



**Broward
Community
College**

Policy Manual

Title: Unlawful Discrimination, Harassment, and Retaliation Policy for Students	Number: 6Hx2-5.22
Legal Authority: Florida Statutes 1007.263 and 1001.64; 42 U.S.C. § 2000d, 20 U.S.C. § 1681, 42 U.S.C. 1981 § 1983.	Page: 1 of 5

GENERAL STATEMENT. Broward Community College Recognizes its obligation to work towards a community in which diversity is valued and equal access to educational opportunities are provided free from discrimination, and unlawful harassment and retaliation in accordance with federal, state and local laws.

Administration and Consultation. The Campus Provost/Center Director, working in close consultation with the Vice President for Student Affairs and Enrollment Management, and the Equity Office in Human Resources shall investigate formal and informal complaints according to the College policies and procedures. Campus Provost/Center Director have the administrative responsibility to ensure that the College community adheres to the College’s policies prohibiting discrimination, harassment, and retaliation.

- a) The College affirms its commitment to ensure that every student/applicant for admission be permitted to learn in an environment free from any form of discrimination or harassment based upon race, color, religion, age, disability, sex, national origin, marital status, sexual orientation, or veteran status, or other legally protected classification.
- b) Any student/applicant for admission who believes that they have been subjected to discrimination, harassment or retaliation in violation of the College’s policies may file a complaint within sixty (60) days of the alleged harassment, discriminatory and/or retaliatory conduct by utilizing either an informal and/or formal complaint process as defined in procedure A6Hx2-5.22.
- c) The College affirms its commitment to ensure that students/applicants for admission who complain about discrimination or harassment are protected from retaliation based upon their good faith opposition to discriminatory conduct. Pursuant to this policy, the College establishes a procedure whereby students/applicants for admission may file a complaint of alleged discrimination or harassment without fear of retaliation.
- d) It shall be a violation of this policy for any officer, employee, student, or agent of the College to discriminate against or harass, as hereinafter defined, any student/applicant for admission.

History: Issued on June 27, 2001; revised on May 22, 2002; Revised and renamed February 28, 2007

Approved by the Board of Trustees	Date 2/28/2007	President’s Signature 	Date 2/28/2007
--	--------------------------	----------------------------------	--------------------------



**Broward
Community
College**

Policy Manual

Title: Unlawful Discrimination, Harassment, and Retaliation Policy for Students	Number: 6Hx2-5.22
Legal Authority: Florida Statutes 1007.263 and 1001.64; 42 U.S.C. § 2000d, 20 U.S.C. § 1681, 42 U.S.C. 1981 § 1983.	Page: 2 of 5

- e) Any administrator or supervisor who suspects or becomes aware of any alleged discrimination, harassment or retaliation must immediately notify the Campus Provost/Center Director.

- f) Failure of any college employee to notify the Campus Provost/Center Director of actual or suspected sexual harassment or any other type of discrimination, harassment or retaliation of any type is a violation of this policy.

- g) Violation of this policy by any employee shall result in appropriate corrective and/or disciplinary action, up to and including termination of employment.

- h) The procedure and time limitations for filing a complaint for a violation of this policy are set forth in Procedure A6Hx2-5.22, Reporting Violations and Conducting Investigations of Student Complaints Alleging Discrimination, Harassment and/or Retaliation.

- i) All complaints of discrimination, harassment, retaliation, and investigations of the same will be kept as confidential as possible to the extent possible to permit an effective investigation, and as allowed by law.

- j) All persons who are involved in the investigation of a complaint of discrimination, harassment or retaliation are urged to respect the privacy of both the complaining student and the alleged wrongdoer so as not to impair the reputation, education, or career of either. All parties must be aware of the seriousness of such complaints and the potential harm to everyone concerned.

DEFINITIONS.

- a) Discrimination is defined as treating any student/applicant for admission differently than others are treated based upon race, color, religion, age, disability, sex, national origin, marital status, sexual orientation, and/or veteran status, or other legally protected classification.

History: Issued on June 27, 2001; revised on May 22, 2002; Revised and renamed February 28, 2007

Approved by the Board of Trustees	Date 2/28/2007	President's Signature 	Date 2/28/2007
--	--------------------------	----------------------------------	--------------------------



**Broward
Community
College**

Policy Manual

Title: Unlawful Discrimination, Harassment, and Retaliation Policy for Students	Number: 6Hx2-5.22
Legal Authority: Florida Statutes 1007.263 and 1001.64; 42 U.S.C. § 2000d, 20 U.S.C. § 1681, 42 U.S.C. 1981 § 1983.	Page: 3 of 5

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

1. Disparity of treatment in recruitment of students, delivery of educational programs and related support services on the basis of membership in one of the groups listed in item (a) above.
2. Limiting access to athletic, social, cultural or other college activities based upon membership in one of the groups listed in item (a) above.
3. Retaliation for filing complaints or protesting practices which are prohibited under this policy.

Discrimination in educational opportunity based upon a bona fide requirement or distinction (i.e., gender-specific restrooms, athletics, and other such areas) is not a violation of this policy.

- b) Unlawful harassment is defined as conduct that is unwelcome and unreasonably interferes with a student/applicant for Admission’s access to education, a students’ access to academic performance or participation in athletic, social or other college activities by creating an intimidating, hostile, or offensive environment.
1. It may, depending on the circumstance, include offensive or demeaning language or treatment of an individual, where such language or treatment is based on prejudicial stereotypes of the group to which an individual may belong.
 2. It may also include, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual.
 3. For the purpose of this policy, sexual harassment is as defined in BCC Policy 6Hx2-5.20 – Unlawful Sexual Harassment/Battery/Assault.

History: Issued on June 27, 2001; revised on May 22, 2002; Revised and renamed February 28, 2007

Approved by the Board of Trustees	Date 2/28/2007	President’s Signature 	Date 2/28/2007
--	--------------------------	----------------------------------	--------------------------



**Broward
Community
College**

Policy Manual

Title: Unlawful Discrimination, Harassment, and Retaliation Policy for Students	Number: 6Hx2-5.22
Legal Authority: Florida Statutes 1007.263 and 1001.64; 42 U.S.C. § 2000d, 20 U.S.C. § 1681, 42 U.S.C. 1981 § 1983.	Page: 4 of 5

- c) Conduct which falls into the definition of unlawful harassment includes, but is not limited to, harassment based on race, color, religion, age, disability, sex, national origin, marital status, sexual orientation, or veteran status or other legally protected classification.

- d) The College strongly encourages any alleged victims of harassment and/or discrimination to promptly report the incident. The College recognizes the unusual burden that the alleged harassing or discriminatory conduct places on the recipient and acknowledges the necessity for a thorough and careful resolution of all reported cases. It is contrary to College policy for any individual to engage, whether directly or indirectly, in retaliatory action against a person who files a harassment and/or discrimination complaint. Persons who participate in any investigation of such a complaint should not be retaliated against. As used in this paragraph, "retaliatory action" is any material adverse action taken against the person who makes or supports a complaint of discrimination. A material adverse action can be (depending on all of the circumstances) disciplinary action, the denial of admission, denial of a degree, poor grades, material changes in the terms and conditions of admission or education, suspension or expulsion from school, or by creating a hostile or threatening environment. Any student who believes that retaliatory actions have been taken against him or her for having filed a complaint or provided testimony in an investigation of harassment and/or discrimination must contact the Campus Provost/Center Director.

- e) Jurisdiction of Campus Provost/Center Director
 - 1. Complaint by Student against Student

In carrying out the applicable College policies and upon receipt of a complaint, the Campus Provost/Center Director will investigate or facilitate investigation and make recommendations following such investigations. Consistent with federal and state law related to harassment and nondiscrimination, the Campus Provost/Center Director will investigate (or facilitate investigation) complaints of harassment and discrimination on the basis of any protected category. The Campus Provost/Center Director may also conduct investigations (or facilitate investigations) based upon requests for Administrative Reviews from Deans, Directors, Vice Presidents, and the President when those administrators believe that harassment and/or discrimination in violation of federal or state law may be occurring in their units.

History: Issued on June 27, 2001; revised on May 22, 2002; Revised and renamed February 28, 2007

Approved by the Board of Trustees	Date 2/28/2007	President's Signature 	Date 2/28/2007
--	--------------------------	----------------------------------	--------------------------



**Broward
Community
College**

Policy Manual

Title: Unlawful Discrimination, Harassment, and Retaliation Policy for Students	Number: 6Hx2-5.22
Legal Authority: Florida Statutes 1007.263 and 1001.64; 42 U.S.C. § 2000d, 20 U.S.C. § 1681, 42 U.S.C. 1981 § 1983.	Page: 5 of 5

2. Complaint by Student, Faculty, or Staff against Faculty or Staff

Upon receipt of a complaint by a student against Faculty or Staff, the Campus Provost/Center Director shall refer the complaint to the Equity Office in Human Resources.

Employees should refer to College Policy 6Hx2.3.34 *Discrimination, Harassment and Retaliation Policy for employees.*

- f) **Scope of Prohibitions:** The policies enunciated above are relevant to all educational or student recruitment activities involving students/applicants for admission involving the College and its employees, including, but not limited to, all educational, cultural, and social activities occurring on campus or sponsored by the College.

[Link to Procedure A6Hx2-5.22](#)

History: Issued on June 27, 2001; revised on May 22, 2002; Revised and renamed February 28, 2007

Approved by the Board of Trustees	Date 2/28/2007	President's Signature 	Date 2/28/2007
--	--------------------------	----------------------------------	--------------------------