

# Polk State College Procedure

Subject	Reference	Date	Number
Harassment	FS 1001.03 SBE 6A-14.060 DBOT 3.12 & 3.27	4/6/2017	6086

## I. PURPOSE

It is the policy of The District Board of Trustees and Polk State College that all employees and students should be able to learn and work in an educational environment free from any discriminatory harassment and retaliation. Harassment in any form based on race, color, national origin, sex, age, religion, sexual orientation, marital status, veteran status, genetic information, disability, or pregnancy and any other factor protected under applicable federal state, and local civil rights laws, rules, and regulations (in the Protected Categories) is prohibited. All faculty, students, and staff should be aware that the College will not tolerate any conduct that constitutes harassment. Sexual harassment is covered under Procedure 6076. This procedure has been instituted to prohibit harassing behavior or behavior based on one of the other protected characteristics listed above that creates an unreasonably intimidating, hostile, or offensive learning or working environment for our students and employees. Implementation of this procedure is the responsibility of the Director of Human Resources.

This procedure has been developed to address the need to investigate and correct any violations involving students and employees while recognizing the need to preserve privacy rights. College procedure will be to take corrective action up to and including immediate discharge if an employee engages in any acts or behavior defined below.

## II. SCOPE

This procedure applies to all employees at all campus locations and all College functions. To the extent applicable, non-employees (applicants, volunteers, vendors, contractors, etc.) on our premises should be made aware of the intent of this policy and are expected to conduct themselves accordingly.

### A. Definition

Harassment includes but is not limited to:

1. Harassment is the creation of an unreasonably hostile or intimidating environment in which verbal or physical conduct is likely to interfere significantly with an individual's work or education. Discriminatory harassment includes conduct (oral, written, graphic, or physical) directed against any person or group of persons because of any of the Protected Categories and that has the purpose of creating an offensive, demeaning, intimidating, or unreasonably hostile environment for that person or group of persons. Such conduct includes, but is not limited to, objectionable epithets, demeaning treatment, and threatened or actual abuse or harm.

2. Any slurs, innuendoes, or other negative verbal or physical conduct based on an individual's race, color, national origin, ethnicity, sex, age, religion, sexual orientation, marital status, veteran status, genetic information, disability, or pregnancy which has the purpose or effect of creating an unreasonably intimidating, hostile, or offensive education or work environment; has the purpose or effect of unreasonably interfering with the individual's work or school performance or participation; or otherwise adversely affects an individual's employment or educational opportunities to an unreasonable degree.
3. The unreasonable denial of or discrimination in the provision of aid, benefits, grades, rewards, employment, promotions, raises, faculty assistance, services, or treatment on the basis of age, race, religion, color, national origin, marital status, or disability.
4. This definition specifically excludes activities and discussions by students, faculty, and outside speakers designed to promote a valid educational goal such as exposing students to appropriate controversial subject matter and fostering academic discussion under the guidelines set by DBOT 2.28 Academic Freedom.

#### B. Designated Officers

The Director of Human Resources, the Director of Equity & Diversity or the Dean of Student Services are the designated officers to handle harassment complaints. Faculty and staff complaints are directed to the Office of Human Resources or the Office of Equity and Diversity. Students can direct their complaints to any of the designated officers. These Officers will be responsible for assisting with the education of employees and students regarding harassment and for assuring timely resolution of complaints according to established administrative procedures. Employees and students will be informed of the Harassment/Sexual Harassment Rule (3.27) through its inclusion in the Employee Handbook and Student Handbook.

In the event one of the currently designated Officers is personally involved in a harassment allegation or cannot perform his/her role as outlined below due to conflict of interest or prejudice, the President will appoint an interim replacement for the Officer.

#### C. Complaint Resolution Process

Within 30 days, a complaint shall be filed in writing to one of the three Officers and should contain the name and address of the complainant and a detailed description of the alleged incident. Students have the option of filing a formal (written) or informal (verbal) complaint with the Dean of Student Services.

The complaint shall be filed within thirty (30) days from the time the last incident of alleged harassment occurred or within thirty (30) days from the time the complainant could be expected to know of an action alleged to have been taken as a consequence of a harassment act.

Upon receipt of the complaint, the Officer will conduct a thorough investigation in accordance with the Investigation Procedure #6085. The Officer will notify in writing the person charged with the alleged violation at an appropriate point in the investigation process. All interested persons, including the complainant and the person against whom the complaint is lodged, will be afforded an opportunity to submit evidence to the officer, written and/or oral, relevant to the complaint.

#### D. Reporting Harassment Directed at Others

As a condition of their employment, administrators and supervisory personnel are required to report possible cases of harassment to one of the Officers or the Dean of Student Services in cases involving students, even when they have been asked not to tell anyone.

Administrative and supervisory employees should never promise to keep a complaint of this nature confidential. A complaint is a complaint regardless of whether students or employees say they “just want to talk about it with someone” or ask that the information be kept confidential. Administrators and supervisory personnel who fail to report complaints of harassment will be subject to disciplinary action with a minimum of a letter placed in their personnel file and up to and including termination for a first offense depending on the severity. All other Polk State employees, including faculty, are responsible for helping the College eliminate all forms of harassment at the College.

#### E. Cooperation with Investigations

As a condition of employment, Polk State College requires all of its employees to cooperate with internal investigations authorized by College rule, the President, or the District Board of Trustees. Students of the College are also required to cooperate with investigations.

#### F. Standard of Evidence

In deciding the facts of the complaint, the Officer will use a preponderance of the evidence standard for resolving any conflicts in the evidence. This means the evidence must show that it is more likely than not that the evidence shows the complaint is valid. The officer must also find that the alleged acts meet the definition of harassment to find that the accused person violated College policy.

#### G. Disciplinary Action

Where there has been a finding of harassment, the resolution relative to the accused may include some form of disciplinary action for the person found to have committed the harassment. Depending on the individual circumstances of each case, disciplinary action could include one or any combination of the following: verbal counseling, letter of warning, specific activities to discourage future violations of harassment, probation, suspension, reassignment, expulsion from enrollment at the College, and non-renewal of contract, up to and including termination. A report will be written by the investigator as to recommendation of action and submitted to the appropriate administrator to take such action deemed appropriate.

#### H. Appeal Process

Any discipline as a result of the investigation would then be subject to the College's Grievance Procedure (Procedure 6013). If the complainant or the accused determines that the response to the complaint is not satisfactory, either party may appeal through the regular College Grievance Procedure (#6013) contained in the DBOT Rules and Procedure Manuals or Student Handbook, as appropriate.

I. Retaliation

There shall be no retaliation or adverse action taken by the College against the complainant for filing a harassment complaint in good faith, regardless of the outcome of that complaint, nor will there be any retaliation or adverse action taken by the College against the person charged in a complaint where the complaint has been determined to be without merit. Further, the confidentiality of the complainant and the person charged will be maintained insofar as it does not violate the law or interfere with the College's ability to investigate allegations of sexual harassment and to take corrective action when it is found that misconduct has occurred.

J. Failure to Meet Time Limits

Failure on the part of the complainant to act within time limits shall result in the grievance being dropped from consideration.

K. Storage of Records

All documents, forms, communications, and records relating to grievances shall be filed in the Office of Human Resources separate from the personnel files of the participants.

L. Withdrawal of Complaints

A complaint may be withdrawn by the complainant at any level upon a written and signed request to do so by the complainant. The investigating officer shall notify both the complainant and the accused of such withdrawal.

M. Closure

An investigation shall be considered complete and closed after final action is taken including any appeal.

**History:** Adopted: May 8, 2007  
Revised: April 6, 2017

	4/6/17		4/6/17
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
			4/10/17
President's Approval			Date