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**TITLE: DISCRIMINATION AND HARASSMENT POLICY**

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**AUTHORITY:**

**Florida Statute 1000.05; 1001.64 (18); 1001.65 (3)**

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**POLICY:**

Edison State College is committed to providing an educational and working environment free from discrimination or harassment based on such factors as race, sex, age, religion, national origin, disability, sexual orientation, marital or veteran status. Edison State College, as a matter of policy and in compliance with Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Florida Civil Rights Act of 1992 for employees, Title IX of the Education Act of 1972 and the Florida Education Equity Act, absolutely opposes any act of discrimination or harassment and strictly prohibits and will not tolerate such action, whether those involved stand in a subordinate-supervisory relationship, student-faculty relationship, student-student relationship or others doing business with Edison State College.

For purposes of this Policy “discrimination” includes, but is not limited to, action with partiality or prejudice for or against a person of a group on the basis of one of the protected categories above.

For the purposes of this Policy “harassment” includes, but is not limited to, verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working or educational environment or that interferes with work performance or educational opportunities.

There are two types of educational/workplace sexual harassment. The first is “quid pro quo” which generally means that type of harassment where a person is promised better

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employment conditions such as a promotion or a desired transfer or, in the alternative, is threatened with lesser conditions such as a demotion or termination if the person refuses sexual overtures from a supervisor or some other person in the management structure of the employer. The second type of sexual harassment is a “hostile environment.” A hostile environment is created by a pervasive sexually oriented work/educational atmosphere. For example, disparagement related to one’s sex, unwelcome sexual flirtations, sexually offensive jokes or comments, and sexually offensive material displayed in the workplace can create a sexually hostile environment. A sexually hostile environment will exist if the type of conduct described above has the purpose or effect of unreasonably interfering with an individual’s work performance or academic or professional performance or creating an intimidating, hostile or offensive working or educational environment.

Edison State College is also equally opposed to willful and intentional bad faith claims of discrimination or harassment. Bad faith claims are those that are known or should be known by the alleging employee/student to be false. The College takes this strong stand because such claims often affect the future employment and important family relationships of, not only the claimant, but also the person against whom the claim is made.

If an employee or student becomes aware of any behavior that may constitute discrimination or harassment, it is the responsibility of that person to report such conduct. Discrimination or harassment complaints or concerns may be reported to the designated Equity Coordinator. Additionally, employees should notify their immediate supervisor, the Associate Vice President of Human Resources at (239) 489-9293 or the Executive Vice President at (239) 489-9089.

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Students should notify either the Dean of Student Services at (239) 489-9388 or the Associate Vice President of Human Resources at (239) 489-9293.

Any report of alleged discrimination or harassment will be promptly and fully investigated by the individual contacted above or his or her designee in accordance with College Operating Procedure 05-0102, Discrimination and Harassment Complaint Procedure. The College will protect the confidentiality of the persons involved to the extent possible.

Appropriate disciplinary action will be taken against any employee, student or applicant who is determined to have violated this policy against discrimination or harassment or against anyone who knowingly files false claims of discrimination or harassment. Based on the seriousness of the offense, disciplinary action may include a verbal or written reprimand, suspension, or termination. Certain disciplinary actions, as determined by the President, may require action by the District Board of Trustees, depending upon the nature of the offenses and the resulting severity of the action to be taken. In such cases, the District President will recommend appropriate action to the District Board of Trustees following the completion of the investigation and the communication of the District President's position to the individuals involved. Claims of discrimination or harassment made against a student may be referred to the student disciplinary committee. Results of the hearing may lead to suspension or expulsion.

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Retaliatory action against anyone filing a valid complaint of any type of discrimination or harassment will not be tolerated. The individual investigating such reports or claims on behalf of the College, with the District President's full support, will make all efforts necessary to safeguard against any retaliation against any individual involved in the discrimination or harassment claim and any witnesses interviewed during the investigatory process.

This policy is intended to reflect applicable laws regarding discrimination and harassment, as such laws may from time to time be stated or clarified, and to provide no greater or lesser protection than the laws provide. This policy is to be interpreted and applied with that understanding.

*The Associate Vice President of Human Resources has been appointed as the Equity Coordinator. Questions pertaining to discrimination or harassment should be addressed to the Associate Vice President of Human Resources at (239) 489-9293, or 8099 College Parkway, Fort Myers, FL 33919.*