HARASSMENT POLICY

Florida Keys Community College maintains a professional work and academic environment wherein all students, staff, faculty, and other members of the College Community are treated with respect and dignity. The goal of the College is to provide an academic and institutional climate that is free of harassment.

Forms of harassment that are encompassed by this procedure include, but are not limited to, harassment based on color, sex, age, religion, genetic information, national origin, ethnicity, disability, marital status, sexual orientation and any factor protected under applicable federal, State and local laws, rules, and regulations.

Harassment is specifically prohibited by state and federal law. Instances of harassment may result in both civil and criminal liability on the part of the individual harasser, as well as the supervisor and the College. The College will not tolerate harassment of its students, applicants, and employees on the campus or at off campus events or programs held under the auspices of the College.

DEFINITIONS

College Community is defined as all students, college employees, contractors, volunteers and visitors.

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

Submission to or rejection of such conduct is used either explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual’s employment, participation in any program or activity, or of obtaining an education, or

Such conduct has the effect of unreasonably interfering with the individual's work performance or academic experience by creating an intimidating, hostile, or offensive environment for work or learning.

Sexual harassment can occur between any individuals associated with the college, for instance, between staff and a supervisor, between co-workers, between faculty members, staff or students,
Examples of sexual harassment are such actions as sexual advances; stalking; the requesting of sexual favors accompanied by implied or overt pressure concerning one's job, grade, letter of recommendation, application for employment or admission to the College or similar activities; verbal abuse of a sexual nature including comments couched in humor or, suggestive gestures; physical contact such as patting, pinching, or unnecessary touching; subtle pressure for sexual activity; sexist remarks regarding a person's body, clothing or sexual activity; or derogatory comments about a person's sexual orientation.

**Stalking** is defined as the willful, malicious, and repeated following or harassing of another person. Stalking may be a criminal offense.

**Racial Harassment** is defined as unwelcome conduct relating to an individual’s race or color which unreasonably interferes with an applicant’s, employee’s, or student’s status or performance by creating an intimidating, hostile, or offensive working or educational environment. Harassment on the basis of race or color includes offensive or demeaning treatment of an individual, where such treatment is based typically on prejudiced stereotypes of a group to which that individual may belong. It includes, but is not limited to objectionable epithets, threatened or actual, physical harm or abuse, racial slurs, comments or manner of speaking, negative references to racial customs or other intimidating or insulting conduct directed against the individual because of his/her race or color.

**Religious Harassment** consists of unwelcome physical or verbal conduct which is related to an individual’s religion or creed when the conduct has the effect of creating an intimidating, hostile, or offensive working or academic environment. Harassment on the basis of religion includes derogatory comments regarding surnames, religious traditions, religious clothing, or religious slurs or graffiti.
**National Origin/Ethnicity Harassment** consists of unwelcome physical or verbal conduct which is related to an individual’s national origin or ethnicity when the conduct has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment. Harassment on the basis of national origin includes negative comments regarding surnames, manner of speaking, custom, language, or ethnic slurs.

**Disability Harassment** consists of unwelcome physical or verbal conduct relating to an individual’s disability when the conduct has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment.

**Sexual Orientation Harassment** consists of unwelcome physical or verbal conduct relating to an individual’s sexual orientation when the conduct has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment. Harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct, directed at the characteristics of a person’s sexual orientation such as negative name calling or imitating mannerisms.

(A Special Note to Faculty, Teaching Assistants, Supervisors, and Other Persons in Positions of Power) Harassment can occur when a person who is in a position of trust or authority engages in behaviors or creates conditions that are perceived as inappropriate, unwanted and/or that are non-reciprocal. Sexual harassment, in particular, can occur when an unwelcome personal element is introduced into what should be a sex-neutral situation. Because of the difference in authority between faculty and students and supervisors and employees, a faculty member or supervisor cannot be certain that a personal relationship is truly welcome or consensual. Members of the College Community should be aware that whatever differences in status exist, as between supervisor and employee, or faculty member and student, abuses of status may take the form of sexual harassment. Charges of sexual harassment may arise even when romantic or amorous relationships exist that are apparently consensual. Should such a relationship result in a subsequent charge of sexual harassment, the claim that the relationship is or was consensual will not be an adequate defense. Moreover, other individuals may be affected by such relationship. Those who abuse, or appear to abuse, their position violate their responsibility to the College.
Community. The College expects its employees to be aware of the potential for problems and conflicts of interest.

COMPLAINT PROCEDURES

The Harassment Complaint Official for Florida Keys Community College is the Director of Human Resources/Equity Officer. The Provost may also be recognized as an alternate point of contact.

Anyone who feels that a Member of the College Community is violating the intent of this policy should report the offensive behavior to the Director of Human Resources/Equity Coordinator. If appropriate, an individual may advise the Member of the specific behavior that is perceived to be objectionable and request that the behavior cease. Florida Keys Community College emphasizes that its applicants, employees, and students are not required to complain to a supervisor, faculty member, or administrator if that person is the individual allegedly harassing the applicant, employee or student.

College employees who receive complaints or observe harassing conduct should immediately inform the Director of Human Resources/Equity Coordinator of the College in cases involving employees, students or visitors to the College. The Provost may also be notified as an alternate point of contact.

Informal complaints may be oral or written and directed to the Harassment Complaint Official. The accused will be informed of the existence and nature of the informal complaint and will have an opportunity to respond. Florida Keys Community College has instituted this informal process by which harassment complaints may be resolved by mutual agreement between the complainant and the person accused of harassment. If informal resolution fails to resolve the matter to the complainant’s satisfaction, the complainant may file a formal complaint with a Harassment Complaint Official.
A formal complaint must be documented by hard copy in writing to the Harassment Complaint Official within twenty (20) calendar days of the incident or event giving rise to the complaint.

The Harassment Complaint Official shall conduct a prompt, thorough and confidential investigation. Accounts from witnesses and other parties, as well as other relevant information may be investigated. The Harassment Complaint Official also has the discretion to determine whether the situation warrants a meeting, either with the complainant and the alleged offender both present or with the parties separately. Denial by the accuser is not sufficient to close the investigation.

Every effort to maintain the confidentiality of the accuser, accused and witnesses will be used. However, the Harassment Complaint Official recognizes that it must balance the complainant’s right of privacy and the need to be fair to the alleged offender by notifying him/her of the allegation. The Harassment Complaint Official has the discretion to determine when the situation requires notification of an alleged offender.

A final report of findings will be made by the Harassment Complaint Official and given to both the accuser and the accused within fifteen (15) business days of the formal complaint. If due process requires further investigation, a written notice will be sent to the accuser and accused within the fifteen (15) day period notifying both parties of an extension of up to five (5) additional business days.

Possible outcomes of the investigation are that the allegations are substantiated, or that allegations are not substantiated, i.e. an inconclusive investigation. Every claim of harassment will be considered on an individual basis. In the event the allegations are substantiated the College will take whatever corrective action and/or disciplinary measures it considers appropriate under the circumstances, including but not limited to counseling, reprimand, probation, suspension, transfer, demotion or immediate termination of an employee or student in accordance with its policies.
CONFIDENTIALITY

All information regarding harassment will be kept in confidence to the greatest extent practicable and appropriate under the circumstances. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. The College cannot, however, guarantee that the identity of the complainant will be concealed from the accused harasser. When reasonable, the College will consider requests for separation of the primary parties during the investigation.

In order to ensure that a complete investigation of harassment claims can be conducted it may be necessary for the College to disclose to others portions of the information provided by the complainant. The College will make every effort to honor any complainant's and accuser’s request that the College not disclose certain information provided, consistent with the College’s obligation to identify and to correct instances of harassment, including sexual harassment. All parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved. Violations of these confidentiality requirements may be independent grounds for disciplinary action.

RETRALIATION/FRIVOLOUS CLAIMS

A. Retaliation against an individual for reporting harassment or for participating in an investigation is prohibited by College policy and state and federal laws. Retaliation is a serious violation, which can subject the offender to discipline independent of the merits of the harassment allegation.

Any retaliation committed by the accused harasser by way of irresponsible, malicious or unfounded complaints will be investigated.

It is a violation of this policy for anyone to knowingly make false accusations of sexual harassment. Failure to prove a claim of harassment is not equivalent to a false allegation. Discipline will be imposed for making false accusations of harassment.