



## MANUAL OF POLICY

<b>TITLE</b>	Non-Discrimination, Harassment, and Sexual Misconduct	<b>POLICY</b> 6.098
<b>LEGAL AUTHORITY</b>	760.08, 760.10, 110.1221, 1000.05, 1001.64, 1001.65 F.S. Title II, Title IX, and Section 504 F.S.	<b>PAGE</b> 1 of 6

It is the policy of Gulf Coast State College that all employees, current and prospective students, and qualified applicants for employment will receive consideration without regard to race, ethnicity, color, national origin, marital status, religion, age, gender, sex, pregnancy, sexual orientation, gender identity, genetic information, disability, or veteran status. Other equal employment opportunity actions will be taken to include, but not be limited to, the following: selection, upgrading, demotion or transfer; recruitment or recruitment advertising, layoff, or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship or internship. The college is in compliance with any and all statutes, regulations, and executive orders.

The Executive Director of Human Resources has been designated to coordinate compliance with non-discrimination requirements and handle all claims alleging discrimination, harassment, or sexual misconduct and serves as the college's equity officer. Inquiries may be made with the Executive Director of Human Resources at 850-872-3866, 5230 West U.S. Highway 98 Panama City, FL 32401.

This policy applies to all members of the college community, whether the incident(s) of harassment or discrimination under consideration takes place on college property, at a college related activity, or off-campus if it is in combination with on campus action or a college related activity or function when that conduct interferes with a person's work or academic environment.

At all times during the process, the college reserves the right to investigate, pursue, and otherwise take appropriate action with respect to any allegations that may come to its attention on the basis of facts and evidence available. The college has a legal responsibility to investigate any complaint to its satisfaction. Those who report incidents that a college official determines likely to be a violation of this policy should understand that their allegations may be investigated on behalf of all college students and employees whether or not they personally choose to pursue the complaint.

Members of the college community are required to cooperate in any investigation pursuant to this policy.

Anonymous complaints will be taken seriously although it may be difficult to conduct a meaningful investigation without full and complete information that is in accordance with the legal rights of all parties. Confidentiality cannot be guaranteed but will be assured to the extent possible.



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It is contrary to college policy for any individual to engage, directly or indirectly, in retaliatory conduct against a person who files a discrimination or harassment complaint, or who gives information during an investigation of such complaint. Any student or employee, who believes retaliatory actions have been taken for having filed a complaint or provided information in the investigation of a complaint, should notify the Equity Officer.

It is the intent of this policy to encourage full discussion and resolution of problems at the most informal level possible and in a prompt manner. The college recognizes the value and importance of resolving misunderstandings and maintaining good relations and ensures that complaints will receive full consideration.

All reported incidents will receive a prompt and equitable investigation and complainants will be ensured due process as applicable under State and Federal guidelines. The college will inform the complainant, in writing, of the outcome of the investigation and in the event the college is found at fault in a discriminatory investigation, corrective action will be taken to prohibit such discrimination in the future.

### I. NON-DISCRIMINATION POLICY

Gulf Coast State College is an equal access, equal opportunity institution and as such will not tolerate a difference in treatment or favor of any employee, student, applicant for admission, or job applicant with regard to race, ethnicity, color, national origin, marital status, religion, age, gender, sex, pregnancy, sexual orientation, gender identity, genetic information, disability, or veteran status. Any form of discrimination on a basis other than individual qualifications and/or merit is a violation of this policy.

- A. Discrimination Against Students: Illegal discrimination occurs when a student is denied equal access to college facilities, programs, events, equipment, student employment, or equal treatment with regards to advising, or grading by college faculty or staff, other students, or visitors to the college campus or at college sponsored events due to the student's race, ethnicity, color, national origin, marital status, religion, age, gender, sex, pregnancy, sexual orientation, gender identity, genetic information, disability, or veteran status.
- B. Discrimination Against Applicants for Admission: Illegal discrimination occurs when an applicant for admission is denied equal consideration for entry into a program based on the applicant's race, ethnicity, color, national origin, marital status, religion, age, gender, sex, pregnancy, sexual orientation, gender identity, genetic information, disability, or veteran status.



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C. Discrimination Against Employees: Illegal discrimination occurs when an employee is denied equal access to employment opportunities, advancement, or compensation based on the employee's race, ethnicity, color, national origin, marital status, religion, age, gender, sex, pregnancy, sexual orientation, gender identity, genetic information, disability, or veteran status.

D. Discrimination Against Job Applicants: Illegal discrimination occurs when a job applicant is denied equal consideration for employment due to the job applicant's race, ethnicity, color, national origin, marital status, religion, age, gender, sex, pregnancy, sexual orientation, gender identity, genetic information, disability, or veteran status.

## II. HARASSMENT POLICY

Gulf Coast State College will not tolerate harassment of its employees or students. Harassment is any repeated or unwelcome verbal or physical abuse which causes the recipient discomfort or humiliation or which interferes with the recipient's educational or job performance. Any student, employee, agent of the college, or visitor who engages in any form of harassment related to an employee's or a student's race, ethnicity, color, national origin, marital status, religion, age, gender, sex, pregnancy, sexual orientation, gender identity, genetic information, disability, or veteran status is in violation of this policy.

A. Harassment of Employees: All employees are entitled to work in an environment free from unsolicited and unwelcome overtures. Violation of this principle by an employee is a form of misconduct which undermines the integrity of the employment relationship. Harassment occurs when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Harassment of employees by students, agents of the college, or visitors is also prohibited. Students who engage in harassment of employees will be subject to disciplinary action under District Board of Trustees Manual of Policy 7.010, *Student Regulations*, and the discipline procedures as described in the Student Handbook.



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B. Harassment of Students: Harassment is a form of discrimination that is contrary to the most fundamental ethical canons of the academic community. Harassment violates the bond of intellectual dependence and trust between student and teacher or counselor. Harassment occurs when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's academic achievement;
2. Submission to or rejection of such conduct is used as a basis for decisions regarding the evaluation of a student's academic achievement; or
3. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or creating an intimidating, hostile, or offensive academic environment.

C. False Accusations: All employees and students are entitled to be protected from false, frivolous, or malicious allegations of harassment. Such complaints and allegations cannot be tolerated. Any employee or student who, based on the preponderance of evidence developed during the informal inquiry or formal investigation, is found to have given false information or made false accusations of harassment shall be subject to disciplinary action under established college policy.

D. Act of Retaliation:

1. Any employee, agent, or student of Gulf Coast State College who retaliates in any manner against a complainant for reporting harassment will be deemed to be in violation of this policy.
2. Such an act of retaliation will be prosecuted in the same manner and to the same extent as for an act of harassment.

E. Confidentiality:

All information acquired during an investigation or information relating to the complaint will be handled in the strictest of confidence and disseminated on a need to know basis.



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### III. SEXUAL MISCONDUCT POLICY

Gulf Coast State College is committed to creating and maintaining an environment in which students, faculty, and staff can work together in an atmosphere free of all forms of sexual misconduct (assault, battery, harassment, exploitation, intimidation, or coercion). Sexual misconduct is illegal under both state and federal laws and is a violation of the rules and regulations of the college. Sexual misconduct will not be tolerated by any member of the college community, and any acts of sexual misconduct should be reported and will be acted upon thoroughly and swiftly.

The college has established the following policy in order to preserve the rights of the college employees, agents, and students to an environment free from sexual misconduct. Any employee, agent, or student will be subject to appropriate disciplinary action for violation of the college policy on sexual misconduct.

It is a violation of Gulf Coast State College sexual misconduct policy for any employee, agent, or student to engage in acts of sexual misconduct. Sexual misconduct is defined as verbal, nonverbal, or physical behavior of a sexual nature which interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive environment for work or learning.

#### A. Prohibited Conduct:

1. Acts of sexual misconduct may include, but are not limited to:
  - a. Sexual favors requested and/or accompanied by implied or overt threats concerning one's job, academic grade, letter of recommendation, or similar activities;
  - b. Sex-based conduct that shows favoritism to a particular gender;
  - c. Verbal or nonverbal abuse of a sexual nature or unwelcome sexual advances;
  - d. Sexist remarks or gestures regarding a person's body, clothing, or sexual activities;
  - e. Physical contact such as patting, pinching, or unnecessary touching;
  - f. Public indecency by exposing one's body in such a manner that another party could reasonably be offended or sexual conduct where another party could reasonably be offended;
  - g. Voyeurism, trespassing, spying, or eavesdropping for sexual arousal;



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- h. Sexual battery, also known as sexual assault or rape. Sexual battery is considered a felony in Florida, punishable pending on the degree of the felony with imprisonment for a third degree felony of five years to punishment for a capital felony of life imprisonment, serving no less than 25 years without parole.

### 2. Act of Retaliation:

- a. Any employee, agent, or student of Gulf Coast State College who retaliates in any manner against a complainant for reporting sexual misconduct will be deemed to be in violation of this policy.
- b. Such an act of retaliation will be prosecuted in the same manner and to the same extent as for an act of sexual misconduct.

### 3. False Accusations:

- a. All employees and students are entitled to be protected from false, frivolous, or malicious allegations of sexual misconduct. Such complaints and allegations cannot be tolerated.
- b. Any employee or student who, based on the preponderance of evidence developed during the informal inquiry or formal investigation, is found to have given false information or made false accusations of sexual misconduct shall be subject to disciplinary action under established college policies.

### 4. Confidentiality:

All information acquired during an investigation or information relating to the complaint will be handled in the strictest of confidence and disseminated on a need to know basis.

Date Adopted/Amended: 7-7-83, 2-16-89, 11-5-92, 9-13-01, 5-8-03, 3-11-04, 11-13-08,  
10-6-11, 5-08-14, 12-10-15, 5-18-17