2019, 02/16/2021, 06/20/2023</p>	<p>Amendments to this policy supersedes all policies.</p>

**I. Policy Statement**

Discrimination, harassment and retaliation is expressly prohibited by Palm Beach State College. This policy has been established to prevent all forms of discrimination, harassment and retaliation based on an individual’s protected status, including race, color, creed, ethnicity, national origin, gender, sex, sexual orientation, age, religion, marital status, veteran status, disability, genetic information, or pregnancy status in any of its employment, or educational programs or activities.

Palm Beach State College is an equal access equal opportunity institution committed to an academic and working environment free from harassment, sexual harassment, discrimination, and retaliation. Harassment, sexual harassment, discrimination, or retaliation threatens the legitimate expectation of all members of the College community that the campus environment will be conducive to work or study. Preventing harassment, sexual harassment, discrimination, and retaliation is the responsibility of the entire College. It is a violation of College policy and applicable law for any individual to engage in retaliatory action against a person who files a harassment, sexual harassment, and/or discrimination complaint. Accordingly, Palm Beach State College encourages all employees and students who believe they are being subjected to harassment, sexual harassment, discrimination, or retaliation by an employee or third party to follow the outlined complaint procedures. Students who believe they have been subjected to harassment, sexual harassment, discrimination or retaliation by another student should consult the Student Code of Conduct/Student Handbook. The College will take prompt disciplinary action against individuals, including third parties, at any locations who engage in actions that violate this policy. The College complies with all state and federal laws granting rights to applicants for employment or admission to the College, employees, and students.

## **II. Scope of Policy**

This policy and associated procedures apply to conduct and protection of all employees, students, applicants for employment, applicants for student admission, volunteers, interns, and visitors. The non-discrimination provisions also apply to contractors and other third parties under circumstances within the College's control.

All members of the College community are responsible for conducting themselves in accordance with this Policy and other College policies and procedures. College students and employees who violate this Policy may face discipline up to and including expulsion or termination.

## **III. Definitions**

Harassment is defined as any unwelcome conduct or request for favors verbal or physical conduct or any action based on an individual's race, color, creed, ethnicity, national origin, gender, sex, sexual orientation, age, religion, marital status, veteran status, disability, genetic information, or pregnancy status that adversely affects an individual's educational or employment opportunities.

Harassment may include, but is not limited to, repeated remarks of a demeaning nature, implied or explicit threats, slurs, innuendoes or gestures, demeaning jokes, stories, pictures, objects or activities directed at an individual based on any of the above categories or groups.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

3. Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291(a)(8), or stalking as defined in 34 U.S.C. 12291(a)(30).

Harassment in general refers to any unwelcome conduct of a sexual nature. It includes sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature. This includes, but not limited to:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's status in a course, program, or activity;
2. Submission to, or rejection of such conduct by an employee is used as a basis for employment decisions affecting the individual. In the case of a student, it is used as a basis for academic or other decisions affecting a student; or,
3. Such conduct has the purpose or effect of unreasonably interfering with the individual's employment (or the student's educational experience) by creating an intimidating, hostile, or offensive environment.

Sexual harassment may occur within any relationship. It may occur between supervisor and employee or instructor and student; it may be directed by students towards a student, faculty, or staff. It may occur among peers. It may occur where no relationship exists between the parties other than being co-employees or co-students. Sexual harassment may occur between persons of the same or different genders.

Discrimination is defined as treating any member of the College community different from the way others are treated based on race, color, creed, ethnicity, national origin, gender, sex, sexual orientation, age, religion, marital status, veteran status, disability genetic information, or pregnancy status without lawful justification.

Disability discrimination is defined as a qualified individual with a disability being either excluded from participation in or denied the benefits of the College's services, programs, or activities, or otherwise being discriminated against by the College and that the exclusion, denial of benefit, or discrimination was by reason of his or her disability.

Retaliation is defined as unlawful adverse or negative action taken against the person who makes or supports a complaint of harassment or discrimination.

#### **IV. Reporting and Complaint Procedures**

The College has implemented separate complaint procedures for general harassment, discrimination, and retaliation grievances and for Title IX sexual harassment grievances. If any employee, student, applicant for admission or employment, or other participant in the College's programs or activities feel that they have been subjected to sexual harassment or any other type of harassment, discrimination, or retaliation the complainant must follow the complaint procedure that corresponds to the nature of their complaint.

[For the Harassment, Sexual Harassment, Discrimination and Retaliation Grievance Procedure, please see 5.86P-1.](#)

[For the Title IX Sexual Harassment Grievance Procedure, please see 5.86P-2.](#)

[If a student believes that he or she has been subjected to discrimination during the process for admission to the College, the student may file a written complaint to the Office of Campus Registrar, per the grievance procedure in 5.86P-1.](#)

[For student related disability discrimination grievances, please refer to 5.86P-1.](#)

## **V. Confidentiality**

Confidentiality shall be maintained to the greatest extent possible within the law and the requirements for conducting appropriate investigations.

## **VI. Retaliation**

Retaliation against individuals who have filed a charge or participated in an investigation or opposed any unlawful practice is prohibited and will subject the person who retaliates to disciplinary action, up to and including termination of employment.

## **VII. False or Malicious Complaints**

Complainants found to have been dishonest in making allegations or to have made them maliciously are subject to disciplinary action, up to and including termination of employment. Students may be subject to suspension or dismissal from the College.

## **VIII. Prevention**

Palm Beach State College further recognizes that prevention is the best tool for the elimination of sexual harassment and any types of harassment or discrimination. Therefore, the College will take necessary steps to prevent and eliminate all forms of harassment or discrimination including, but not limited to:

1. Publishing this policy for present, or future employees, and students.
2. Ensuring that training on the prevention of harassment or discrimination is established and offered to College employees and students.
3. Publishing harassment or discrimination materials where appropriate.

## **IX. Resource and Website Information**

The persons listed below coordinate compliance with this policy.

Equity Officer/ADA	Director, Human Resources, Equity Officer 4200 Congress Ave., Lake Worth, FL 33461 (561) 868-3111
Human Resources	Chief Human Resources Officer 4200 Congress Ave., Lake Worth, FL 33461 (561) 868-3130
Admissions	College Registrar 4200 Congress Ave., Lake Worth, FL 33461 (561) 868-3532
Student Disability Support Services/Access	Student Development Dean 4200 Congress Ave., Lake Worth, FL 33461 (561) 868-3375
Facilities Access	Facilities Director 4200 Congress Ave., Lake Worth, FL 33461 (561) 868-3480
Title IX Coordinator	Student Life Director 4200 Congress Ave., Lake Worth, FL 33461 (561) 868-3842
Campus Security/Reporting	Director of Security and Risk Management 561-868-3600

The following provides additional recommendations and/or information for College employees and students, including those with disabilities:

1. Employees who wish to file complaints external to the College may contact the Equal Employment Opportunity Commission (EEOC) at [www.eeoc.gov](http://www.eeoc.gov).
2. Students who wish to file complaints external to the College may contact the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).
3. See [www.disability.gov](http://www.disability.gov) for federal laws, regulations, and guidelines.
4. See <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=6a-10> for State Rules, 6A10.040, and 6A-10.041.
5. Students who wish to obtain more information on sexual assault and prevention information, and statutorily required crime reporting, please see: <https://www.palmbeachstate.edu/security/sexual-assault-and-prevention-info.aspx>.