



Eastern Florida State College

Protection from Harassment / Discrimination

Commitment (Procedure 302.1 Equal Opportunity)

Eastern Florida State College is dedicated to providing a nondiscriminatory environment which promotes equal access, equal educational opportunity, and equal employment opportunity to all persons regardless of age, race, national origin, color, ethnicity, genetic information, religion, sex, gender, sexual orientation, pregnancy, disability, marital status, veteran status, ancestry, or political affiliation in its programs, activities, or employment.

Workplace Harassment (Procedure 200.2, 1964 Civil Rights Act, 1967 ADEA, 1978 PDA, 2008 GINA, 2013 ENDA)

Harassment is unwelcome conduct that is based on race, color, religion, gender, gender preference, pregnancy national origin, age (40 or older), disability, or genetic information. Harassment becomes unlawful when enduring the offensive conduct becomes a condition of continued class attendance, employment, or the conduct is severe or pervasive enough to create a learning or work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual harassment can occur between any individuals associated with the College: between staff and a direct supervisor or any supervisory personnel, between co-workers, between faculty members, or between a student and a faculty member or another student, or between an employee or student and a non-employee (customer, vendor, or contractor). The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

Forms of Harassment: (Procedures 200.3, 800.10Q)

Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Racial Harassment is defined as unwelcome conduct relating to an individual's race, color, or anti-Semitism which unreasonably creates an intimidating, hostile, or offensive working or educational environment. Harassment 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.

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

National Origin Harassment is unwelcome physical or verbal conduct which is related to an individual's national origin 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, customs, language, or ethnic slurs.

Sexual Orientation Harassment is 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.

Sexual harassment is defined as conduct of a sexual nature including, but not limited to, unwelcome sexual advances; requests for sexual favors; other verbal, nonverbal, visual, or physical conduct of a sexual nature; other offensive behavior directed toward an individual when submission to, rejection of, or tolerance of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, participation in any College program or activity, or of obtaining an education (Quid Pro Quo).

Examples of sexual harassment are actions such as sexual advances; stalking; the requesting of sexual favors, verbal abuse of a sexual nature including comments couched in humor, 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.

Anyone who feels that they have been injured in some fashion by unfair treatment (on the part of a student, an employee, a third party, or under any of the College policies, procedures, programs or activities) or by discrimination or harassment (on the basis of age, race, national origin, color, ethnicity, genetic information, religion, sex, gender, sexual orientation, pregnancy, disability, marital status, veteran status, ancestry, or political affiliation) has the right to initiate informal and/or formal grievance procedures. **The informal process is not a mandatory step in order to access the formal process.**

Definition of Complaint (Procedure 200.2)

A complaint is a verbal or written claim or charge against the administrative staff, a faculty member, an employee, a student, or a third party, stating facts which constitute a misapplication of, misrepresentation of, deviation from, or violation of a specific law, regulation, College policy or procedure, or an existing contract. A written complaint can be hardcopy or email.

Procedures for Filing a Complaint (Procedures 200.8, 200.9)

Any employee or student having a complaint concerning harassment or discrimination may direct inquiries to:

Ms. Darla Ferguson, Chief Equity and Diversity Officer,
Cocoa Campus, Bldg. 2, Room 103, 1519 Clearlake Road,
Cocoa, FL 32922, Telephone (321) 433-7080
e-mail fergusond@easternflorida.edu

or

Mr. Stephen Salvo, Title IX Compliance Coordinator,
Melbourne Campus, Bldg. 8, Room 201G, 3865 N. Wickham Rd,
Melbourne, FL 32935, Telephone (321) 433-5775
e-mail salvos@easternflorida.edu

Once the Chief Equity and Diversity Officer receives a complaint, he/she has ten (10) working days to contact the respondent's immediate supervisor (if an employee) or the appropriate College official (if a student) and arrange for the supervisor or official to attempt to resolve the differences between the parties involved.

Such a discussion should include as much specific information as possible, including names and positions of persons involved, identification of witnesses, if any; the time, place and details of the incident leading to the allegation. A written statement of the complaint may be necessary for any action to be taken. Confidentiality will be kept to the extent possible to complete the investigation.

Action

Once a written complaint has been filed with any of the offices designated to receive a complaint, it will be investigated by the Chief Equity and Diversity Officer. He/she will forward a recommendation to the President for determination of action to be taken. The President will render a decision and advise the appropriate parties.

Disciplinary Actions

Any employee or student of this institution, who is found to have harassed another employee or student, or to have filed a false claim, will be subject to disciplinary action up to and including termination, suspension, and or expulsion within the provisions of applicable current College procedures.

Retaliation (Procedures 200.12, 800.10-C, 800.10-O11)

Retaliation against an individual for reporting any type of harassment or for participating in an investigation is prohibited by the 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.

It is illegal for an individual to engage in retaliatory conduct, whether directly or indirectly against individuals for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or for opposing employment practices that they reasonably believe discriminate against individuals and are in violation of antidiscrimination laws.

Retaliatory conduct adversely and unjustifiably affects another's terms and conditions of employment, educational experience, quality of life, and is motivated by intent to cause harm because of the targeted individual's involvement in a harassment and/or discrimination complaint. The College will investigate and discipline any retaliation committed by the accused harasser for irresponsible, malicious, or unfounded complaints up to and including termination and/or expulsion.

Any employee, student, or member of the public who believes that retaliatory actions have been taken against him/her for involvement in a harassment and/or discrimination complaint may seek a solution through the College's Chief Equity & Diversity Officer.

Available Help

When employees or students feel harassed or simply want help with an uncomfortable situation, that situation should be reported to the immediate supervisor, the Campus Provost, the Human Resources Office, or the Title IX Compliance Office.

Summary of Employee/Supervisor Responsibilities

- All EFSC employees and students have the responsibility to report and prevent discrimination and/or harassment whenever they experience or witness a violation.
- Employees and students have the responsibility to inform the harasser directly that the conduct is unwelcome and must stop.
- Employees and students should also report harassment immediately in order to prevent its escalation.
- The College has a responsibility to prevent harassment and, if it occurs, to take appropriate action.

Resources

Human Resources	433-7084
Title IX Compliance Office	433-5775
Provost, Cocoa Campus	433-7060
Provost, Melbourne Campus	433-5502
Provost, Titusville Campus	433-5078
Provost, Palm Bay Campus	433-5150

EFSC Title IX web page	https://www.easternflorida.edu/our-campuses/campus-security/titleix-sexual-misconduct/
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www.easternflorida.edu

Eastern Florida State College is accredited by the Southern Association of Colleges and Schools (SACS) Commission on Colleges to award baccalaureate and associate degrees, as well as specialized certificate programs. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Eastern Florida State College.