



Florida State University Title IX & Rehabilitation Act of 1973

Title IX Policy

Florida State University strives to provide “reasonable accommodation” or changes and modifications which can be made in the structure of a job or educational program, or the manner in which a job is performed or educational program is conducted. At the university level this may include:

- accessible class locations
- substitution for admission requirements (F. S. 240.152)
- substitution for upper division entry and/or graduation requirements (F. S. 240.153, 6C-6.018)
- interpreters, notetakers, readers, tutors, alternative test-taking
- registration assistance
- accessible housing and accessible restrooms in classroom and office buildings

Students with questions concerning their rights should contact the Student Disability Resource Center / 108 Student Services Building / 644-9566 Voice or 644-8504 TDD.

Rehabilitation Act of 1973

(ADA) OF 1990 Title II

The ADA prohibits discrimination against people with disabilities in employment, public accommodations, state and local government services, transportation, and telecommunications.

TITLE II: PUBLIC SERVICES

Public universities, as instrumentalities of state government, may not discriminate against qualified individuals with disabilities by excluding them from participating in or denying them the benefits of the services, programs, or activities of the institution.

New construction and alterations to existing facilities must be accessible.

Existing facilities must meet program accessibility requirements consistent with Section 504 of the Rehabilitation Act of 1973.

For more information on the ADA, contact the Student Disability Resource Center /644-9566 Voice or 644-8504 TDD.

(1) POLICY STATEMENT.

Sexual harassment is a form of discrimination based on a person’s gender. Sexual harassment is contrary to the university’s values and moral standards, which recognize the dignity and worth of each person, as well as a violation of federal and state laws and university rules and policies. Sexual harassment cannot and will not be tolerated at The Florida State University, whether by faculty, students, or staff, or by others while on property owned by or under the control of the university.

(2) COORDINATOR OF SEXUAL HARASSMENT RESOLUTIONS.

The Office of the University’s Coordinator of Sexual Harassment

Resolutions (the “Coordinator”), within the Office of the Inspector General, is designated to receive and investigate sexual harassment complaints as set forth in this policy and to maintain the records pertaining thereto.

(3) DEFINITION.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed at an employee or student by another when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment, academic status, receipt of university services, participation in university activities and programs, or affects the measure of a student’s academic performance; or,
- (b) submission to or rejection of such conduct is used as the basis for a decision affecting employment, academic status, receipt of services, participation in university activities and programs, or the measure of a student’s academic performance; or,
- (c) such conduct has the purpose or effect of unreasonably interfering with employment opportunities, work or academic performance or creating an intimidating, hostile, or offensive work or educational environment.

(4) EXAMPLES OF SEXUAL HARASSMENT.

Incidents of sexual harassment may involve persons of different or the same gender. They may involve persons having equal or unequal power, authority or influence. Though romantic and sexual relationships between persons of unequal power do not necessarily constitute sexual harassment, there is an inherent conflict of interest between making sexual overtures and exercising supervisory, educational, or other institutional authority.

Decisions affecting an employee’s job responsibilities, promotion, pay, benefits, or other terms or conditions of employment, or a student’s grades, academic progress, evaluation, student status, recommendations, references, referrals, and opportunities for further study, employment or career advancement, must be made solely on the basis of merit. Examples of sexual harassment include, but are not limited to, the following, when they occur within the circumstances described in Section (3) above:

- (a) use of gender-based verbal or written language offensive or degrading to a person of that gender, whether or not the content is sexual;
- (b) inappropriate display of gender-based pictorial images offensive or degrading to a person of that gender, including but not limited to sexual posters, photographs, cartoons, drawings, or other displays of sexually suggestive objects or pictures;
- (c) use of inappropriate gestures or body language of a sexual nature, including leering or staring at another;
- (d) unwelcome requests or demands for sexual favors or unwelcome sexual advances;
- (e) inappropriate nonconsensual touching of another’s body, including but not limited to kissing, pinching, groping, fondling, or blocking normal movement; or
- (f) sexual battery. (Note: some acts of sexual harassment may also constitute violations of criminal law, e.g., sexual battery, indecent exposure, sexual abuse, etc. In such instances, the Florida State University Police Department is to be notified immediately and will provide assistance to the victim and initiate an investigation of the crime. For additional information, please refer to the University’s Sexual Battery Policy.)

(5) DISCIPLINARY AND OTHER ACTION

Sexual harassment is prohibited at The Florida State University. The university will take appropriate action against any person found to be in violation of this policy. (Note: a person who has sexually harassed another or retaliated against another may also be subject to civil or criminal liability under state or federal law.)

(a) Disciplinary Actions. Any employee who has sexually harassed another employee or a student, retaliated against such person for bringing a complaint of sexual harassment, or otherwise violated this policy shall be guilty of misconduct and subject to disciplinary action up to and including dismissal, in accordance with applicable law, rules, policies, and/or collective bargaining agreements. Any student, except when acting in the capacity of an employee, who has sexually harassed another student or an employee, retaliated against such person for bringing a complaint of sexual harassment, or otherwise violated this policy shall be subject to disciplinary action up to and including expulsion, pursuant to the Student Code of Conduct. The term “employee” includes all persons employed by the university including faculty and graduate teaching assistants.

(b) Other Actions. The university will take such corrective action against any non-students or non-employees found to have violated this policy as may be appropriate under the circumstances.

(6) RETALIATION.

Retaliation against one who in good faith brings a complaint of sexual harassment or who in good faith participates in the investigation of a sexual harassment complaint is prohibited and shall be a violation of this policy and shall constitute misconduct subject to disciplinary or other action as described in Section (5) above.

(7) FILING OF FALSE SEXUAL HARASSMENT COMPLAINT.

Knowingly filing a false sexual harassment complaint is prohibited and shall be a violation of this policy and shall constitute misconduct subject to disciplinary action as described in Section (5) above.

(8) REPORTING REQUIRED.

Any student or employee who has witnessed what is perceived to be a violation of this policy should report that conduct to the Coordinator, who then will proceed as appropriate. Any supervisor who has witnessed or becomes aware of the alleged occurrence of sexual harassment by, or who receives a complaint of sexual harassment involving, a person within that supervisors purview is required to take prompt corrective action as appropriate, and to report the matter to the Coordinator. Failure of the supervisor to take appropriate corrective action or to report the incident shall be a violation of this policy and shall constitute misconduct subject to disciplinary action as described in Section (5) above.

(9) COMPLAINT PROCEDURE.

(a) Filing of Complaint. Any student or employee who believes that he or she is a victim of sexual harassment in violation of this policy is encouraged to promptly notify the alleged perpetrator (the “respondent”) verbally or in writing that his or her conduct is unwelcome. Such action may cause the unwelcome conduct to cease as well as help to maintain an environment free from sexual harassment. Assistance and support is available from the Office of the Dean of the Faculties (for faculty), the Office of the Dean of Students (for students), or the Department of Personnel Services (for non-faculty employees). Regardless of having given notice to the respondent, the student or employee (the “complainant”) may initiate a complaint under this policy by bringing the matter to the attention, preferably in writing by completing the complaint form, of any of the following:

1. The Coordinator;
2. The Office of the Dean of the Faculties;
3. The Office of the Dean of Students;
4. The Department of Personnel Services;
5. A student’s school or college dean; or,
6. An employee’s immediate or next immediate supervisor.

(b) Contents of Complaint. The complaint should provide the following information to facilitate a prompt and thorough investigation:

1. The names, addresses, telephone numbers, administrative unit, and position or status of the complainant and the respondent, if known;
2. Specific acts alleged, including dates, times, and locations;
3. Names, addresses, and phone numbers of potential witnesses;
4. The effect the alleged acts have had on the complainant;
5. Actions the complainant may have taken to attempt to stop the harassment;
6. Complainant's suggestion of proposed action to address or resolve the harassment; and
7. Other information the complainant believes is relevant.

All complaints should be filed in a timely manner. Complaints filed for acts that occurred more than one year from the filing date of the complaint will generally not be investigated unless appropriate in the judgment of the OAS.

(c) Transmittal of Complaint to Coordinator. The complaint shall immediately be forwarded to the Coordinator. If the complaint is verbal, the person receiving the complaint shall make a written summary thereof on the complaint form and request the complainant to sign it.

(d) Initial Review of Complaint. The Coordinator will make an initial determination whether the alleged perpetrator is a student or employee. If the alleged perpetrator is identified as one who is not a student or employee, then the Coordinator will refer the matter to the Office of the General Counsel for appropriate action. If the Coordinator determines that the alleged perpetrator is a student or employee, the Coordinator will review the complaint to determine whether the acts complained of, as stated by the complainant, constitute a violation of this policy, and if not, the complainant will be so informed. If the Coordinator determines the alleged acts may constitute a violation of this policy, investigation will proceed as set forth in Section (10) below, unless the matter is satisfactorily resolved as in the following paragraph.

(e) Notification to Respondent and Supervisor; Informal Resolution; Withdrawal of Complaint. The Coordinator will notify the respondent and his or her appropriate supervisor of the allegations contained in the complaint and the complainant's suggestion of proposed action to address or resolve the alleged harassment. The respondent will be offered the opportunity to accept the complainant's proposed resolution or to propose another possible resolution. If the matter is thus resolved informally to the complainant's satisfaction, or if the complainant chooses to withdraw the complaint, the complainant will sign a statement releasing the university from taking any further action.

If the matter is not resolved at this stage to the satisfaction of all parties, including the university, the complaint will be investigated as set forth in Section (10) below.

(10) INVESTIGATION.

The following procedures will govern all investigations of complaints alleging violations of this policy:

(a) The Coordinator will thoroughly investigate complaints alleging violations of this policy with the assistance, as needed, of the following: the Office of the Dean of the Faculties, the Department of Personnel Services, and/or the respondent's supervisor(s), except in cases where the respondent is a student. If the respondent is a student, the Coordinator will forward a copy of the complaint and any associated materials to the Office of the Dean of Students, which will, if appropriate, adjudicate the matter under the Code of Student Conduct. The Dean of Students will notify the Coordinator of the outcome.

(b) The investigation should include interviewing the complainant and witnesses suggested by the complainant who may have knowledge of the offending behavior.

- (c) The respondent will be given an opportunity to respond to the complaint verbally and in writing and may suggest additional witnesses.
- (d) The investigation should also include interviewing such other witnesses as are deemed appropriate under the circumstances.
- (e) The investigation should include a review of any files and records of previous sexual harassment complaints against the respondent and any other documents deemed relevant.
- (f) All witnesses who provide relevant information will be asked to submit a written, signed statement attesting to their knowledge of the subject circumstances.
- (g) Confidentiality of the investigation will be maintained to the extent allowed by law.

(11) REPORT OF COORDINATOR.

The Coordinator will prepare a report setting forth the Coordinator's findings, with relevant exhibits attached, as appropriate. The report will contain the Coordinator's conclusion as to whether this policy has been violated and include a recommendation as to whether disciplinary action should be initiated or the complaint should be dismissed. The report should be completed within 120 days following the filing of the complaint, where practicable, and will be submitted to the appropriate vice president of the respondent's unit or department.

(12) SUBSEQUENT ACTION.

The vice president will make a determination, upon review of the Coordinator's report, consultation with the Dean of the Faculties or the Director of Personnel Services, and consideration of any other relevant information, including aggravating or mitigating circumstances, whether disciplinary action is warranted under the circumstances. If the vice president determines that disciplinary action should be initiated, then, consistent with due process requirements, the respondent will be notified in accordance with applicable Board of Regents and university rules and policies and collective bargaining agreements, and appropriate disciplinary procedures as provided for therein will be followed. Regardless of whether formal disciplinary action is initiated, the university may take such informal corrective action as may be appropriate under the circumstances. The vice president will notify the Coordinator of the outcome. The Coordinator will notify the complainant of the results of the investigation and subsequent disciplinary or other corrective action taken, if any, to the extent allowed by law.

(13) DISTRIBUTION OF POLICY.

Copies of this policy shall be furnished to all current and future employees and students at The Florida State University, and will be made available in alternative format upon request. Any person involved in the process under this policy needing accommodations for a disability should notify the Coordinator.

(14) APPLICABILITY.

This policy supersedes any and all prior university policies regarding complaints of alleged acts of sexual harassment that occur after its effective date.

(15) EFFECTIVE DATE.

The effective date of this policy is July 1, 1998.