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August 15, 2016

#### MEMORANDUM

TO: District Board of Trustees

FROM: Jim Murdaugh, President

SUBJECT: Policy Manual Changes

#### Item Description

This item request Board approval of Policy Manual changes in Chapters 3.0 – General Administration, and 4.0 – All Personnel.

#### **Overview and Background**

The College brings forth a request to add a new policy, Policy 03-36 - Nursing Mothers, and update existing policies, Policy 03-01 – Equal Access/Opportunity, Discrimination, Sexual Misconduct, and Unlawful Harassment, and Policy 04-42 – Volunteers.

Highlights of the policy changes are outlined below.

Policy 03-01 was revised in response to guidance from the US Department of Education, Office for Civil Rights.

- The equal opportunity statement and the definition of discrimination within Policy 03-01 have been revised to include the terms "sex," and "veteran status," and to replace the term "gender" with "gender identity."
- The "Reporting" and "Investigation" sections of Policy 03-01 were modified to simplify and strengthen the process.

Policy 03-36 was developed in accordance with Florida Statue, the Fair Labor Standards Act of 1938, amended in 2010, and the Patient Protection and Affordable Care Act of 2010, to support employees who intend to express milk for their infant on the College's premises.

Policy 04.42 was expanded to establish uniform guidelines for engaging volunteers, and to ensure that the volunteers' relationships with the College are clearly established and understood by both parties.

#### Past Actions by the Board

The Board previously revised Policy 03-01 on August 24, 2015, and Policy 04-42 on November 22, 2010. The Board has taken no previous action on proposed Policy 03-36.

# **Funding/Financial Implications**

None

## Staff Resource

Barbara Wills

## **Recommended Action**

Approve updates to College policies as presented.

<b>TITLE:</b> Equal Access/ <u>Equal</u> Opportunity, Discrimination, Sexual Misconduct, and Unlawful Harassment	<b>NUMBER:</b> 03-01
AUTHORITY: Florida Statute: 1001.64, 1001.65, 1006.35, 1006.67Florida Administrative Code: 6A-14.0262, 6A-14.060, 6A-19.008 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 Educational Equity Act of 1984, as amended	SEE ALSO: • <u>Administrative</u> <u>Procedure 03-01AP:</u> <u>Equal Opportunity,</u> <u>Discrimination, Sexual</u> <u>Misconduct, and</u> <u>Unlawful Harassment</u>

**DATE ADOPTED:** 12/01/97; revised 01/22/01; 09/21/09; 08/20/12; 11/17/14; 03/16/2015; 8/24/15; 8/15/16

## A. EQUAL ACCESS/EQUAL OPPORTUNITY STATEMENT

Tallahassee Community College (TCC) does not discriminate against any person on the basis of age, color, disability, ethnicity, gender identity, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status race, color, ethnicity, genetic information, national origin, religion, gender, sexual orientation, marital status, disability, pregnancy 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/<u>and</u>-Title IX Coordinator 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 material. The College will engage the services of only those professional organizations, employment agencies, contracts, or other agents whose policies are in alignment with the equal opportunity policy of the College.

## **B. POLICY STATEMENT**

- 1. 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 students 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.
- 2. 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.
- 3. The College will not tolerate retaliation against employees or witnesses for filing complaints, or protesting practices which are prohibited under this policy.
- 4. 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.
- 5. 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.
- 5.6.All complaints of discrimination, sexual misconduct, and unlawful harassment will be kept confidential to the extent allowed by law.

## C. DEFINITIONS

- 1. Determination is the conclusion of a dispute by the rendering of a final decision.
- 4.2.Discrimination <u>-</u> is defined as treating any member of the College community differently than others on the basis of <u>age</u>, <u>color</u>, <u>disability</u>, <u>ethnicity</u>, <u>gender</u> <u>identity</u>, <u>genetic</u> <u>information</u>, <u>marital status</u>, <u>national origin</u>, <u>pregnancy</u>, <u>race</u>, <u>religion</u>, <u>sex</u>, <u>sexual</u> <u>orientation</u>, <u>or veteran status</u><u>race</u>, <u>color</u>, <u>ethnicity</u>, <u>genetic information</u>, <u>national origin</u>, <u>religion</u>, <u>gender</u>, <u>sexual orientation</u>, <u>marital status</u>, <u>disability</u>, <u>pregnancy</u>, <u>age</u>, <u>or</u> other legally protected classifications.

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

- a. Disparate treatment in employment, job placement, promotions, demotions, salaries or wages, benefits, <u>or other</u> terms and conditions of employment, on the basis of one of the protected categories outlined above.
- b. 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.
- 3. Gender Identity refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.
- <u>4. Preponderance of Evidence Standard is an evidence standard based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.</u>
- 23. Retaliation is any adverse action taken against the person(s) who makes or supports the investigation of a complaint of discrimination, sexual misconduct, or harassment.
- 4. Sex refers to either of the two major forms of individuals that occur in many species and that are distinguished respectively as female or male especially on the basis of their reproductive organs and structures.
- 5. Sexual Misconduct includes but is not limited to sexual violence, (which includes any kind of nonconsensual sexual contact), sexual harassment, sexual exploitation or any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing.
  - a. Sexual Violence <u>-</u> is sexual offenses as outline<u>d</u> in the Uniform Crime Reporting Handbook, and defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - b. 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:
    - 1. 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
    - 2. 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.

- c. Sexual Exploitation <u>-</u> is defined as taking non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage any one other than the one being exploited, and that behavior does not otherwise constitute one of the sexual misconduct offenses.
- 46. 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.

Extended definitions and examples of terms listed above may be found in TCC's Glossary of Terms located on the TCC Equity and Civil Rights web page, and within Administrative Procedure AP03-01.

## D. 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.

- 1. Duty to Report
  - a. Student Complaints Complaints of discrimination, retaliation, sexual misconduct, or unlawful harassment by and against students should be filed promptly with the Student Conduct and Community Standards Officer, or directly with the College Equity Officer and Title IX Coordinator.

Faculty or Staff Complaints – Complaints of discrimination, retaliation, sexual misconduct, or unlawful harassment involving faculty or staff should be filed promptly with the Director of Human Resources or directly with the College Equity Officer and Title IX Coordinator.

- b. Administrators, supervisors and Campus Security Authorities (CSA) 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(s) named above.
- c. All complaints of discrimination and unlawful harassment received by the Student Conduct and Community Standards Officer, Human Resources Director or College

Equity Officer and Title IX Coordinator 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 and Title IX Coordinator is the official custodian of the log.

- d. The Student Conduct and Community Standards Officer will submit all student complaints, including proposed resolution, to the College Equity Officer and Title IX Coordinator for review, input and inclusion in the log on a monthly basis. The Human Resources Director will submit all employee complaints, including proposed resolution, to the College Equity Officer and Title IX Coordinator for review, input and inclusion in the log on a monthly basis.
- e. The Clery Committee, including but not limited to the Conduct and Community Standards Officer, Human Resources Director, College Police Department representative and College Equity Officer and Title IX Coordinator, shall meet each quarter to review the complaint log.
- 1. Reporting

The College strongly encourages persons to promptly report any occurrence of discrimination, sexual misconduct, or unlawful harassment. 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.

a. Complaints of discrimination, sexual misconduct, or unlawful harassment involving applicants, faculty/staff, students, vendors, or guests should be filed promptly via Tallahassee Community College's (TCC) on-line Complaint Form, or directly with the College's Equity Officer/Title IX Coordinator at (850) 201-6074, or tolsonr@tcc.fl.edu, or postmark to:

Tallahassee Community CollegeAttn: Renae Tolson, Equity Officer & Title IX CoordinatorRoom 239 Administration Building444 Appleyard DriveTallahassee, FL 32304-2895

- b. Any College personnel, vendor or guest who becomes aware of an alleged conduct of discrimination, sexual misconduct, or unlawful harassment must report this information immediately to the College's Equity Officer/Title IX Coordinator.
- c. All complaints of discrimination, sexual misconduct, or unlawful harassment will be logged in the TCC Equity and Civil Rights Complaint Log. The log will include the complaint number, complainant's name, person whom the complaint is filed against, incident date(s), brief summary, and the determination/resolution. The Equity Officer/Title IX Coordinator is the official custodian of the log.

## 2. Investigation

- upon receipt of a complaint, the College Equity Officer/<u>and</u> Title IX Coordinator will <u>coordinate with TCC's Police Department</u>, <u>work with</u> the Student Conduct and Community Standards Officer, the Human Resources Director and/<u>or other TCC</u> <u>personnel as appropriate to ensure the Tallahassee Community College Police</u> Department to complete a <u>supportive and safe environment</u>, and 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.
- b. The Equity Officer/Title IX Coordinator will assign one of the College's trained investigators as the College's Investigating Official of record for the complaint. The College's Investigating Official will follow state and federal guidelines, College Policy, Administrative Procedure AP03-01, TCC's Sexual Misconduct Guide, and the Student Code of Conduct, as appropriate, in reviewing the complaint. For matters involving employees, the investigating official (Human Resources Director, College Equity Officer and Title IX Coordinator or designee) will follow College Policy, College Administrative Procedure AP03-01 and the College's Sexual Misconduct Guide in reviewing the complaint. The Human Resources Director will send the investigative report, including proposed resolution, to the College Equity Officer and Title IX Coordinator for review and input prior to the communication of findings and recommendations.
- c. The Investigating Official will use a preponderance of evidence standard for resolving any conflicts in the evidence, and deciding the facts of the complaint.
- d. At the conclusion of the investigation, the Investigating Official will send the investigative report, including findings and proposed resolution, to the College Equity Officer/Title IX Coordinator for review, and determination.
- c. For matters involving students, the Student Conduct and Community Standards Officer will follow the guidelines of the Student Code of Conduct in reviewing the complaint. The Student Judicial Officer will send the investigative report, including proposed resolution, to the College Equity Officer and Title IX Coordinator for review and input prior to sending the findings and recommendations to the Vice President of Student Affairs.
- 3. Resolution

- a. Once the complaint determination is made by the Equity Officer/Title IX Coordinator, the Equity Officer/Title IX Coordinator will communicate the results to all parties involved.
- a. For matters involving employees, once the recommendation of the Human Resources Director is reviewed by the College Equity Officer and Title IX Coordinator, the complainant will be advised of the results of the investigation.
- b. For matters involving students, once the recommendation of the Student Conduct and Community Standards Office is reviewed by the College Equity Officer and Title IX Coordinator, and the Vice President of Student Affairs, the complainant will be advised of the results of the investigation.
- e.<u>b.</u>If the decision regarding an employee or student complaint is not satisfactory for the complainant or respondent, it may be appealed to the President (fFor employees that is Step Four of the College's Grievance Procedure 06-16). The complainant or respondent must file a written appeal to the President within seven (7) calendar 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.

# E. RETALIATION

- 1. Retaliatory acts include adverse actions taken against the person who makes or supports <u>the</u> <u>investigation of</u> a complaint of discrimination, sexual misconduct, or harassment.
- 2. 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 and Title IX Coordinator. Any such reports will be investigated and findings of retaliatory conduct will be dealt with through appropriate action.

## F. CONFIDENTIALITY/PUBLIC RECORDS

- 1. 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.
- 2. 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.

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

## G. 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.

## H. DISCIPLINE

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

<b>TITLE:</b> Equal Access/Equal Opportunity, Discrimination, Sexual Misconduct, and Unlawful Harassment	<b>NUMBER:</b> 03-01
AUTHORITY: Florida Statute: 1001.64, 1001.65, 1006.35, 1006.67Florida Administrative Code: 6A-14.0262, 6A-14.060, 6A-19.008 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 Educational Equity Act of 1984, as amended	SEE ALSO: • <u>Administrative</u> <u>Procedure 03-01AP:</u> <u>Equal Opportunity,</u> <u>Discrimination, Sexual</u> <u>Misconduct, and</u> <u>Unlawful Harassment</u>

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- 4. Sex refers to either of the two major forms of individuals that occur in many species and that are distinguished respectively as female or male especially on the basis of their reproductive organs and structures.
- 5. Sexual Misconduct includes but is not limited to sexual violence, (which includes any kind of nonconsensual sexual contact), sexual harassment, sexual exploitation or any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing.
  - a. Sexual Violence is sexual offenses as outlined in the Uniform Crime Reporting Handbook, and defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - b. 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:
    - 1. 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

2. 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.

c. Sexual Exploitation - is defined as taking non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage any one other

than the one being exploited, and that behavior does not otherwise constitute one of the sexual misconduct offenses.

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#### 1. Reporting

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- b. Any College personnel, vendor or guest who becomes aware of an alleged conduct of discrimination, sexual misconduct, or unlawful harassment must report this information immediately to the College's Equity Officer/Title IX Coordinator.
- c. All complaints of discrimination, sexual misconduct, or unlawful harassment will be logged in the TCC Equity and Civil Rights Complaint Log. The log will include the complaint number, complainant's name, person whom the complaint is filed against, incident date(s), brief summary, and the determination/resolution. The Equity Officer/Title IX Coordinator is the official custodian of the log.

#### 2. Investigation

- a. Upon receipt of a complaint, the College Equity Officer/Title IX Coordinator will coordinate with TCC's Police Department, the Student Conduct and Community Standards Officer, the Human Resources Director and/or other TCC personnel as appropriate to ensure a supportive and safe environment, and prompt and confidential investigation.
- b. The Equity Officer/Title IX Coordinator will assign one of the College's trained investigators as the College's Investigating Official of record for the complaint. The College's Investigating Official will follow state and federal guidelines, College Policy, Administrative Procedure AP03-01, TCC's Sexual Misconduct Guide, and the Student Code of Conduct, as appropriate, in reviewing the complaint.
- c. The Investigating Official will use a preponderance of evidence standard for resolving any conflicts in the evidence, and deciding the facts of the complaint.
- d. At the conclusion of the investigation, the Investigating Official will send the investigative report, including findings and proposed resolution, to the College Equity Officer/Title IX Coordinator for review, and determination.

#### 3. Resolution

- a. Once the complaint determination is made by the Equity Officer/Title IX Coordinator, the Equity Officer/Title IX Coordinator will communicate the results to all parties involved.
- b. If the decision regarding an employee or student complaint is not satisfactory for the complainant or respondent, it may be appealed to the President (for employees that is Step Four of the College's Grievance Procedure 06-16). The complainant or respondent must file a written appeal to the President within seven (7) calendar 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.

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- 2. 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.
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TITLE: Nursing Mothers	<b>NUMBER:</b> 03-36
<b>AUTHORITY:</b> Florida Statute: 1001.64, 1001.65 Fair Labor Standards Act of 1938, amended 2010 (29 U.S.C 207) Patient Protection and Affordable Care Act of 2010	SEE ALSO:
<b>DATE ADOPTED:</b> 8/15/16	

As required by Federal law, the College shall take steps necessary to support employees who intend to express milk for their infant on the College's premises by providing break time, up to two (2) 15 minute paid breaks per eight (8) hour workday for as long as the employee has a need to express milk, but not lasting more than one (1) year following the birth of the infant.

Prior to returning to work from maternity leave, it shall be the employee's responsibility to provide reasonable notice to her supervisor of her intent to express milk during work hours and record associated time and/or leave appropriately. It shall be the responsibility of the supervisor to make the accommodation and approve the employee's time and/or leave.

Nursing mothers, regardless of their exempt or non-exempt category, are permitted to express milk in their office or work area as long as the location (other than a bathroom) is shielded from view and free from intrusion from other employees and the public. If the nursing mother's office or work area does not offer the above described privacy, then either the employee or the supervisor should contact the College's Equity Officer to discuss a reasonable alternative room or location in close proximity to the nursing mother's office or work area where the mother can express milk.

If possible, break times may be taken during regularly scheduled meal and rest breaks. In the event that more frequent breaks are needed or the length of time for the break should be extended, the additional time may be reported as unpaid leave, annual leave, compensatory leave, or flex time due to an altered schedule with approval from the supervisor. Employees are responsible for maintaining their appointed hours for the workweek.

TITLE: Volunteers	<b>NUMBER:</b> 04-42
<b>AUTHORITY:</b> Florida Statute: 1001.64, 1001.65 Florida Administrative Code: 6A-14.0261	SEE ALSO: • <u>Administrative</u> <u>Procedure 04-42AP:</u> <u>Volunteers</u>

**DATE ADOPTED:** 12/01/97; Revised 03/15/99; 01/22/01; 11/22/10; 8/15/2016

Tallahassee Community College welcomes members of the community to volunteer their time and services in areas of need at the College. The purpose of this policy is to direct the establishment of uniform guidelines for screening and engaging volunteers and to ensure that volunteers' relationships with the College are clearly established and understood by both parties.

Volunteers are individuals who perform services directly related to the activities of the College for their own benefit, to support the humanitarian, educational, charitable or public service activities of the College, or to gain experience in specific endeavors. There is no employment relationship between the College and the volunteer, and volunteers thus perform services without promise, expectation or receipt of any compensation, future employment or any other tangible benefit. A volunteer is defined as either an individual who is not an employee of the College who receives no compensation for services rendered or an individual who is an employee of the College who performs services that are not the same type of services for which the individual is paid a salary or wages to perform as an employee and the individual receives no compensation for the services rendered.

To ensure that an individual performing volunteer services is not an employee for any purpose, all of the following criteria must be satisfied in order for an individual to be approved as a volunteer:

- A. The services are intended to be voluntary and to be rendered without compensation.
- <u>B.</u> The services must constitute a bona fide effort of the individual to volunteer for a humanitarian or public service purpose or for the benefit of his/her professional or personal experience.

C. The fact that the individual is an employee elsewhere in the College does not mean he/she cannot volunteer in a capacity that differs from his/her employment. However, where an employment relationship does exist, that relationship may not be waived; so, for example, an employee cannot volunteer to do activities that are the same or similar to ones he/she performs in his/her job.

- D. Individuals volunteer their time for their own personal motives, without promise or expectation of compensation, at hours that suit their own convenience.
- <u>E. Volunteers must not be utilized in ways that displace or replace regular employees in the performance of their normal duties.</u>

Volunteers must complete an onboarding process through TCC's Human Resources Department; this process includes completion of a satisfactory criminal background screen and submission of personal information needed for insurance purposes (non-citizens wishing to volunteer must posses a United States Social Security Number). Volunteers are expected to abide by college policies and external regulations that govern their actions including, but not limited to, ethical behavior, confidentiality, financial responsibility, drug/alcohol use, health and safety, protected health information, non-discrimination/harassment, and computer use.

Volunteers will not be granted the following access without prior approval by the President:

# A. Computer network access or access to confidential College, student, and/or employee information.

<u>A.</u>

Volunteers may not provide the following services:

A. Operating heavy equipment or motor vehicles on behalf of the College.

B. Any other activity deemed inappropriate by the College in its sole discretion.

The use of a volunteer who is not an College employee incurs a liability of \$100,000 to the College in the case of the death of the volunteer while on duty and a liability of the cost to provide lifetime benefits for a volunteer injured while on duty.

\_Discretion should be used in determining if services can be provided other than through the assistance of a volunteer.; if possible, volunteers should not be used. However, if the services of a volunteer are necessary, the following provisions shall be followed to cover the volunteer for insurance purposes.

The College may dismiss a volunteer at any time, at its convenience and in its sole discretion, without exception and without notice.

TITLE: Volunteers	<b>NUMBER:</b> 04-42
AUTHORITY: Florida Statute: 1001.64, 1001.65	<ul> <li>SEE ALSO:</li> <li><u>Administrative</u> Procedure 04-42AP:</li> </ul>
<b>DATE ADOPTED:</b> 12/01/97; 03/15/99; 01/22/01; 11/22/10; 8/	Volunteers

Tallahassee Community College welcomes members of the community to volunteer their time and services in areas of need at the College. The purpose of this policy is to direct the establishment of uniform guidelines for screening and engaging volunteers and to ensure that volunteers' relationships with the College are clearly established and understood by both parties.

Volunteers are individuals who perform services directly related to the activities of the College for their own benefit, to support the humanitarian, educational, charitable or public service activities of the College, or to gain experience in specific endeavors. There is no employment relationship between the College and the volunteer, and volunteers thus perform services without promise, expectation or receipt of any compensation, future employment or any other tangible benefit.

To ensure that an individual performing volunteer services is not an employee for any purpose, all of the following criteria must be satisfied in order for an individual to be approved as a volunteer:

- A. The services are intended to be voluntary and to be rendered without compensation.
- B. The services must constitute a bona fide effort of the individual to volunteer for a humanitarian or public service purpose or for the benefit of his/her professional or personal experience.
- C. The fact that the individual is an employee elsewhere in the College does not mean he/she cannot volunteer in a capacity that differs from his/her employment. However, where an employment relationship does exist, that relationship may not be waived; so, for example, an employee cannot volunteer to do activities that are the same or similar to ones he/she performs in his/her job.
- D. Individuals volunteer their time for their own personal motives, without promise or expectation of compensation, at hours that suit their own convenience.

E. Volunteers must not be utilized in ways that displace or replace regular employees in the performance of their normal duties.

Volunteers must complete an onboarding process through TCC's Human Resources Department; this process includes completion of a satisfactory criminal background screen and submission of personal information needed for insurance purposes (non-citizens wishing to volunteer must posses a United States Social Security Number). Volunteers are expected to abide by college policies and external regulations that govern their actions including, but not limited to, ethical behavior, confidentiality, financial responsibility, drug/alcohol use, health and safety, protected health information, non-discrimination/harassment, and computer use.

Volunteers will not be granted the following access without prior approval by the President:

A. Computer network access or access to confidential College, student, and/or employee information.

Volunteers may not provide the following services:

- A. Operating heavy equipment or motor vehicles on behalf of the College.
- B. Any other activity deemed inappropriate by the College in its sole discretion.

Discretion should be used in determining if services can be provided other than through the assistance of a volunteer.

The College may dismiss a volunteer at any time, at its convenience and in its sole discretion, without exception and without notice.