

Florida Tech Non-Discrimination and Anti-Harassment Policy

Applies to: Original Policy Date: Date of Last Review: Approved by:
Students, faculty, employees, third parties August 26, 2024 March 27, 2025
Dr. John Nicklow, President

Policy Owner: Office of Human Resources

Notice of Non-Discrimination

Florida Institute of Technology does not discriminate on the basis of race, color, national or ethnic origin, religion, disability, age, genetic information, marital status, citizenship status, veteran status, and other legally protected characteristics in its activities and programs. In accordance with Title IX of the Education Amendments of 1972, Florida Tech does not discriminate on the basis of sex.

Policy Purpose

Florida Tech is committed to providing equal opportunity in all University programs and activities and a campus work and study environment free from any form of discrimination, harassment, and retaliation based on a protected class under law.

This Non-discrimination and Anti-Harassment Policy serves to outline the University's response to claims of discrimination and harassment on the basis of race, color, national or ethnic origin, religion, disability, age, genetic information, marital status, citizenship status, veteran status, and other legally protected characteristics.

Policy Statement

This policy is designed to ensure an accessible learning and work environment at Florida Tech and to comply with all applicable state and federal laws that prohibit discrimination and harassment, including but not limited to: Title VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act Amendments Act, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, the Pregnancy Discrimination Act of 1978 and other federal and state laws that prohibit discrimination and harassment on the basis of a protected category in University program and activities.

Policy Scope

This Policy applies to all students, employees, and third parties and extends to all aspects of University programs, including but not limited to admissions, employment, access, benefits, or participation in any University activities. This policy applies to speech and conduct that occur on campus, off campus, on social media, or on other online platforms where such conduct may constitute discrimination or harassment under this policy and may have the effect of creating a hostile or abusive work or learning environment in any University program or activity.

Any reports of discrimination or harassment that may intersect with Florida Tech's Title IX Sexual Harassment Policy shall be evaluated by the Title IX Coordinator as to the proper forum for the investigation and resolution of the matter and may be addressed under the Title IX Sexual Harassment Policy.

Definitions

When used in these procedures, the following defined terms begin with capital letters.

Complaint: An oral or written report filed by a Complainant alleging discrimination and/or harassment under the Florida Tech Non-Discrimination and Anti-Harassment Policy.

Complainant: (1) An employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment under this policy or
(2) A person other than an employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment under this policy and who was participating or attempting to participate in the University's education program or activity at the time of the alleged discrimination or harassment.

Discrimination: Conduct or speech that denies an individual participation in or access to the benefits of a University program or activity, or adversely affects an individual in the terms, conditions, or privileges of the individual's academics or employment, because of the person's race, color, religion, gender, age, marital status, national origin, ancestry, alienage, physical or mental disability, sexual orientation, gender identity or expression, genetic information or any other characteristic protected by law.

Harassment: Unwelcome conduct or speech based on a protected class or characteristic that is severe or pervasive enough that it unreasonably interferes with an individual's work or academic performance, terms or conditions of employment, or participation or ability to benefit from a University program, or creates an intimidating, hostile or abusive environment for study, work or social living.

Hate Crime: A criminal offense committed against a person or property that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim's actual or perceived race, color, national origin, sex, disability, religion, sexual orientation, gender, gender identity, ethnicity, or any other protected characteristic under this policy.

***For Clery reporting purposes, these criminal offenses are only reportable when motivated by hate or bias. Hate crimes, as defined above, must be reported to the Florida Tech Security Department by calling 321-674-8112 for non-emergencies or 321-674-8111 for emergencies. Further information can be found on our [Campus Security website](#).*

Respondent: (1) An employee who is alleged to have engaged in conduct that could constitute discrimination or harassment under this policy or

(2) A person other than an employee who is alleged to have engaged in conduct that could constitute discrimination or harassment under this policy and who was participating or attempting to participate in the University's education program or activity at the time of the alleged discrimination or harassment.

Retaliation: Retaliation means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by the Nondiscrimination and Anti-Harassment Policy, accompanying procedures, or applicable law, or because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or other process under these procedures. Retaliation may include, but is not limited to, harassment, discrimination, threats, or adverse employment action. Any person or group within the scope of these procedures who engages in retaliation is subject to a separate Complaint of Retaliation under these procedures.

Grievance Procedures

Filing a Complaint

The University can only address potential violations of this policy when it becomes aware of problems. Therefore, any employee or student who believes they have experienced discrimination, harassment, or an incident of retaliation as prohibited by this policy should come forward promptly with their inquiries, reports, or complaints to one of the appropriate administrative officials identified below:

Pat Francois, Director of Human Resources & Equal Opportunity

Email: pfrancois@fit.edu or

Phone: 321 674 7277

Kelsey Garrett, Equal Opportunity Investigator & Senior Deputy Title IX Coordinator

Email: kgarrett@fit.edu or

Phone: 321 674 7153

An electronic form may also be used to file a report. The form can be accessed at:

https://cm.maxient.com/reportingform.php?FloridaInstofTech&layout_id=8

Complaint and Initial Assessment

After receiving a report, the Director of Human Resources & Equal Opportunity or designee will conduct a preliminary assessment to determine whether the conduct, as reported, falls, or could fall within the scope of this policy; and whether the conduct, as reported, constitutes, or could constitute discrimination and/or harassment under this policy. This preliminary inquiry may or may not include meeting with involved parties and collecting additional information. Based upon the preliminary assessment, the Director of Human Resources & Equal Opportunity or designee will make a determination as to whether (a) investigation is warranted to resolve the complaint; (b) the complaint can

possibly be resolved through informal resolution; or (c) no reasonable grounds exist for believing that the conduct at issue in the complaint constitutes a violation of this policy.

Interim Measures may be provided to students or employees on an interim basis during an investigation under this policy. These measures are designed to restore or preserve equal access to the University's programs and activities without burdening the other party unreasonably. Interim measures will be tailored to the specific needs of the individuals involved and assessed on a case-by-case basis.

If the Director of Human Resources & Equal Opportunity or designee determines there are no reasonable grounds for believing the conduct at issue in the complaint constitutes a violation of this policy, the Director of Human Resources & Equal Opportunity or designee will close the complaint.

If the Director of Human Resources & Equal Opportunity or designee determines that the complaint could possibly be resolved through informal resolution, the Director of Human Resources & Equal Opportunity or designee will discuss an informal resolution with both parties separately. If the proposed resolution satisfies the University's obligation to provide a safe and non-discriminatory environment for the University community, the resolution will be implemented, and the matter will be closed and is not subject to appeal. Human Resources will maintain records of all reports and conduct referrals for informal resolution.

If the Director of Human Resources & Equal Opportunity or designee determines that an investigation is warranted to resolve the concern, the Director of Human Resources & Equal Opportunity or designee will appoint an Investigator to conduct a formal investigation on behalf of the University. At the conclusion of the investigation, the Decisionmaker will determine whether a faculty member, staff, student, employee, or third party is responsible for a violation of this policy and what, if any, corrective action is appropriate, in accordance with the procedures described below.

Investigation

Investigations will be conducted in a manner appropriate in light of the circumstances of the case. An investigation may include, but is not limited to, conducting interviews of the complainant, the respondent(s), and any witnesses (witnesses must have observed the acts in question or have information relevant to the incident); reviewing law enforcement investigation documents, if applicable; reviewing personnel files; and gathering, examining, and preserving other relevant documents and physical, written, and electronic evidence (including social media, security camera footage, etc.).

The parties will be afforded an opportunity to identify and present relevant witnesses and evidence to the Investigator, as well as identify witnesses who may have relevant information. Notwithstanding the foregoing, the Investigator(s) retains the discretion to limit the number of witness interviews the investigator conducts if the Investigator finds that testimony would be unreasonably cumulative if the witnesses are offered solely as

character references and do not have information relevant to the allegations at issue. The Investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

Decision

After the investigation is complete, the Decisionmaker will objectively evaluate all relevant evidence collected during the investigation, together with any statements by parties or witnesses and make a determination regarding whether a violation of University Non-discrimination and Anti-Harassment Policy has occurred. The parties will be notified in writing of the Decisionmaker's decision.

If a decision is made that an individual violated this Policy, the University's actions, sanctions, discipline, or resulting decisions shall be determined through the appropriate department and process. A student violation of this policy shall be reviewed in collaboration with the Student Conduct Office and processed using any University actions and/or sanctions according to the Student Code of Conduct. Violations committed by staff, faculty, third parties, independent contractors, or other non-students shall be reviewed and processed by the Office of Human Resources in association with the appropriate offices as they deem necessary. An employee who is also a student may have actions or discipline from either or both processes.

Appeals

A party may appeal a Decisionmaker's determination but not an informal resolution. The University retains the discretion to accept or deny requests for appeal. The appeal must be made within five (5) days of the date the parties receive written notification of the determination by the Decisionmaker.

An appeal must be in writing, submitted to the Director of Human Resources & Equal Opportunity or designee, and specify the basis for the appeal, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks. Parties may participate equally in the appeal process, even if the party did not file the appeal. The Director of Human Resources & Equal Opportunity or designee will determine the appropriate Appeals Officer for evaluating the appeal (who may be another University Official or a suitable third party).

Appeal Procedures

The appeals officer will conduct an initial evaluation to confirm that the appeal is filed timely and that it invokes permitted grounds for appeal. The Appeals Officer will promptly decide the appeal and transmit a written decision to the parties explaining the appeal's outcome and the rationale. The decision on appeal is final.

Procedures/Guidelines

Academic Freedom

The University will construe and apply this policy consistent with the principles of academic freedom recognized by University policy.

Additional Clarification for Specific Allegations

Dating Violence, Domestic Violence, Sexual Assault, and Stalking are defined in Florida Tech's Title IX Policy. In the rare situation where an employee is accused of Dating Violence, Domestic Violence, Sexual Assault and/or Stalking and that conduct does not fall under the Title IX Policy, the alleged misconduct may be covered by this Policy.

Confidentiality

The University will make all reasonable efforts to honor requests for confidentiality to the extent reasonable under this policy. Confidentiality is not guaranteed. It must be understood that while some concerns or complaints can be resolved without disclosing one's identity, successful resolution may not always be achieved under such circumstances, and the University's ability to investigate the complaint or proceed with appropriate corrective or disciplinary action may be prevented or significantly limited.

Information provided by any party or witness concerning a complaint or investigation under this policy may be shared with other parties or appropriate University officials at the University's discretion. The University also retains the right to keep some or all identifying information about parties and/or witnesses confidential (including but not limited to any educational or employment record) in its sole discretion and in accordance with all applicable laws.

Confidential Resources

The University provides confidential on-campus community professionals and resources. The following are designated confidential sources of support at Florida Institute of Technology:

- Student Counseling Center
321 674 8050
<https://www.fit.edu/student-counseling-center/>
- Student Health Center
321 674 8078
<https://www.fit.edu/health/>
- Campus Chaplain-Catholic
321 674 8045
<https://www.fit.edu/ccm/>
- Campus Chaplain-Protestant
321 460 7353
floridatech.edu/all-faiths-center/protestant-campus-ministry

- Employee Assistance Program (Staff and Faculty) through Resources for Living
877 398 5816
<https://www.resourcesforliving.com/login>
Username: ICUBA
Password: 8773985816
- Student Ombudsperson: Kristen Nelson
321 309 3038
Ombuds@fit.edu
Evans Library Suite 136
- Ombudsman
Ombuds@fit.edu

Compliance Reference

Florida Tech complies with all applicable state and federal laws that prohibit discrimination, harassment including but not limited to: Title VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act Amendments Act, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, the Pregnancy Discrimination Act of 1978 and other federal and state laws that prohibit discrimination and harassment on the basis of a protected category in University program and activities.

Responsibilities

Appeal Officer(s): An Appeals Officer is a designated individual responsible for reviewing and evaluating appeals of a Decisionmaker's determination in cases where the University has accepted a request for appeal. The Director of Human Resources & Equal Opportunity or designee will assign the Appeals Officer, who may be another University Official or a suitable third party. The Appeals Officer ensures that the appeal is considered fairly and impartially, in accordance with the Non-Discrimination and Anti-Harassment Policy, and that both parties have an equal opportunity to participate in the appeal process.

Decisionmaker: A trained and impartial individual assigned by the Director of Human Resources & Equal Opportunity or designee to adjudicate the complaint and ensure a fair resolution process. This person shall not have a conflict of interest or bias for or against complainants or respondents. This individual may be the Director of Human Resources & Equal Opportunity, EO Investigator, Deputy Title IX Coordinator, another University Official, or a suitable third party.

Investigator: A trained and impartial individual or team assigned by the Director of Human Resources & Equal Opportunity or designee to conduct a prompt, fair and impartial investigation. Investigators are responsible for gathering relevant evidence, interviewing parties and witnesses, and compiling findings objectively and unbiasedly. This person shall not have a conflict of interest or bias for or against complainants or

respondents. This individual may be the Director of Human Resources & Equal Opportunity, EO Investigator, Deputy Title IX Coordinator, another University Official, or a suitable third party or combination thereof.

Manager/Supervisor(s): Any individual in a supervisory role who has oversight, authority, or decision-making responsibilities over employees, student workers, or other individuals within the University community. Managers and Supervisors are responsible for ensuring the University environment is free from discrimination, harassment, and retaliation in accordance with this Policy. Failure to fulfill these obligations may result in corrective action up to and including dismissal or termination.

Enforcement

The University has the authority to institute corrective measures pursuant to this Policy.