

Flagler College  
 74 King Street  
 Saint Augustine, FL 32084

<b>POLICY NAME</b>	Non-Discrimination and Equal Access			<b>POLICY NO.</b>	108
<b>EFFECTIVE DATE</b>	08/24/2022	<b>DATE OF LAST REVISION</b>	08/24/2022	<b>VERSION NO.</b>	1.0



<b>ADMINISTRATOR RESPONSIBLE</b>	Dr. Jess Kobryn	<b>CONTACT INFORMATION</b>	904-826-8553 JKobryn@flagler.edu
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**APPLIES TO** Apply group names to define applicable areas of staff.

Students	x	Staff	x	Faculty	x	Temp Labor	x
Vendors	x	Contractors	x	Rentals	x	Visitors	x

VERSION HISTORY				
VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
1.0	Flagler College Cabinet	08/24/2022	New policy template	Dr. Jess Kobryn

**APPROVAL AND REVIEW**

**ADDITIONAL NOTES**

<b>POLICY NAME</b>	Non-Discrimination and Equal Access	<b>POLICY NO.</b>	108
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## SCOPE

This policy covers nondiscrimination in access to educational opportunities and employment. Therefore, any member of the College community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes identified in this policy and state or federal law is in violation of College policy.

## POLICY STATEMENT

Flagler College is committed to diversity, inclusion, and pursuit of higher education with adherence to high ethical standards. It is the policy of Flagler College not to discriminate in admission, treatment, or access to, or employment in, its programs or activities on the basis of race, color, gender, religion, national origin, age, disability, marital status, familial status, sexual orientation, gender identity or expression, or any other protected characteristic.

The College complies with all applicable state and federal laws prohibiting unlawful discrimination and harassment, including, but not limited to:

- Titles VI and VII of the Civil Rights Act of 1964;
- Title IX of the Educational Amendments of 1972;
- Section 504 of the Rehabilitation Act of 1973;
- The Americans with Disabilities Act of 1990;
- The Florida Civil Rights Act;
- The Florida Minimum Wage Act;
- The Pregnancy Discrimination Act;
- The Equal Pay Act of 1963 (EPA);
- The Age Discrimination in Employment Act of 1967 (ADEA);
- The Age Discrimination Act of 1975;
- Titles I and V of the Americans with Disabilities Act of 1990 (ADAAA);
- Sections 102 and 103 of the Civil Rights Act of 1991;
- Sections 501 and 505 of the Rehabilitation Act of 1973;
- The Genetic Information Nondiscrimination Act of 2008 (GINA);
- The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended;
- The Violence Against Women Act (VAWA) and
- Any other applicable federal, state, or local law addressing nondiscrimination and/or equal employment opportunity.

When brought to the attention of the College, any such discrimination will be promptly and fairly addressed and remedied by the College according to the appropriate grievance process.

Procedure:

<https://www.flagler.edu/media/documents/notice-of-non-discrimination/FCPS-108-Non-Discrimination-Procedures.pdf>

<b>POLICY NAME</b>	Non-Discrimination and Equal Access	<b>POLICY NO.</b>	108
--------------------	-------------------------------------	-------------------	-----

## POLICY SECTIONS

### FALSE COMPLAINTS

Knowingly filing a false complaint of discrimination/harassment or retaliation is a violation of this policy. Such conduct may result in corrective action up to and including termination or removal.

### ACADEMIC FREEDOM

This policy is not intended to inhibit or restrict academic freedom and this policy shall be interpreted in a manner that is consistent with the college's academic freedom policies. The College's Academic Freedom policy may not be used as grounds for individuals to engage in discrimination.

### EXEMPTIONS

### COMPLAINTS INVOLVING SEXUAL HARASSMENT

Any allegation or complaint involving sexual harassment will be addressed in accordance with the College's Sexual Harassment Policy. In instances of sexual violence, this process is applicable when the Title IX Coordinator determines the Sexual Harassment Policy is inapplicable, or offenses subject to the Sexual Harassment Policy have been dismissed. If applicable, the Sexual Harassment Policy and Process must be applied in lieu of the process in this policy.

### TERMS AND DEFINITIONS

TERM	DEFINITION
Discrimination	Conduct that is based upon an individual's protected characteristic that is so severe, persistent or pervasive that it excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, or participation in a Flagler College program or activity.
False Complaint	A claim or allegation of wrongdoing that is untrue and unproven in the spirit of deliberateness or deceit.
Hostile Environment Harassment	The harassment of an individual on the basis of a protected characteristic when the conduct has the purpose or effect of unreasonably interfering with an individual's employment or participation in a Flagler College program or activity.
Protected Classes	Race, color, gender, religion, national origin, age, disability, marital status, familial status, sexual orientation, gender identity or expression, ancestry, veteran status, and genetic information are examples of protected classes. The definition of protected classes also includes all protected characteristics under state and federal law.
Retaliation	Taking adverse action against an individual making a complaint under this policy or against any person cooperating in the investigation of a complaint under this policy. Retaliation includes intimidation, threats, harassment, and/or other adverse action against any such complainant or third party.

<b>POLICY NAME</b>	Non-Discrimination and Equal Access	<b>POLICY NO.</b>	108
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## ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITY
Assistant Dean of Students for Title IX & Equity and Director of Diversity, Equity, & Inclusion	Oversight of policy and implementation of resolution, compliance officer for complaints involving discrimination as set forth in this policy
Dean of Students	Implementation of resolution for student respondents
Human Resources Director	Implementation of resolution for employee respondents
Vice President of Business Services and CFO	Implementation of resolution for vendors, contractors, and rental respondents
504 Coordinator	Compliance officer for complaints involving discrimination based on disability
Title IX Coordinator	Compliance officer for complaints involving discrimination based on sex
Interim Vice President of Student Affairs	Appellate Officer for complaints involving a student respondent
Vice President and Chief Human Resources and Diversity, Equity, and Inclusion Officer	Appellate Officer for complaints involving an employee respondent