

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 3 - Administrative Affairs

3-4027 Discrimination / Harassment

The College shall actively promote a community in which diversity is valued. The College is committed to promoting an environment free from discrimination and harassment based on race, color, religion, age, disability, sex, sexual orientation, gender expression, gender identity, national origin, marital status, veteran status, or any other protected characteristic under the law. For information specific to discriminatory conduct in the form of sexual misconduct/harassment, please see NCF Regulation 3-4018 Sexual Discrimination/Harassment. This regulation applies to all employees and students of NCF. It also covers harassment involving patrons, vendors, and other individuals with whom employees or students of the College have interaction as a condition of their employment or education experience.

(1) The Following Actions Are Prohibited:

- (a) Discrimination and/or harassment by any College employee or student against any individual(s) or group(s) within the College.
- (b) Discrimination and/or harassment by any College employee or student while assigned to duties or academic programs of the College against any individual(s) or group(s) that is not an employee or student.
- (c) Discrimination and/or harassment by any vendor or individual external to the College against any College employee(s), student(s), or program invitee(s) during the transaction or business with the College, during any program or activity coordinated through the College, and/or while on College property.
- (d) Retaliation by any College employee or student against any individual(s) or group(s) who, in good faith, made any allegation of discrimination and/or harassment, or who testified, assisted, or participated in any way in any investigation, proceeding, or hearing conducted under this policy or any federal or state law.
- (e) Knowingly making false accusations of discrimination and/or harassment or retaliation, or knowingly making false statement regarding alleged discrimination and/or harassment or retaliation.

(2) Conduct Outside the Scope of This Regulation

- (a) This regulation is not intended to abridge academic freedom or the College's educational mission
- (b) This regulation is not violated by actions that amount to expression protected by the state or federal constitutions.

(3) Filing Complaints

- (a) Any employee, student or invitee of the college may file a claim regarding discrimination and/or harassment. Please note that the opportunity to file a complaint, or the filing of a complaint, does

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not prevent the complainant from telling the individual whose action the complainant finds offensive that such behavior or conduct must stop and/or that it is unwelcome.

(b) Location of filing a complaint

1. If the complaint is against a College employee or invitee, the complaint should be submitted to the Director of Human Resources. Complaints filed with Human Resources shall be investigated and handled according to standard procedures within Human Resources.
2. If the complaint is against a College student, the complaint should be submitted to the Dean of Student Affairs. Complaints filed with Student Affairs shall be investigated and handled according to standard procedures within Student Affairs such as hearing by the Community Board.
3. If it is unclear who should receive the complaint or if the complainant has questions, then the complainant should contact the General Counsel or Ombudsperson.
4. A complainant may also contact Campus Police or Sarasota Police. This does not prevent the complainant from also filing a complaint with the College.

(4) Reporting

- (a) Any student, employee, or other person who has direct or indirect knowledge of alleged discrimination and/or harassment should report it to the Dean of Student Affairs, Director of Human Resources, or General Counsel.
- (b) Mandatory Reporters. The following individuals are mandatory reporters for instances of discrimination and/or harassment:
 1. Employees who supervise one or more individual employees;
 2. Employees who supervise or oversee students, including but not limited to, all members of the faculty, advisors, residential assistants, and student activity coordinators
- (c) Failure to report by mandatory reporters may result in disciplinary action.
- (d) Counselors and other confidential employees maintain the professional discretion regarding whether to report based on the best interest(s) of his/her client.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulations 1.001 and 2.003

History: Adopted 11-04-11; Revised 05-31-14, 02-21-17 (technical amendment)