



Number: 0-007
Title: Diversity and Equal Opportunity-Discrimination and Harassment
Responsible Office: Office of Compliance and Ethics (OCE)

Date of Origin: 9-7-90

Date Last Amended: 11-18-22

Date Last Reviewed: 1-30-2023

I. PURPOSE AND INTENT

As part of the effort to maintain an environment that is comfortable for all people and to ensure consistency with state and federal laws, USF establishes this policy. The purpose of this policy is to ensure compliance with Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990, as amended, Title XI of the Education Amendments of 1972, and the Vietnam Era Veterans' Readjustment Assistance Act, as amended (VEVRAA). The University of South Florida (USF) is a diverse community that values and expects respect and fair treatment of all people. USF strives to provide a work and study environment for faculty, staff, and students that is free from discrimination and harassment on the basis of age, disability, equal pay/compensation, genetic information, harassment, national origin, pregnancy, race/color, religion, retaliation, sex, sexual harassment, sexual orientation and gender identity ("Protected Class") as provided by law. USF is also committed to the employment and advancement of qualified veterans with disabilities and veterans protected under the VEVRAA. Additionally, discriminatory conduct in the form of sexual misconduct/sexual harassment (including sexual violence) is also prohibited and allegations of violations in that regard are handled by the Title IX Office. (Please refer to USF Policy 0-004, Sexual Misconduct/Sexual Harassment (Including Sexual Violence) for detailed information regarding the investigation of these allegations.

Protected Class discrimination, harassment, or retaliation are prohibited within USF and complaints of such conduct are to be filed with the designated office within USF (Please refer to [Office Designation for Complaints](#) for which office to file the complaint). The designated office will review such complaints and provide appropriate response including counseling, mediation, or referral for disciplinary action, up to and including termination from employment or expulsion from USF. In addition, the Office of Compliance & Ethics (OCE) and Student Conduct and Ethical Development (SCED) will, as part of their internal processes, report any conduct that may be criminal in nature, such as bias-motivated crimes, to the appropriate law enforcement entities as set forth in section III. F. below.

II. DEFINITION OF TERMS

For the purposes of this Policy only, individuals who may be victims or may have reporting responsibilities fall into the following general categories and definitions:

- A. Employee:** Employee includes, but is not limited to, academic administrators; all faculty; Administration employees; Staff employees; Temporary employees; or any other employee classifications that may be developed by the Florida Board of Governors or the USF Board of Trustees.
- B. Student:** Student is an individual who is enrolled in any program of study or enrolled in any course offered or sponsored by USF, whether for credit or not, or engaged in any USF student activity.
- C. USF Program Invitee:** USF Program Invitee includes, but is not limited to, applicants for admission, applicants for employment, event attendees, and recipients of USF services.

III. STATEMENT OF POLICY

A. The Following Actions Are Prohibited:

1. Discrimination or harassment by any USF employee or student against any individual(s) or group(s) within USF. Harassment is defined as unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.
2. Discrimination or harassment by any USF employee or student while assigned to duties or academic programs of USF (regardless of their location) against any individual(s) or group(s) that is not an employee or student, including any USF program invitee(s).
3. Discrimination or harassment by any vendor or individual external to USF against any USF employee(s), student(s), or program invitee(s) during the transaction of business with USF, during any program or activity coordinated through USF, or while on USF premises.

B. Examples of Prohibited Conduct Include, but Are Not Limited To: the following, when they are a part of conduct that meets the standard set forth above:

1. Unwelcome touching, impeding, or blocking movement based on any individual's race, ethnicity, color, marital status, sex (gender), religion, national origin, disability, age, genetic information, sexual orientation, gender identity and expression, or veterans' status.
2. Continuing any of the conduct listed in the above examples after being told or being otherwise made aware that the conduct is unwelcome.
3. Singling out or targeting an individual for different or adverse treatment with improper consideration of the individual's race, color, marital status, *sex, religion,

national origin, disability, age, genetic information, sexual orientation, gender identity and expression, or veteran status.

C. Conduct Outside the Scope of This Policy

1. This policy is not intended to abridge academic freedom or USF's educational mission and does not include complaints for violation of USF Policy 0-004 Sexual Misconduct/Sexual Harassment (Including Battery)
2. This policy is not violated by actions that amount to expression that is protected by the state or federal constitutions.

D. Cooperation

USF Employees and Students must fully cooperate with any investigation or compliance review conducted under this Policy. Failure to cooperate may result in disciplinary action for just cause, up to and including termination of employment or expulsion from USF.

E. Filing Complaints or Reports

Depending on the circumstances, the filing of a complaint or report of discrimination or harassment may be voluntary or compulsory. Any person may file as follows:

1. an internal USF complaint or report to the designated USF offices (Please refer to [Office Designation for Complaints](#) for which office to file the complaint);
2. a complaint or report with the appropriate law enforcement agency for your campus to the following police departments (hereafter referred to as "University Police" or "UP")
 - Tampa Campus: University Police Department;
 - St. Petersburg Campus: Police Department; or
 - Sarasota-Manatee Campus: New College Police Department which is contractually obligated to provide police services for this campus. hereafter "University Police" or "UP" or other local police department to initiate a criminal investigation; or
3. an external complaint with an agency listed in section [IV.C.] below. In addition, certain persons must file a report as provided below.

a. Internal USF Complaints or Reports to Designated USF Offices

- (1) **Persons who may file.** Any student, employee or USF program invitee may file a complaint regarding discrimination, retaliation, or harassment. Details regarding the responsibility to report are detailed in subsection 3 below. It is important to note that the opportunity to file a complaint or the filing of a complaint does not prevent any person from telling the individual whose actions they find offensive that such behavior or conduct must stop or that it is unwelcome.

- (2) **Entry point for filing.** Where a complaint or report should be filed depends upon whether the alleged wrongdoer is an employee, student, or USF program invitee. If the status of the alleged wrongdoer is unclear, an individual may file a complaint or report in the designated offices and the University will assist in identifying the best avenue of review and handling. Designated offices can be found at this link: [Office Designation for Complaints](#).

b. Responsibility to Report

(1) **Who Should report to OCE or SCED under USF's Policy:**

A person who believes they have been a victim of discrimination, retaliation, or harassment. Although there is no absolute duty to report, any person who feels they have been the victim of discrimination, retaliation or harassment may seek any additional or optional support services including advocacy and counseling outside the OCE or SCED process); or

Any student, faculty member, or staff member who has direct or indirect knowledge of the alleged discrimination or harassment with the exception of those persons or offices who offer confidential counseling or victim assistance if the complainant requests privacy, such as Victim's Advocacy.

(2) **Who Must report to OCE or SCED under USF's Policy:**

Supervisory Employees (with the exception of those persons or offices who offer confidential counseling or victim assistance if the complainant requests privacy, such as Victim's Advocacy) are required to promptly report (either verbally or through written communications) allegations, reports, or instances of discrimination/harassment by or against any USF employee(s), student(s), or group(s). Failure to do so may result in disciplinary action, up to and including termination of employment. Supervisory employees include any administrative personnel, or any employees who (i) supervise one or more individual employees and may include, but is not limited to: Deans, Directors, Department Chairs, Coordinators, Unit Heads, Managers, and Principal Investigators or (ii) supervise or oversee students, including but not limited to, all members of the faculty; graduate students with instructional responsibilities when they are supervising or teaching the student(s) who is (are) complaining about possible discrimination/harassment; academic advisors; residential assistants; faculty advisors; program advisors and student activity coordinators.

The University Police (UP) are required to promptly report back to OCE or SCED, as appropriate, a complaint of discrimination/harassment at the time a person directly files a complaint with the UP and at the conclusion of any UP process.

c. General Information

- (1) **Time for Filing Complaints.** A person who believes they have been discriminated against or harassed should report the incident as soon as possible. For those

complaints directed to OCE, a formal complaint must be filed within one hundred and twenty (120) calendar days from date of the incident(s). For those complaints directed at the SCED, the complaints must be filed as set forth in the Student Conduct Code unless otherwise specified.

- (2) Appeals from Decisions. The decisions of the designated offices are final, except the complainant or the respondent may file an appeal from a decision rendered by OCE except in the circumstance of a Notice of Dismissal. No appeal is allowed for a Notice of Dismissal. The appeal shall be filed in accordance with the designated offices' procedures.
- (3) Privacy. The confidentiality and privacy of all parties involved during the investigation process will be maintained to the fullest extent possible, however absolute confidentiality cannot be promised. Information will be shared with only those who have a legitimate need to know. Allegations may be filed anonymously through USF's EthicsPoint System which is a website that can be used to confidentially report activities that may involve certain improper conduct or violations of USF Policies. An EthicsPoint Report may be filed at the following website:

<https://secure.ethicspoint.com/domain/media/en/gui/14773/index.html?locationid=->

F. Complaints or Reports to Law Enforcement Officers

1. If an individual believes that he/she has been a victim of a bias-motivated crime (otherwise known as a hate-crime), the individual may file a complaint for possible criminal charges with an appropriate law enforcement agency.
2. OCE and SCED must report any referral or allegation of discriminatory or harassing conduct that is or may be considered a crime to the appropriate law enforcement offices.
3. All persons must comply with mandatory reporting laws established by the state, federal or local laws.
4. In addition, any person MAY report any criminal activity to law enforcement at any time.
5. If a campus has a UP Department, the UP are law enforcement officers of the State of Florida with authority to enforce criminal laws when violations thereof occur on any property or facilities that are under the guidance, supervision, regulation, or control of USF or a Direct Support Organization of USF. The UP provides immediate assistance to the victim and initiate investigative processes to apprehend the perpetrator of the crime. The UP promptly informs the appropriate State Attorney's Office of bias-motivated crime complaints and may consult with the State Attorney during the investigation of the complaint.

G. Additional External Complaints

Filing an internal charge of discrimination, retaliation, or harassment with USF or directly to Law Enforcement does not preclude the filing of complaints with external agencies

and does not affect any deadlines that may be imposed by any agency external to USF.

The following agencies are available to take such complaints:

1. **U.S. Equal Employment Opportunity Commission**, Tampa, Florida (800)669-4000; TTY (800)669-6820; ASL Video Phone (844)234-5122.
2. **U.S. Department of Education, Office of Civil Rights**, Washington D.C. (800) 421-3481; TTY (800)877-8339 or (800)877-0996.
3. **U.S. Department of Labor, Office of Federal Contract Compliance Program**, Orlando, Florida (407) 648-6181.
4. **Florida Commission on Human Relations**, Tallahassee, Florida (800)342-8170; TDD ASCII (800) 955-1339; TDD Baudot (800)955-8771.

IV. RECORDS AND STATISTICAL REPORTING

- A. SCED will report to OCE harassment complaints that may involve issues of discrimination to enable accurate statistical reporting; review of the information to identify and address any pattern or systematic problems; and the development of ongoing training, educational and preventative programming.
- B. All offices will report final outcomes and complaints to the University Police as required by federal law, specifically, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”). The University Police are required to annually report to the public statistics concerning crimes which are reported to have occurred on campus, or in Clery-designated geographic locations associated with the University or its activities. There are three general categories of crime statistics that must be reported.
 1. Criminal Offenses, which includes murder, or non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson.
 2. Hate Crimes, which includes any of the above-listed crimes, as well as larceny-theft, simple assault, intimidation, and destruction or damage or vandalism of property, when such crime is motivated, in whole or in part, by bias based on race, color, gender/sex, religion, disability, ethnicity, national origin, sexual orientation, and gender identity.
 3. Arrests and Referrals for Discipline for violation of weapons, drug, and liquor laws.

In addition, the University will comply with the new reporting obligations under the Violence Against Women Act of 2013 (VAWA) which require the University to compile additional statistics regarding domestic violence, dating violence, and stalking in annual security reports. The information may be used to make timely warnings to the community of the occurrence of the above crimes. Further information about University procedures for reporting crimes and incidents under the Clery Act may be found on the following website: [Campus Security Authority](#).

- C. Crime statistics are reported to Tallahassee in accordance with State law. Information concerning the incidence of crime is reported to the University community in a regular and timely manner through local and on-campus media. This information is also forwarded to the Federal Bureau of Investigation and included in the national crime report published by the United States Department of Justice.

Date Approved: Sept. 7, 1990

Substantively Amended: (none)

Technically Amended: Nov. 18, 2022

Biennial Review: Jan. 30, 2023

Other: Jul. 1, 2020 (Consolidation)