

# MANUAL OF POLICY

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**POLICY NUMBER:** I-21

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**POLICY TITLE:** Equal Access/Equal Opportunity

**LEGAL AUTHORITY:** TITLE VI, VII AND VIII, 1964 CIVIL RIGHTS ACT; TITLE IX, EDUCATION AMENDMENTS; SECTION 504, 1973 REHABILITATION ACT; AMERICANS WITH DISABILITIES ACT (ADA) of 1990; AMERICANS WITH DISABILITIES ACT AMENDMENTS OF (ADAAA) of 2008; SECTIONS 1000.05 AND 1001.64 FLORIDA STATUTES; STATE BOARD OF EDUCATION RULES 6A-19.001 AND 6A-19.010; AND CIVIL RIGHTS ACT OF 1991; GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2008

**DATE OF LAST REVIEW:** 9/29/2005, 6/19/2007, 7/21/2009 and 7/19/2011

**DATE OF BOARD ACTION:** 9/17/1976, 10/6/1982, 3/26/1985, 1/28/1992, 12/13/1994, 6/19/2007, 7/21/2009 and 7/19/2011

- A. Miami Dade College is an equal access/equal opportunity institution which does not discriminate on the basis of sex, race, color, marital status, age, religion, national origin, disability, veteran's status, or sexual orientation, or genetic information.
- B. Miami Dade College is committed to providing equal employment and equal educational opportunities to its employees, students and applicants for employment or admission in an environment free from harassment or other discriminatory practices based upon sex, race, color, marital status, age, religion, national origin, disability, veteran's status, or sexual orientation, or genetic information.
- C. Miami Dade College is an equal access/equal opportunity employer and committed to recruit, employ, grant salaries, and promote personnel without regard to sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation, or genetic information in compliance with all Federal and State legislation and regulations pertaining to non-discrimination.
- D. The employees of the College are expected to teach or work with other employees, and to supervise or be supervised in their work by other employees without regard to sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation, or genetic information.
- E. Miami Dade College is committed to provide equal educational opportunities to all students regardless of sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation, or genetic information. This commitment to equal access/equal opportunity includes the following: recruitment, admission, programs and activities, facilities, counseling and testing, financial assistance, and placement.

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- F. The College shall provide reasonable instructional support services as well as substitution, modification, or waiver of any requirement for admission or graduation for any student with a physical or mental disorder(s) which substantially impairs that person's visual, auditory, manual, speaking abilities and bodily functions, or who has a learning disability where documentation can be provided that the student's failure to meet the requirement is related to the disability.
- G. The College shall make reasonable modifications for students and employees with disabilities except where such modifications (1) fundamentally alter the nature of a service, program or activity; (2) the College can demonstrate undue hardship in the provision of the modifications; or (3) the person, even if modifications are made, poses a direct threat to the health or safety of students, staff or others.
- H. Any Miami Dade College employee, student, applicant for admission or employment or other participant in the College's programs or activities who believes he or she has been unlawfully harassed or discriminated against on the basis of sex, color, age, disability, national origin, race, religion, marital status, veteran's status, sexual orientation, or genetic information may seek resolution to his/her complaint through College Procedure 1665 Discrimination and Harassment Grievance Process. College Procedure 1665 is available on the College website at [www.mdc.edu](http://www.mdc.edu) including the MDC Students Rights and Responsibilities Handbook at [www.mdc.edu/policy/student rights and responsibilities](http://www.mdc.edu/policy/student%20rights%20and%20responsibilities).

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## I. DEFINITIONS

1. **Discrimination:** Adverse or disparate treatment based on an individual's sex, color, age, disability, national origin, race, religion, marital status, veteran's status, sexual orientation, or genetic information.
2. **Harassment:** Unwelcome conduct, based upon sex, color, age, disability, national origin, race, religion, marital status, veteran's status, sexual orientation or genetic information that impacts either a condition of working or learning (quid pro quo) or creates a hostile environment.

a. **Quid Pro Quo Harassment** consists of unwelcome conduct when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, employment decisions, or academic advancement, or
- 2) submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting such individual in matters of employment, or academic advancement.

b. **Hostile Environment Harassment** consists of unwelcome conduct when:

- 1) such conduct has the effect of unreasonably interfering with an individual's work or academic performance, or
- 2) such conduct has the effect of creating an intimidating, hostile or offensive working or learning environment.

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3. Retaliation:  
Conduct causing any interference, coercion, restraint or reprisal against a person complaining of discrimination or harassment or participating in the resolution of a complaint of discrimination or harassment.
4. Sexual Harassment:  
All unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, involving persons of different or of the same gender, 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 an individual's employment or educational advancement;
  - b. submission to, or rejection of such conduct is used as a basis for employment and/or educational decisions affecting the individual; or
  - c. such conduct has the purpose or effect of unreasonably interfering with the individual's work or educational performance or creating a hostile, intimidating or offensive working or educational environment.
  - d. Amorous Relationships:

The College strongly discourages amorous relationships, whether consensual or not, between employees and students, employees who supervise students; between faculty members and students; and between supervisors and subordinates. In recognition of interests in privacy and free association, the College does not prohibit fully consensual

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amorous relationships. However, members of the College who hold positions of authority should avoid actions that may be perceived as inappropriate or considered sexual harassment.

Even an apparently consensual amorous relationship may lead to sexual harassment or other breaches of professional obligations if one of the individuals in the relationship has a professional responsibility for evaluating the performance of the other, such as in the context of instruction, advisement, or supervision. Due to the difference in authority, there may be the appearance of favoritism and it may be difficult to determine that the relationship is truly consensual. If involved in an amorous relationship with someone over whom he or she has supervisory authority, the individual must remove him or herself from any participation in recommendations or decisions affecting evaluation, employment conditions, instruction, or the academic status of the other person in the relationship, and must inform his or her immediate supervisor. The supervisor informed of the amorous relationship will document such and take appropriate action to comply with the provisions of this section.

Consensual amorous relationships may also lead to sexual harassment or other breaches of professional obligations, even when the individuals involved do not hold positions of authority with respect to one another if one party refuses to respect the right of the other to dissolve the relationship. College employees and students are expected to comply with College policy in these situations.

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**J. OTHER PROVISIONS:**

College Policy I-21: Equal Access/Equal Opportunity is available at [www.mdc.edu](http://www.mdc.edu) including the MDC Students Rights and Responsibilities Handbook at [www.mdc.edu/policy/student\\_rights\\_and\\_responsibilities](http://www.mdc.edu/policy/student_rights_and_responsibilities) and [www.mdc.edu/hr/EmployeeHandbook/Default.asp](http://www.mdc.edu/hr/EmployeeHandbook/Default.asp)

	7/19/11
<b>CHAIRMAN</b>	<b>DATE</b>