




March 19, 2018

MEMORANDUM

TO: District Board of Trustees
FROM: Jim Murdaugh, President 
SUBJECT: Policy Manual Changes

Item Description

This item requests Board approval of Policy Manual changes in Chapters 3.0 – General Administration and 4.0 - All Personnel.

Overview and Background

The College brings forth a request to modify the College's Policy Manual: revise Policy 03-01 - Equal Access/Equal Opportunity, Discrimination, Sexual Misconduct, and Unlawful Harassment, and add new Policy 04-50 - Civility and Mutual Respect.

Highlights of these changes are outlined below.

- Policy 03-01 was revised to clarify timelines within the reporting, investigation and resolution of a complaint, and to establish an appeals committee within the complaint grievance process.
- Policy 04-50 was developed to promote an environment of mutual respect, civility and orderly conduct among College staff, students, vendors and guests.

Past Actions by the Board

The Board last took action on Policy 03-01 on August 15, 2016. The Board has taken no previous action on proposed Policy 04-50.

Funding/Financial Implications

None

Staff Resource

Barbara Wills

Recommended Action

Approve addition and revision of College policies as presented.

**TALLAHASSEE COMMUNITY COLLEGE
DISTRICT BOARD OF TRUSTEES
P O L I C Y**

<p>TITLE: Equal Access/Equal Opportunity, Discrimination, Sexual Misconduct, and Unlawful Harassment</p>	<p>NUMBER: 03-01</p>
<p>AUTHORITY: Florida Statute: 1001.64, 1001.65, 1006.35, 1006.67 Florida Administrative Code: 6A-14.0262, 6A-14.060, 6A-19.008 Age Discrimination in Employment Act of 1967, as amended Executive Order 11246 Section 504, Rehabilitation Act of 1973 as amended Title II, Genetic Information Non-Discrimination Act of 2008 Titles VI and VII of the Civil Rights Act of 1964, amended 1972 Title IX, Education Amendments of 1972 Florida Educational Equity Act of 1984, as amended</p>	<p>SEE ALSO:</p> <ul style="list-style-type: none"> • Administrative Procedure 03-01AP: Equal Opportunity, Discrimination, Sexual Misconduct, and Unlawful Harassment
<p>DATE ADOPTED: 12/01/97; revised 01/22/01; 09/21/09; 08/20/12; 11/17/14; 03/16/2015; 08/24/15; 08/15/16; <u>02/19/18</u></p>	

A. EQUAL ACCESS/EQUAL OPPORTUNITY STATEMENT

Tallahassee Community College (TCC or the College) does not discriminate against any person on the basis of age, color, disability, ethnicity, gender identity, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status in its programs and activities.

As an institution of higher education, the College reaffirms its policies of equal opportunity and open admissions, and is committed to maintaining and promoting nondiscrimination in all aspects of its programs and activities. The College has an Equity Plan to ensure equal access/equal opportunity to all individuals and has designated a College Equity Officer/Title IX Coordinator to ensure compliance with applicable TCC Policy, State and Federal laws.

The College will broadly publish and circulate its policy of equal access/equal opportunity by including the policy in correspondence, media communication, and printed material. The College will engage the services of only those professional organizations, employment agencies, contracts, or other agents whose policies are in alignment with the equal opportunity policy of the College.

B. POLICY STATEMENT

1. The College is committed to having a learning and working environment that is free of discrimination, sexual misconduct, and unlawful harassment. Discrimination, sexual misconduct, or harassment of students or employees in the learning and/or working environment will not be tolerated. Accordingly, members of the college community, including students, faculty, administrators, staff, vendors and the public can expect professional and courteous treatment at all times.
2. It shall be a violation of this policy for a ~~student, faculty/staff, students, or vendors member, administrator, or staff member~~ of the College to discriminate against, participate in sexual misconduct, or harass another student, faculty member, administrator, staff member, or vendor.
3. The College will not tolerate retaliation against employees or witnesses for filing complaints, or protesting practices which are prohibited under this policy.
4. Terms and conditions of employment based on a bona fide occupational requirement or distinction (i.e. gender specific restrooms, athletic activities, or other areas) is not a violation of this policy.
5. Discrimination, sexual misconduct, and unlawful harassment on the part of vendors toward any member of the College community will not be tolerated. Vendors will be required to promptly investigate claims of discrimination, sexual misconduct, or harassment reported against their employees or subcontractors.
6. All complaints of discrimination, sexual misconduct, and unlawful harassment will be kept confidential to the extent allowed by law.

C. DEFINITIONS

1. Determination - is the conclusion of a dispute by the rendering of a final decision.
2. Discrimination - is defined as treating any member of the College community differently than others on the basis of age, color, disability, ethnicity, gender identity, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status, or other legally protected classifications.

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

- a. Disparate treatment in employment, job placement, promotions, demotions, salaries or wages, benefits, or other terms and conditions of employment, on the basis of one of the protected categories outlined above.
 - b. Limiting a person's access to athletic, social, cultural or other activities of the college on the basis of one of the protected categories outlined above.
3. Gender Identity - refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.
 4. Preponderance of Evidence Standard – is an evidence standard based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.
 3. Retaliation - is any adverse action taken against the person(s) who makes or supports the investigation of a complaint of discrimination, sexual misconduct, or harassment.
 4. Sex - refers to either of the two major forms of individuals that occur in many species and that are distinguished respectively as female or male especially on the basis of their reproductive organs and structures.
 5. Sexual Misconduct - includes but is not limited to sexual violence, (which includes any kind of nonconsensual sexual contact), sexual harassment, sexual exploitation or any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing.
 - a. Sexual Violence - is sexual offenses as outlined in the Uniform Crime Reporting Handbook, and defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - b. Sexual Harassment - is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or communication of a sexual nature when:
 1. Submission to or rejection of such conduct is used explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual's employment, academic status, participation in any program or activity, receipt of College services;

or
 2. Such conduct has the purpose or effect of interfering with an 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 persons including students, faculty, administrators, staff, vendors, or visitors.

- c. Sexual Exploitation - is defined as taking non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage any one other than the one being exploited, and that behavior does not otherwise constitute one of the sexual misconduct offenses.
- 6. Unlawful Harassment - is defined as conduct that is a) unwelcome and b) unreasonably interferes with an individual's ability to learn or work due to the creation of an intimidating, hostile, or offensive environment.

Extended definitions and examples of terms listed above may be found in TCC's Glossary of Terms located on the TCC Equity and Civil Rights web page, and within Administrative Procedure AP03-01.

D. REPORTING, INVESTIGATION, AND RESOLUTION

1. Reporting

The College strongly encourages persons to promptly report any occurrence of discrimination, sexual misconduct, or unlawful harassment. The registering of a complaint will not be used or held against the student or employee, nor will it have an adverse impact on the complainant's educational or employment status.

- a. Complaints of discrimination, sexual misconduct, or unlawful harassment involving applicants, faculty/staff, students, vendors, or guests should be filed promptly within 180 days from the date of the incident via Tallahassee Community College's (TCC) on-line Complaint Form, or directly with the College's Equity Officer/Title IX Coordinator at (850) 201-6074, or tolsonr@tcc.fl.edu, or postmark to:

Tallahassee Community College
Attn: Renae Tolson, Equity Officer & Title IX Coordinator
Room 239 Administration Building
444 Appleyard Drive
Tallahassee, FL 32304-2895

- b. Any College personnel, vendor or guest who becomes aware of an alleged conduct of discrimination, sexual misconduct, or unlawful harassment must report this information immediately to the College's Equity Officer/Title IX Coordinator.
- c. All complaints of discrimination, sexual misconduct, or unlawful harassment will be logged in the TCC Equity and Civil Rights Complaint Log. The log will include the complaint number, complainant's name, person whom the complaint is filed against, incident date(s), brief summary, and the determination/resolution. The Equity

Officer/Title IX Coordinator is the official custodian of the log.

2. Investigation

- a. Upon receipt of a complaint, the College Equity Officer/Title IX Coordinator will coordinate with TCC's Police Department, the Student Conduct and Community Standards Officer, the Human Resources Director and/or other TCC personnel as appropriate to ensure a supportive and safe environment, ~~and prompt and confidential investigation.~~ The College will ensure an adequate, reliable, and impartial investigation of complaints, including the opportunity for the complainant and respondent to present witnesses and other evidence.
- b. The Equity Officer/Title IX Coordinator will assign one of the College's trained investigators as the College's Investigating Official of record for the complaint. The College's Investigating Official will follow state and federal guidelines, College Policy, Administrative Procedure AP03-01, TCC's Sexual Misconduct Guide, and the Student Code of Conduct, as appropriate, in reviewing the complaint.
- c. Investigations will be completed within 60 calendar days from the date the complaint was filed, unless otherwise agreed upon by the parties or upon extenuating circumstances.
- d. The Investigating Official will use a preponderance of evidence standard for resolving any conflicts in the evidence, and deciding the facts of the complaint.
- e. At the conclusion of the investigation, the Investigating Official will send the investigative report, including findings and proposed resolution, to the College Equity Officer/Title IX Coordinator for review, and determination.

3. Resolution

- a. The College will take steps to prevent the recurrence of any discrimination or harassment found to have occurred upon an investigation, and to correct its discriminatory effects on the complainant and others, if appropriate.
- b. ~~Once the complaint determination is made by the Equity Officer/Title IX Coordinator, the Equity Officer/Title IX Coordinator will~~ written notification will be provided to both the complainant and respondent, informing them of the outcome of the investigation and the subsequent appeals process. ~~communicate the results to all parties involved.~~
- c. If the decision regarding an employee or student complaint is not satisfactory for the complainant or respondent, it may be appealed to the ~~President (for employees that is Step Four of the College's Grievance Procedure 06-16)~~ Equity Appeals Committee (the Appeals Committee). The complainant or respondent must file a written appeal to the

President Equity Office within seven (7) calendar days after the decision is rendered. The President Appeals Committee may adjudicate the complaint based on the records or may call witnesses or examine other documents as deemed necessary. The Appeals Committee will issue a final decision to the employee within fourteen (14) calendar days of receiving the appeal. The decision of the Appeals Committee will be final and binding.

E. RETALIATION

1. Retaliatory acts include adverse actions taken against the person who makes or supports the investigation of a complaint of discrimination, sexual misconduct, or harassment.
2. Students and/or employees who believe that retaliatory actions have been taken against them for having filed a complaint of discrimination, sexual misconduct or harassment, or having provided testimony in an investigation should notify the College Equity Officer and Title IX Coordinator. Any such reports will be investigated and findings of retaliatory conduct will be dealt with through appropriate action.

F. CONFIDENTIALITY/PUBLIC RECORDS

1. All information regarding discrimination, harassment, retaliation, and sexual misconduct will remain confidential to the extent possible to provide for an effective investigation, and as allowed by law.
2. Only those individuals necessary for the investigation and resolution of the complaint shall be involved. All parties to the complaint, including witnesses, should treat the matter under investigation with discretion and have respect for the reputation of everyone involved.
3. Written records developed through the use of this internal complaint process are confidential in accordance with state law until a final determination is made.

G. FALSE COMPLAINTS

Any person who knowingly files a false complaint of discrimination, harassment, retaliation, or sexual misconduct against another will be in violation of this policy.

H. DISCIPLINE

Violation of this policy shall result in appropriate corrective and/or disciplinary action.

**TALLAHASSEE COMMUNITY COLLEGE
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P O L I C Y**

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F. CONFIDENTIALITY/PUBLIC RECORDS

1. All information regarding discrimination, harassment, retaliation, and sexual misconduct will remain confidential to the extent possible to provide for an effective investigation, and as allowed by law.
2. Only those individuals necessary for the investigation and resolution of the complaint shall be involved. All parties to the complaint, including witnesses, should treat the matter under investigation with discretion and have respect for the reputation of everyone involved.
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**TALLAHASSEE COMMUNITY COLLEGE
DISTRICT BOARD OF TRUSTEES
P O L I C Y**

TITLE: Civility and Mutual Respect	NUMBER: 04-50
AUTHORITY: Florida Statute: 1001.64, 1001.64, Section 112.313, F.S.	SEE ALSO: <ul style="list-style-type: none">• Policy 06-14: Code of Conduct and Standards of Discipline
DATE ADOPTED: 02/19/18	

A. POLICY STATEMENT

Tallahassee Community College (TCC) believes that all members of the College community should be able to work and learn in an environment free of disrespectful, disruptive, or threatening speech or actions. This policy promotes mutual respect, civility and orderly conduct among College staff, students, vendors and guests. This policy is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, mutually respectful, harassment-free workplace and learning environment.

This policy covers a broad range of inappropriate, unacceptable behavior, from rude or obnoxious behavior on one end of the spectrum, to threats of violence and acts of violence on the other. When a College community member's conduct is inconsistent with the standards set forth in this policy, it is the responsibility of the supervisor or manager who has authority over the person(s) engaging in the unacceptable behavior to address it.

Threatening behavior consisting of any words or deeds that intimidate, or cause anxiety concerning physical well-being is strictly forbidden. Members of the TCC staff will treat each other, students, guests and members of the public with respect, and expect the same in return. Any staff, student, guests or agent of the TCC District Board of Trustees who is found to have threatened a member of the staff or Campus community will be subject to discipline up to and including termination, and/or reported to the authorities.

B. DEFINITIONS

1. Unacceptable Behavior – in general is behavior that is demeaning, intimidating, threatening, bullying, or violent behaviors that affect the ability to learn, or work in the College environment. Unacceptable behavior also includes, but is not limited to, the following:
 - A. Discrimination and Harassment - means discrimination or harassment on the basis of age, color, disability, ethnicity, gender identity, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, or other legally protected classifications.
 - B. Disrespectful, Retaliatory, or Disruptive Behavior - includes, but is not limited to, behaviors which a reasonable person would find embarrassing, offensive or humiliating, such as:
 - a. Shouting, yelling or using profane, disrespectful or otherwise offensive language.
 - b. Sarcasm with an apparent intent to humiliate.
 - c. Arrogance or condescending behaviors or comments.
 - d. Insubordination.
 - e. Retaliatory actions. (e.g. sabotage)
 - f. Use of email, behaviors or comments that publicly offend, degrade or humiliate members of the College community.
 - g. Degrading or demeaning comments.
 - h. Physical assault or other uninvited or inappropriate physical contact.
 - i. Threats or similar intimidating behavior, as reasonably perceived by the recipient.
 - j. Obstruction of established operational goals, beyond what would be considered respectful dissent.
 - C. Hostile Work Environment - is created by a supervisor or coworker whose actions, communication or behaviors make doing your job very difficult. The harassment typically must be intentional, severe, recurring and pervasive, and interfere with an employee's ability to perform his or her job whether victim or witness. Additionally, to be illegal under one of the laws in the eyes of the courts, a hostile work environment typically must be caused by discriminatory workplace harassment based on race, color, religion, national origin, disability, genetics, age or sex; or it must be caused by retaliation in violation of a discrimination law.
 - D. Violence - is behavior that causes harm to a person or damage to property, or causes fear for one's safety or the safety of others. Examples of violent behavior include physical contact that is harmful and expression of intent to cause physical harm. Such behavior is unacceptable in the TCC community.

C. REPORTING AND RESOLUTION

1. Reporting

A. Issues of Civility that do not involve imminent threats of violence -

Disagreement is common in professional relationships, particularly in an academic environment that encourages discussion and debate of ideas. In many instances, disagreement is voiced in a respectful manner, and in such instances, no action by the supervisor is necessary. In other instances, disagreement that begins as a respectful exchange of ideas can escalate into behavior that is disrespectful. Name-calling, raised voices and petty meanness are examples of this. Any individual who believes he or she has been treated in a manner that is inconsistent with this policy, or who has witnessed such treatment should contact his or her supervisor. It is then the responsibility of the supervising authority, whether a supervisor, manager, chair, director or dean, to work with the individuals involved in addressing the situation, so that all members of the community can work together in a professional way.

B. Issues of Civility that involve imminent threats of violence -

When faced with a threat of violence or acts of violence, the individuals involved should immediately call for police assistance. After police assistance has been sought, the individuals should notify their supervisor, or the appropriate supervising or administrative authority for further guidance.

The supervisor, or appropriate supervising authority, is obligated to contact the College's Equity Officer/Title IX Coordinator if the conduct escalates/escalated to the point where a member of the community reasonably believes/believed that physical harm might occur. Examples could include behavior lacking rational control, such as angry outbursts, intimidating comments, or verbal abuse.

Sometimes, a threat to safety may not be apparent in the first encounter but may be noticeable after repetition or increased severity. Repeated behavior that initially appears merely obnoxious may show a pattern in which danger to safety is perceived if the behavior continues.

When administrative authority is needed, an individual should contact:

The College's Equity Officer/Title IX Coordinator via TCC's on-line Complaint Form: <http://www.tcc.fl.edu/about/college/legal/title-ix-compliance>, or directly at (850) 201-6074, or postmark to:

Tallahassee Community College
Attn: Equity Officer & Title IX Coordinator
Room 239 Administration Building

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2. Resolution

For employees covered by collective bargaining agreements, College managers, supervisors and supervising authorities are expected to apply this policy in a manner consistent with the principles of just cause, as well as any other applicable requirements of the labor agreements.

Workplace civility and respect requires that issues be addressed by a process that is fair, with a true desire for conflict resolution and without undue delay. The best resolution occurs when the parties work out agreements privately among themselves. When attempting to resolve conflicts, involved parties should be aware of the different perspectives and communication styles that others may have. However, if assistance is needed, then any party may bring the issue to their supervisor, the Director of Human Resources, or the next higher individual of authority if concerns involve the supervisor.

The Human Resources Department can provide individuals with advice and strategies to attempt to resolve these issues at the most informal levels between or among employees and with their supervisors.

Supervisor responsibility: Supervisors are expected to demonstrate leadership in exhibiting and promoting professionalism, civility and respect. This includes setting clear expectations and managing performance of those they supervise in accordance with these standards through regular communication and timely performance reviews. This also includes respecting diversity of opinion and not retaliating against subordinates as a consequence of their offering respectful, dissenting views. Finally, supervisors are expected to address professionalism, civility and respect concerns and deficiencies through counseling, discipline or other action as appropriate in accordance with the policies and procedures of the College.

If an employee's inappropriate behaviors persist, College employees should initiate complaints formally (in writing) or informally with the appropriate administrator of the employee's operation unit. Complaints about peers should be presented to the employee's immediate supervisor. Complaints about managers or supervisors should be presented to the employee's operational unit's Vice President.

Copies of any written complaints and response shall be sent to the Director of Human Resources and College Equity Officer/Title IX Coordinator as appropriate. Complaints will usually result in an investigation of inquiry and subsequent determination of complaint.

In some situations, the most effective resolution to a concern may be a conversation among colleagues to raise, address, and resolve the issue at hand. Addressing a situation in this manner is most likely appropriate for concerns pertaining to interpersonal disagreements or to clarify actions or intent.

D. DISCIPLINE

Visitors, vendors, contractors, and the families of members of the College community are required to display appropriate conduct at all times. Noncompliant behavior will lead to removal from the campus.

When a community member's conduct varies from this standard, it is the responsibility of the manager, supervisor or supervising authority of the person engaging in the inappropriate conduct to address it.

College staff, student, or any agent of the TCC District Board of Trustees who displays conduct inconsistent with this policy is subject to disciplinary action up to and including separation of the offending party from the College, consistent with TCC disciplinary procedures.