

Indian River State College Administrative Procedures

TITLE: Non-Discrimination and Non-Harassment Policy Violation Reporting Procedures

NUMBER: AP-3.131

REFERENCES: Non-Discrimination and Non-Harassment Policy, 6Hx11-3.13 Sexual Assault, Sexual Misconduct or Other Crimes of Violence AP-3.151
ADA and ADA A AP-3.161
Campus or Workplace Violence 6Hx11-3.15
Protection of Vulnerable Persons 6Hx11-3.513
Cyber-Bullying AP-3.132
Domestic Violence Leave AP-6.433

RESPONSIBLE ADMINISTRATOR(S): Equity Officer/Title IX Coordinator
Dean of Human Resources

REVISED: April 23, 2013, July 2011, February 5, 2015, October 17, 2017

Purpose

It is the policy of Indian River State College to maintain a fair and respectful employment and educational environment. In accordance with federal, state and local equal opportunity laws, Indian River State College prohibits discrimination on the basis of race, color, national origin, ethnicity, sex, religion, age, disability, sexual orientation, marital status, veteran status, or genetic information.

The College prohibits the commission of any act of sexual assault, sexual misconduct, sexual battery, and other crimes of violence upon any employee, employment applicant, student and prospective student, non-employee volunteers who work subject to the control of a College employee, guests, contractors, vendors, and/or affiliates engaged in conducting official College business, events, or programs.

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., investigation. These procedures apply to complaints of all applicable federal and state equal opportunity and discrimination violation allegations raised by employees, students or third parties against a faculty, staff member, or third party,

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such as a vendor or visitor to IRSC. These procedures are for the purpose of ensuring a prompt, thorough, and effective resolution of the matter at hand.

This procedure shall apply only to discrimination and/or harassment complaints, including complaints of sexual assault, sexual misconduct, or other acts of crimes of violence. Employee grievances, suspensions or terminations of employment are not covered by this procedure. The Employee Grievance Policy, 6Hx11-6.15 and Student Grievance Policy 6Hx11-7.26, guide these specific matters.

Definitions

Sexual Assault, Sexual Misconduct and Other Crimes of Violence may include the criminal offense of sexual battery (commonly known as rape), dating violence, assault, aggravated assault, battery, aggravated battery, stalking, domestic violence, and child abuse.

Discrimination is an act or communication that interferes with an individual's or group's ability to participate fully in College programs, activities, or employment on the basis of race, color, national origin, ethnicity, sex, religion, age, disability, sexual orientation, marital status, veteran status, or genetic information.

Harassment is conduct and/or verbal action which, because of its severity and/or persistence, interferes significantly with an individual's or groups' work or education, or creates an intimidating or hostile academic or work environment. Harassment includes but is not limited to: incitement to or threat of violence; epithets referring to race, color, national origin, ethnicity, sex, religion, age, disability, sexual orientation, marital status, veteran status, or genetic information; and/or physical conduct that is unwelcome, hostile or intimidating. College policy

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Depending on the particular circumstances, sex discrimination, sexual harassment or sexual assault may include, but is not limited to, the following:

- 1) Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults; and intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body.
- 2) Offering or implying an employment-related reward (such as a promotion, raise, or different work assignment) or an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct.
- 3) Threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions) or negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job

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Supervisors who learn of incidents that may be a violation of the College's prohibition against discrimination or harassment are expected to promptly report the matter to the Equity Officer and Title IX Coordinator.

Support Persons

An individual who is a Complainant or Respondent may have another member of the College community present during an investigation as a support person. That support person may not be an attorney and may be present in support of the Complainant or Respondent but may not participate in the investigative process. Faculty or staff who are members of a union will be informed that they may have a union representative as a support person. Individuals who are witnesses to the behavior in question may not serve as support persons. All are expected to maintain confidentiality regarding any and all exchanges of information during the investigation.

Confidentiality

The College will make every reasonable effort to maintain confidentiality and privacy of all parties involved to the extent allowable in accordance with state and federal laws a

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