



August 20, 2012

MEMORANDUM

TO: District Board of Trustees
FROM: Jim Murdaugh, President 
SUBJECT: College Policy Updates and Deletions

Item Description

This item requests Board approval for updates and deletions to policies listed in Chapter 3.0 – General Administration, Chapter 8.0 – Curriculum and Instruction, and Chapter 10.0 – Students.

Overview and Background

The College brings forth a request to repeal Policy 03-00 – Equal Opportunity Act, update Policy 03-01 – Discrimination and Unlawful Harassment, update Policy 08-13 – Substitute Admission and Graduation Requirements, and repeal Policy 10-13 – Equal Opportunity, Sexual Misconduct, and Harassment. Highlights of the policy changes are outlined below:

- Policy 03-00 – This policy is recommended for repeal due to redundant information. The information previously outlined in Policy 03-00 is covered in Policy 03-01.
- Policy 03-01 – This policy is recommended to be updated to provide a more comprehensive Equal Opportunity, Discrimination, Sexual Misconduct and Unlawful Harassment policy. This policy now complies with the Genetic Information Nondiscrimination Act of 2008, defines sexual misconduct and conforms to Title IX requirements regarding complaint investigations.
- Policy 08-13 – This policy is recommended to be updated based on new requirements of 6A-10.041, F.A.C. The rule required the policy to include the types and definitions of applicable disabilities.
- Policy 10-13 – This policy is recommended for repeal due to redundant information. The information previously outlined in Policy 10.13 is covered in Policy 03-01.

Past Actions by the Board

The Board previously revised Policy 03-00 on 09/21/09, Policy 03-01 on 09/21/09, Policy 08-13 on 05/17/10, and Policy 10-13 on 06/28/10.

Funding/Financial Implications

None.

Staff Resource

Teresa Smith

Recommended Action

Approve the updates and deletions to the College policies.

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

TITLE: Equal Opportunity Act	NUMBER: 03-00
AUTHORITY: Florida Statute: 1001.64 , 1001.65 , 1012.855 , 1012.86 Florida Administrative Code: 6A – 14.0261	SEE ALSO: 03-00AP, 10-13
DATE ADOPTED: 12/01/97: Revised 09/21/09	

~~A. EQUAL OPPORTUNITY~~

~~No person shall, on the basis of race, age, religion, national origin, sex, disability, or marital status be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment under any education program or activity or in any employment conditions or practices of the College.~~

~~Evaluation, recruitment, consideration, and selection of candidates for employment shall be without regard to race, age, religion, national origin, sex, disability, or marital status. Fair and equitable employment practices shall be applied for minorities, females, and persons with disabilities in the application of equal opportunity policies.~~

~~As an institution of higher education, the College reaffirms its policies of equal educational opportunity and open admissions.~~

~~The College is committed to maintaining and promoting nondiscrimination in all aspects of recruitment and employment of individuals. The College has an Equity Plan to ensure equal access/equal opportunity to all individuals.~~

~~The College will, in all solicitations and advertisements for employees placed by or on behalf of the College, state its position as an equal opportunity employer. The College will broadly publish and circulate its policy of equal employment opportunity by including the policy in correspondence, media communication, and printed matter for employment purposes. The College will engage the services of only those professional organizations, employment agencies, contracts, or agents whose policies are in alignment with the equal opportunity policy of the College.~~

Equity Complaint Procedures

~~Tallahassee Community College assures prompt and impartial consideration of complaints of discrimination on the basis of race, age, religion, national origin, sex, disability, or marital status arising from application for, participation in, or denial of access to programs or benefits of any employment condition or practice of the College.~~

~~In order to provide prompt and impartial consideration to a person having a complaint of discrimination, the College provides the following complaint procedure for employees.~~

- ~~1. The complainant initiates the complaint by discussing the problem with the director of the office or department where the violation is alleged to have occurred. An investigation will be conducted to ascertain the facts and determine if there are any witnesses. The respondent's position shall also be reviewed and stated. Every effort will be made to resolve the problem in a timely and just manner.~~

~~All reports and witness statements will remain confidential and are to be kept in a secure environment.~~

~~(If the director of the office or department is a party to the complaint, the complainant is encouraged to discuss the problem with either the next level supervisor or the College Equity Coordinator.)~~

- ~~2. If a mutually satisfactory adjustment is not reached between the director and the complainant, the complaint may be forwarded to the College Equity Coordinator.~~

~~The College Equity Coordinator shall discuss the complaint with all parties and review all reports and statements received during the investigation in an attempt to reach a mutually satisfactory resolution.~~

- ~~3. If a mutually satisfactory resolution is not reached, the complaint may be forwarded, in writing, to the President for consideration by an *ad hoc* Equity Complaint Committee. The President, upon receipt of a formal request for a hearing, shall appoint an *ad hoc* Equity Complaint Committee composed of one member of College-wide Equity Committee, one administrator, one Classified Staff employee, one full-time faculty member, and one TCC student, if appropriate.~~

~~The Equity Complaint Committee will collect and study the facts about the case and render a decision. The complainant and other individuals will be called to give testimony to the Committee as needed. Legal counsel for the complainant and the College will not be present at the hearings of the Equity Complaint Committee.~~

- ~~4. If the decision of the Equity Complaint Committee is not satisfactory for the complainant, it may be appealed to the President. The complainant must file a written appeal to the President within ten days after the decision of the Equity Complaint Committee. The~~

~~President may adjudicate the complaint based on the records or may call witnesses or examine other documents as deemed necessary.~~

- ~~5. If the President's decision is not satisfactory for the complainant, it may be appealed to the District Board of Trustees. The complainant must file a written appeal to the President within ten days after receipt of the President's decision. The President shall transmit to the Board members the request for appeal and a copy of the record for their consideration at a regular or special meeting. The decision of the District Board of Trustees shall be made on the record and shall be final.~~

Repealed – Moved to 03-01

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

TITLE: Equal Opportunity Act	NUMBER: 03-00
AUTHORITY: Florida Statute: 1001.64 , 1001.65 , 1012.855 , 1012.86 Florida Administrative Code: 6A – 14.0261	SEE ALSO: 03-00AP, 10-13
DATE ADOPTED: 12/01/97: Revised 09/21/09	

Repealed – Moved to 03-01

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

TITLE: <u>Equal Opportunity, Discrimination, Sexual Misconduct,</u> and Unlawful Harassment	NUMBER: 03-01
AUTHORITY: <u>Age Discrimination in Employment Act of 1967, as amended Executive Order 11246</u> <u>Section 504, Rehabilitation Act of 1973 as amended</u> <u>Title II, Genetic Information Non-Discrimination Act of 2008</u> Titles <u>VI and VII</u> , Civil Rights Act of 1964, amended 1972; Title IX, Civil Rights Act of 1964, <u>Florida Statute: 1001.64, 1001.65, 1006.35, 1006.67</u> State Board of Education Rule <u>Florida Administrative Code: 6A-14.0262, 6A-14.060, 6A-19.008</u> <u>Florida Statute: 1001.64, Chapter 760</u>	SEE ALSO:
DATE ADOPTED: 12/01/97; revised 01/22/01; 09/21/09; <u>08/20/12</u>	

I. EQUAL OPPORTUNITY

Tallahassee Community College (TCC) does not discriminate against any person on the basis of race, color, ethnicity, genetic information, national origin, religion, gender, marital status, disability, or age 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 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 matter. The College will engage the services of only those professional organizations, employment agencies, contractors, or other agents whose policies are in alignment with the equal opportunity policy of the College.

II. POLICY STATEMENT

- A. ~~Tallahassee Community~~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 student 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.
- B. It shall be a violation of this policy for a student, faculty member, administrator, or staff member of the college to discriminate against, participate in sexual misconduct, or harass another student, faculty member, administrator or staff member of the college, or vendor. This policy prohibits discrimination and unlawful harassment on the basis of race, color, religion, sex, age, national origin, marital status, disability, and sexual orientation, or other legally protected classification.
- C. ~~The College will not tolerate discrimination or harassment of students and employees in the learning and work environment on campus, nor when they are participating in programs, conferences, or other activities at offsite locations.~~
- CD. The College will not tolerate retaliation against employees or witnesses for filing complaints or protesting practices which are prohibited under this policy. ~~It shall be a violation of this policy for a student, faculty member, administrator, or staff member of the college to discriminate against or harass another student, faculty member, administrator or staff member of the college.~~
- DE. 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.
- E. Discrimination, sexual misconduct, and unlawful harassment on the part of the vendors toward any member of the eCollege community will not be tolerated. Vendors will be required to promptly investigate claims of discrimination or harassment reported against their employees or subcontractors.

III. DEFINITIONS

- A. Discrimination is defined as treating any member of the eCollege community differently than others on the basis of race, color, ethnicity, genetic information, national origin, religion, gender, marital status, disability, age, ~~race, color, religion, sex, age, national origin, disability, marital status, sexual orientation~~ or other legally protected classification.

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

1. Disparate treatment in employment, job placement, promotions, demotions, salaries, or wages, benefits, terms and conditions of employment, on the basis of one of the protected categories outlined above in III(A).
2. 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 in H(III)(A).
3. ~~Retaliation against employees or witnesses for filing complaints or protesting practices which are prohibited under this policy.~~

~~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.~~

- B. Sexual Misconduct is defined as a range of behaviors including rape, sexual assault (which includes any kind of nonconsensual sexual contact), sexual harassment, intimate partner violence, stalking, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing.

1. 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:

- a. 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
- b. 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.

Sexual harassment can be verbal, visual, or physical. Conduct which falls within the definition of sexual harassment may include, but is not limited to:

- Unwelcome physical contact of a sexual nature, such as patting, pinching, or nonconsensual touching of another's body.
- Verbal innuendoes or jokes of a sexual nature including graphic or degrading comments about an individual or his/her appearance.
- Sexual assaults or batteries
- Overt or implied requests for sexual favors as a condition of employment or for continued employment or preferences in the workplace.
- Use of suggestive gestures or remarks to describe a person's body, clothing or sexual activity.
- Display or posting of sexually explicit or suggestive photographs or materials in the workplace.

BC. Unlawful harassment is defined as conduct that is a) unwelcome and b) unreasonably interferes with an individual's ability to learn or work through the creation of an intimidating, hostile, or offensive environment.

~~1. 1. Unlawful harassment may include, but is not limited to:~~

- ~~a. Offensive treatment~~
- ~~b. Demeeaning language~~
- ~~c. Objectionable epithets,~~
- ~~d. Threatened or actual physical harm or abuse, or other i~~
- ~~e. Intimidating or insulting conduct directed against an individual.~~

~~3. 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:~~

- ~~a. 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~~

~~b. 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 associated with the College, students, faculty, administrators, staff, vendors, or visitors.~~

~~Conduct which falls within the definition of sexual harassment may include, but is not limited to:~~

- ~~▪ Unwelcome physical contact of a sexual nature, such as patting, pinching, or nonconsensual touching of another's body.~~
- ~~▪ Verbal innuendoes or jokes of a sexual nature including graphic or degrading comments about an individual or his/her appearance.~~
- ~~▪ Sexual assaults or batteries~~
- ~~▪ Overt or implied requests for sexual favors as a condition of employment or for continued employment or preferences in the workplace.~~
- ~~▪ Use of suggestive gestures or remarks to describe a person's body, clothing or sexual activity.~~
- ~~▪ Display or posting of sexually explicit or suggestive photographs or materials in the workplace.~~

IIIIV. REPORTING, INVESTIGATION, AND RESOLUTION

The College strongly encourages persons to promptly report violations of this policy as outlined below and commits that a thorough review will be undertaken with the ultimate goal of resolution.

A. Duty to Report

1. Complaints of discrimination, retaliation, sexual misconduct, or unlawful harassment by and against students should be filed promptly or at least within 90 days with the Student Judicial Advisor. Complaints of discrimination, retaliation, sexual misconduct, or unlawful harassment involving faculty or staff should be filed promptly or at least within 90 days with the Director of Human Resources/College Equity Officer.
2. Administrators and supervisors who become aware of ~~an~~ alleged conduct of discrimination, unlawful sexual misconduct, harassment, ~~,~~—or retaliation must immediately report this information to the appropriate intake person named above.
3. ~~-All complaints of discrimination and unlawful harassment received by the Student Judicial Officer or College Equity Officer will be logged. The log will include the complainant's name, person whom the complaint is filed against, incident date(s), brief summary, and the resolution. The College Equity Officer is the official custodian of the log.~~
4. The Student Judicial Advisor will submit all student complaints, including resolution, to the College Equity Officer for review and inclusion in the log on a monthly basis.
5. The Student Judicial Advisor and College Equity Officer shall meet each quarter to review the complaint log.

~~The Student Judicial Advisor or College Equity Officer shall notify the complaining student or employee of their option to resolve this matter informally through mutual agreement. Informal complaints may be registered orally or in writing. If informal measures fail to resolve the matter to the complainant's satisfaction, the complainant may file a formal complaint with the designated College official.~~

B. Investigation

1. Upon receipt of a complaint, the Student Judicial Advisor or College Equity Officer will conduct a prompt and confidential investigation. 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.
 2. The investigating official (College Equity Officer or designee) for matters involving employees will submit a written report to the appropriate Vice President as soon as possible, not to exceed 30 working days of receiving the written complaint. The report will include findings, a conclusion as to whether this policy has been violated, and a recommendation as to whether disciplinary of the appropriate action should to be initiated ~~or the complaint should be dismissed~~.
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3. For matters involving students, the Student Judicial Advisor will follow the guidelines of the Student Code of Conduct in reviewing the complaint. ~~and will keep the Vice President for Student Affairs apprised of the review process.~~ The Student Judicial Officer will send the investigative report to the College Equity Officer for input and approval prior to sending the findings and recommendations to the Vice President of Student Affairs. The Student Judicial Officer will keep the Vice President for Student Affairs apprised of the review process

C. Resolution

41. ~~For matters involving employees, once the recommendation of the College Equity Officer is approved by the appropriate VP, the complainant will be advised of the results of the investigation, after the appropriate administrator reviews the investigatory report and determines what action, if any, is appropriate.~~
2. For matters involving students, once the recommendation of the Student Judicial Officer is reviewed by the College Equity Officer and approved by the Vice President of Student Affairs, the complainant will be advised of the results of the investigation.
3. If the decision regarding the complaint is not satisfactory for the complainant, it may be appealed to the President. The complainant must file a written appeal to the President within ten days after the decision is rendered. The President may adjudicate the complaint based on the records or may call witnesses or examine other documents as deemed necessary.
4. If the President's decision is not satisfactory for the complainant, it may be appealed to the District Board of Trustees (Board). The complainant must file a written appeal to the President within ten days after receipt of the President's decision. The President shall submit to the Board the request for appeal and a copy of the record for their consideration at a regular or special meeting. The decision of the Board shall be made on the record and shall be final.

IV. RETALIATION

- ~~A. It is a violation of this policy for any individual to engage in retaliatory action against a person who files a harassment or discrimination complaint.~~
- ~~B. It is a violation of this policy to retaliate against any person involved in the investigation, including witnesses of a complaint.~~

Retaliatory acts include adverse actions taken against the person who makes or supports a complaint of discrimination, sexual misconduct, or harassment, including, but not limited to:

- ~~disciplinary actions~~
- ~~denial of promotions~~
- ~~denial of job benefits~~
- ~~negative performance evaluations~~
- ~~failing grades~~
- ~~changes in the terms and conditions of employment~~
- ~~changes in job responsibilities (→)~~
- ~~job or class transfers~~
- ~~suspensions or dismissals~~
- ~~adverse impact on wages or salary~~
- ~~restricted access to participating in athletic recreational programs~~

C.—Students and 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 ~~Student Judicial Advisor or~~ College Equity Officer ~~appropriate named college official~~. Any such reports will be investigated ~~by the appropriate college office and~~ Findings of retaliatory conduct will be dealt with through appropriate ~~disciplinary~~ action.

VI. CONFIDENTIALITY/PUBLIC RECORDS

- A. All information regarding discrimination, harassment, ~~and~~retaliation, and sexual misconduct will remain confidential to the extent possible to provide for an effective investigation, and as allowed by law.
- B. 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. ~~Violations of these confidentiality requirements may result in disciplinary action.~~
- C. Written records developed through the use of this internal complaint process are confidential in accordance with state law until a final determination is made.

VII. FALSE COMPLAINTS

Any person who knowingly files a false complaint of discrimination, harassment, ~~or~~retaliation, or sexual misconduct against another shall will be ~~subject to disciplinary action, up to and including dismissal in violation of this policy.~~

VIII. DISCIPLINE

Violation of this policy shall result in appropriate corrective and/or disciplinary action, ~~up to and including termination of employment.~~

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

TITLE: Equal Opportunity, Discrimination, Sexual Misconduct, and Unlawful Harassment	NUMBER: 03-01
AUTHORITY: 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 Statute: 1001.64, 1001.65, 1006.35, 1006.67 Florida Educational Equity Act of 1984, as amended Florida Administrative Code: 6A-14.0262, 6A-14.060, 6A-19.008	SEE ALSO:
DATE ADOPTED: 12/01/97; revised 01/22/01; 09/21/09; 08/20/12	

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II. POLICY STATEMENT

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- B. It shall be a violation of this policy for a student, faculty 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.
- C. The College will not tolerate retaliation against employees or witnesses for filing complaints, or protesting practices which are prohibited under this policy.
- D. 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.
- E. 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.

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1. Disparate treatment in employment, job placement, promotions, demotions, salaries or wages, benefits, terms and conditions of employment, on the basis of one of the protected categories outlined above in III(A).
 2. 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 in III(A).
- B. Sexual Misconduct is defined as a range of behaviors including rape, sexual assault (which includes any kind of nonconsensual sexual contact), sexual harassment, intimate partner violence, stalking, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing.

1. 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:
 - a. 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
 - b. 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.

Sexual harassment can be verbal, visual, or physical. Conduct which falls within the definition of sexual harassment may include, but is not limited to:

- Unwelcome physical contact of a sexual nature, such as patting, pinching, or nonconsensual touching of another's body.
- Verbal innuendoes or jokes of a sexual nature including graphic or degrading comments about an individual or his/her appearance.
- Sexual assaults or batteries
- Overt or implied requests for sexual favors as a condition of employment or for continued employment or preferences in the workplace.
- Use of suggestive gestures or remarks to describe a person's body, clothing or sexual activity.
- Display or posting of sexually explicit or suggestive photographs or materials in the workplace.

- C. 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.

1. Unlawful harassment may include, but is not limited to:
 - a. Offensive treatment
 - b. Demeaning language
 - c. Objectionable epithets
 - d. Threatened or actual physical harm or abuse
 - e. Intimidating or insulting conduct

IV. REPORTING, INVESTIGATION, AND RESOLUTION

The College strongly encourages persons to promptly report violations of this policy as outlined below and commits that a thorough review will be undertaken with the ultimate goal of resolution.

A. Duty to Report

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2. Administrators and supervisors who become aware of an alleged conduct of discrimination, sexual misconduct, unlawful harassment, or retaliation must immediately report this information to the appropriate intake person named above.
3. All complaints of discrimination and unlawful harassment received by the Student Judicial Officer or College Equity Officer will be logged. The log will include the complainant's name, person whom the complaint is filed against, incident date(s), brief summary, and the resolution. The College Equity Officer is the official custodian of the log.
4. The Student Judicial Advisor will submit all student complaints, including resolution, to the College Equity Officer for review and inclusion in the log on a monthly basis.
5. The Student Judicial Advisor and College Equity Officer shall meet each quarter to review the complaint log.

B. Investigation

1. Upon receipt of a complaint, the Student Judicial Advisor or College Equity Officer will conduct a prompt and confidential investigation. 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.
2. The investigating official (College Equity Officer or designee) for matters involving employees will submit a written report to the appropriate Vice President (VP) as soon as possible, not to exceed 30 working days of receiving the written complaint. The report will include findings, a conclusion as to whether this policy has been violated, and a recommendation of the appropriate action to be initiated.

3. For matters involving students, the Student Judicial Advisor will follow the guidelines of the Student Code of Conduct in reviewing the complaint. The Student Judicial Officer will send the investigative report to the College Equity Officer for input and approval prior to sending the findings and recommendations to the Vice President of Student Affairs. The Student Judicial Officer will keep the Vice President for Student Affairs apprised of the review process.

C. Resolution

1. For matters involving employees, once the recommendation of the College Equity Officer is approved by the appropriate VP, the complainant will be advised of the results of the investigation.
2. For matters involving students, once the recommendation of the Student Judicial Officer is reviewed by the College Equity Officer and approved by the Vice President of Student Affairs, the complainant will be advised of the results of the investigation.
3. If the decision regarding the complaint is not satisfactory for the complainant, it may be appealed to the President. The complainant must file a written appeal to the President within ten days after the decision is rendered. The President may adjudicate the complaint based on the records or may call witnesses or examine other documents as deemed necessary.
4. If the President's decision is not satisfactory for the complainant, it may be appealed to the District Board of Trustees (Board). The complainant must file a written appeal to the President within ten days after receipt of the President's decision. The President shall submit to the Board the request for appeal and a copy of the record for their consideration at a regular or special meeting. The decision of the Board shall be made on the record and shall be final.

V. RETALIATION

Retaliatory acts include adverse actions taken against the person who makes or supports a complaint of discrimination, sexual misconduct, or harassment.

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. Any such reports will be investigated and findings of retaliatory conduct will be dealt with through appropriate action.

VI. CONFIDENTIALITY/PUBLIC RECORDS

- A. 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.
- B. 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.
- C. Written records developed through the use of this internal complaint process are confidential in accordance with state law until a final determination is made.

VII. 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.

VIII. DISCIPLINE

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

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

TITLE: Substitute Admission and Graduation Requirements	NUMBER: 08-13
AUTHORITY: Florida Statute: 1001.64; 1001.65; 1007.02 (2) ; 1007.264; 1007.265 Florida Administrative Code: 6HA-1.041	SEE ALSO:
DATE ADOPTED: 03/19/01; Revised 07/01/08; 05/17/10; 08/20/12	

Tallahassee Community College provides reasonable substitution for eligible students to meet requirements for admission (both general and for a program of study) and graduation from TCC. [The Office of Disability Support Service \(DSS\) provides general information and guidelines concerning the accommodations available for students with disabilities, including the granting of substitutions, modifications, or waivers of requirements for admission or graduation for students with disabilities.](#)

[In accordance with State Board Rule 6A-10.041\(3\), Florida Administrative Code, Tallahassee Community College shall honor will accept all substitutions previously granted by other a state postsecondary institutions in the state of Florida.](#)

A. Eligibility

~~A specific learning disability in mathematics (dyscalculia) is a disorder in one or more of the basic psychological or neurological processes involved in understanding or using mathematical concepts or calculations. To be eligible for accommodations, a student must have a diagnosis of dyscalculia from a licensed practitioner who recommends course substitution. The documented disability must reasonably be expected to prevent the individual from meeting requirements of the college. Such disabilities do not include learning problems which are due primarily to hearing impairments, motor handicaps, intellectual disabilities, emotional disturbances, or environmental deprivation. The DSS Coordinator shall verify that the documentation substantiates the disability which can reasonably be expected to prevent the individual from meeting requirements.~~

[In determining whether to grant a substitution, modification, or waiver, the College requires documentation to substantiate that the disability can be reasonably expected to prevent the individual from meeting requirements for admission to the institution, admission to a program of study, entry to upper division, or graduation.. In determining whether to grant a substitution, the college may consider pertinent educational records.](#)

The evaluation must be conducted by a professional who is certified/licensed to diagnose the disability and the effects of the disability on a student's ability to master material. The evaluator's name, title, and professional credentials and affiliation should be provided.

The definitions provided in State Board of Education Rule 6A-10.041, Substitution for Requirements for Eligible Disabled Students at State Universities, Community Colleges, and Postsecondary Vocational Institutions informed and extended by definitions contained in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, and the ADA Amendments Act of 2008 for persons with disabilities shall be applied for determining student eligibility to submit a request for substitution, modification, or waiver of any college requirements for admission or graduation.

While the College is guided by the definitions that follow, the legal authority of the provision of services clearly requires that the institution be concerned with the functional limitations that inhibit student performance.

Disabilities may include but are not limited to physical disability, hearing impairment, visual impairment, and specific learning disabilities including reading or writing disorders, speech or language disorders, mathematics disorders, or other cognitive processing or attention disorders (e.g. Non-Verbal Learning Disability, Attention Deficit Hyperactivity Disorder). Learning disabilities may be developmental (i.e., inherited or congenital), secondary to a neurological disorder, or acquired through trauma (e.g. head injury).

1. Hearing Impairment: A hearing loss of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000, and 4000 (Hz), unaided, in the better ear. Examples include, but are not limited to, conductive hearing impairment or deafness, sensorineural hearing impairment or deafness, high or low tone-hearing loss of deafness, and acoustic trauma hearing loss or deafness.

2. Visual Impairment: Disorders in the structure and function of the eye as manifested by at least one of the following: visual acuity of 20/70 or less in the better eye after the best possible correction, peripheral field so constricted that it affects one's ability to function in an educational setting, or a progressive loss of vision that may affect one's ability to function in an educational setting. Examples include, but are not limited to, cataracts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa, and strabismus.

3. Specific Learning Disability: A disorder in one or more of the basic psychological or neurological processes involved in understanding or in using spoken or written language. Disorders may be manifested in listening, thinking, reading, writing, spelling, or performing arithmetic calculations. Examples include dyslexia, dysgraphia, dysphasia, dyscalculia, and other specific learning disabilities in the basic psychological or neurological processes. Such disorders do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, to emotional disturbance, or to an environmental deprivation.

4. Orthopedic Impairment: A disorder of the musculoskeletal, connective tissue disorders, and neuromuscular system. Examples include but are not limited to cerebral palsy, absence of some body member, clubfoot, nerve damage to the hand and arm, cardiovascular aneurysm (CVA), head injury and spinal cord injury, arthritis and rheumatism, epilepsy, intracranial hemorrhage,

embolism, thrombosis (stroke), poliomyelitis, multiple sclerosis, Parkinson's disease, congenital malformation of brain cellular tissue, and physical disorders pertaining to muscles and nerves, usually as a result of disease or birth defect, including but not limited to muscular dystrophy and congenital muscle disorders.

5. Speech/Language Impairment: Disorders of language, articulation, fluency, or voice which interfere with communication, pre-academic or academic learning, vocational training, or social adjustment. Examples include, but are not limited to, cleft lip and/or palate with speech impairment, stammering, stuttering, laryngectomy, and aphasia.

6. Emotional or Behavioral Disability: Any mental or psychological disorder including but not limited to organic brain syndrome, emotional or mental illness, or attention deficit disorders.

7. Autism Spectrum Disorder: Disorders characterized by an uneven developmental profile and a pattern of qualitative impairments in social interaction, communication, and the presence of restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities. These characteristics may manifest in a variety of combinations and range from mild to severe.

8. Traumatic Brain Injury: An injury to the brain, not of a degenerative or congenital nature but caused by an external force, that may produce a diminished or altered state of consciousness, which results in impairment of cognitive ability and/or physical functioning.

9. Other Health Impairment: Any disability not identified in paragraphs (1)(a) through (h) of this rule, except those students who have been documented as having an intellectual disability, deemed by a disability professional to make completion of the requirement impossible.

B. Substitutions

~~The Director of Disability Support Services shall maintain a list of approved substitutions and shall report annually to the Academic Affairs/Curriculum Committee on the use of the courses.~~

~~The DSS Office shall have the responsibility of making the above substitutions known to affected persons.~~

~~Annually, the Academic Affairs/Curriculum Committee shall review the course list for substitutions and approve modifications as appropriate.~~

A student seeking a course substitution must meet with a counselor in the DSS office. If a student is determined to be eligible to pursue a course substitution based on disability, the student's academic information will go to a committee consisting of the ADA Coordinator, a DSS representative, a faculty member from the department that a substitution is being requested in, and an enrollment services representative. The committee will review the student's degree goal, academic history, and documentation before making recommendations.

The DSS Coordinator will serve as the primary contact point for persons who may qualify under the terms of statutes. Students with disabilities are asked to self-identify as they register for classes. Students may also be referred by faculty or may make direct contact with the campus DSSs, where they will complete a form, which indicates their disability, as required by the State Auxiliary Learning Aids regulations. In addition, the student will be asked to supply appropriate documentation to verify the disability.

Depending on the disability, the college requires that documentation be sent from a licensed or certified professional such as a medical doctor, neurologist, audiologist, psychologist, education specialist, or other health care specialist and the documentation must include a written statement of the disability (identifying the instruments used), and professional interpretation of testing results.

Such documentation of a disability may include, but is not limited to, a physician's statement, vocational rehabilitation records, or public school records.

Students seeking a course substitution and who have learning disabilities should have a psycho-educational or neuropsychological evaluation utilizing an adult evaluation tool which includes a battery of generally accepted, current, and well-standardized assessment tests including IQ, comprehensive academic achievement, and cognitive processing tests.

The College may seek the advice of a qualified outside consultant regarding review of documentation, to validate a disability and the need for accommodation, whenever appropriate. At the College's option, the student may be required to obtain a second opinion if the documentation does not support the "disability" claim of the student. In addition, the College reserves the right to refer the student to a designated professional for a new evaluation at the College's expense.

As provided in State Board Rule 6A-10.0315, F.A.C., students who qualify for a course substitution may be exempted from the College's preparatory requirements in the basic skill area for which the student is eligible for a course substitution, provided that successful completion of the college preparatory coursework is not considered an essential part of the curriculum in the student's academic program.

With an "open door" admissions policy, TCC provides equal educational opportunity for every individual. The academic and technical standards required for acceptance to a particular program or for participation in a specific activity shall be carefully studied and documented to provide reasonable access for all students with disabilities.

The College will provide reasonable instructional support services as well as substitution, modification, or waiver of any requirement for admission or graduation for any student with a documented disability which substantially impairs that person's visual, auditory, manual or speaking abilities, or who has a learning disability as recognized by the State Board of Education Rules or ADA (a) where documentation can be provided that the student's failure to meet the requirement is related to the disability, and (b) where the failure to meet the requirement does not constitute a fundamental alteration of the nature of the program of study. A student need not be admitted to a program (a) where the College can demonstrate undue hardship in the provision of the modifications, or (b) where the student, even if modifications are made, poses a direct threat to the health or safety of students, staff or others.

If an Associate of Science Degree has no mathematics requirements except that students are required to show either through Postsecondary Education Readiness Test (PERT) scores or course completion that they have met the requirement that they are college-ready in mathematics. In these cases, the DSS office will work with the department to allow a student to attempt the program without PERT scores or course completion.

The campus DSS Coordinator, working in conjunction with the Deans and Directors will be responsible for maintaining, reviewing, and updating the recommended course substitutions list on a regular basis.

The availability of course substitutions and program admission waivers to qualified students with disabilities will be included in various college-wide publications with sufficient information to assure that the student will know what steps he or she needs to take to initiate the process.

Any student may submit an appeal to the next level of the review process regarding the denial of a course substitution or program admission modification. The findings of the Student Support Services Director may be appealed directly to the Vice President of Student Affairs.

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

TITLE: Substitute Admission and Graduation Requirements	NUMBER: 08-13
AUTHORITY: Florida Statute: 1001.64; 1001.65; 1007.02(2); 1007.264; 1007.265 Florida Administrative Code: 6A-10.041	SEE ALSO:
DATE ADOPTED: 03/19/01; Revised 07/01/08; 05/17/10; 08/20/12	

Tallahassee Community College (TCC) provides reasonable substitution for eligible students to meet requirements for admission (both general and for a program of study) and graduation from TCC. The Office of Disability Support Service (DSS) provides general information and guidelines concerning the accommodations available for students with disabilities, including the granting of substitutions, modifications, or waivers of requirements for admission or graduation for students with disabilities.

In accordance with State Board Rule 6A-10.041(3), Florida Administrative Code, the College will accept all substitutions previously granted by a state post-secondary institution.

A. Eligibility

In determining whether to grant a substitution, modification, or waiver, the College requires documentation to substantiate that the disability can be reasonably expected to prevent the individual from meeting requirements for admission to the institution, admission to a program of study, entry to upper division, or graduation. In determining whether to grant a substitution, the college may consider pertinent educational records.

The evaluation must be conducted by a professional who is certified/licensed to diagnose the disability and the effects of the disability on a student's ability to master material. The evaluator's name, title, and professional credentials and affiliation should be provided.

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504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, and the ADA Amendments Act of 2008 for persons with disabilities shall be applied for determining student eligibility to submit a request for substitution, modification, or waiver of any college requirements for admission or graduation.

While the College is guided by the definitions that follow, the legal authority of the provision of services clearly requires that the institution be concerned with the functional limitations that inhibit student performance.

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

TITLE: Equal Opportunity, Sexual Misconduct and Harassment	NUMBER: 10-13
AUTHORITY: Florida Statute: 1001.64, 1001.65, 1006.35, 1006.67 Section 504, Rehabilitation Act of 1973 as amended Title IX, Education Amendments of 1972, Age Discrimination in Employment Act of 1967, as amended Executive Order 11246 Titles VI and VII of the Civil Rights Act of 1964, as amended Florida Educational Equity Act of 1984, as amended Florida Administrative Code: 6A-14.0262	SEE ALSO: 03-00, 03-01, 10-12
DATE ADOPTED: 12/01/97; Revised 01/22/01; 05/17/10; 06/28/10	

~~A. Equal Opportunity~~

~~No person shall, on the basis of race, age, religion, national origin, sex, disability, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment under any education program or activity or in any employment conditions or practices of the College.~~

~~Evaluation, recruitment, consideration, and selection of candidates for employment shall be without regard to race, age, religion, national origin, sex, disability or marital status. Fair and equitable employment practices shall be applied for minorities, females, and persons with disabilities in the application of equal opportunity policies.~~

~~As an institution of higher education, the College reaffirms its policies of equal educational opportunity and open admissions.~~

~~B. Sexual Misconduct~~

~~The College does not condone sexual misconduct in any form and is committed to having a learning environment free from all forms of discrimination. Examples of misconduct that are prohibited include, but are not limited to, sexual battery, sexual harassment, indecent exposure, and lewd/lascivious behavior.~~

~~Campus-wide educational programs shall be provided for students, and information about these programs can be obtained by contacting the office of the Vice President for Student Affairs.~~

~~The College policy on sexual misconduct awareness and prevention shall be included in the orientation materials that new students receive when they arrive on campus. Orientation materials may also include information available from other sources.~~

C. Sexual Harassment

~~In the belief that students should be able to enjoy a learning environment free of unwelcomed, offensive and unsolicited advances of a sexual nature, it is College policy that sexual harassment of students at the College is unacceptable conduct and shall not be tolerated. Violation of this policy undermines the integrity of the educational relationship. Sexual harassment at the College is forbidden not only in a supervisory/subordinate relationship but also in a student/student or employee/student relationship.~~

~~Sexual harassment can be verbal, visual, or physical. It can be overt or it can consist of persistent, unwanted attempts to change a professional relationship to a personal one. Sexual harassment can range from inappropriate put-downs of individual persons and unwelcome sexual flirtations to more serious abuses.~~

~~Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex when that behavior falls within the following definition:~~

~~Sexual harassment of students at Tallahassee Community College is defined as any unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when one or both of the following apply:~~

- ~~1. Submission to or rejection of such conduct is used as the basis for decisions concerning the academic performance affecting that individual;~~
- ~~2. Such conduct has the purpose or effect of unreasonably interfering with an individual's educational experience or creates an intimidating, hostile, or offensive educational environment.~~

~~Repealed – Moved to 03-01~~

**TALLAHASSEE COMMUNITY COLLEGE
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<p>DATE ADOPTED: 12/01/97; Revised 01/22/01; 05/17/10; 06/28/10</p>	

Repealed – Moved to 03-01