

**TALLAHASSEE COMMUNITY COLLEGE  
DISTRICT BOARD OF TRUSTEES  
P O L I C Y**

<b>TITLE:</b> Domestic Violence, Dating Violence, and Stalking	<b>NUMBER:</b> 03-35
<b>AUTHORITY:</b> Florida Statute: 741.28, 784.046, 784.048, 741.313 Title IX of the Education Amendments of 1972 Title VII of the Civil Rights Act of 1964, amended 1972	<b>SEE ALSO:</b>
<b>DATE ADOPTED:</b> 11/17/2014	

**A. POLICY STATEMENT**

Tallahassee Community College (TCC) strongly disapproves of violence against women, men or children in any form, whether as an act of workplace violence or in any student’s or employee’s personal life.

The College recognizes that domestic violence, dating violence, and stalking are society issues and impact the campus and workplace even when incidents occur elsewhere. Domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers.

Tallahassee Community College is committed to full compliance with all applicable laws governing domestic violence in the workplace, to promoting the health and safety of its employees, and to making a significant and continual difference in the fight to end domestic violence.

The College will broadly publish and circulate its domestic violence policy and/or procedure. Additionally, the College will train TCC students and personnel on this policy and will provide continuing educational opportunities.

The College will contract with or engage the services of those professional organizations, employment agencies, or other entities whose policies are in accord with the domestic violence, dating violence, and stalking policy of the College. Additionally, this policy will be interpreted and applied in accordance with all applicable local, state and federal laws.

## **B. DEFINITIONS**

For purposes of this policy, the following terms will be defined as follows:

“Domestic Violence” has the same meaning as in Section 741.28(2), Florida Statutes (2013, as may be amended) which, for ease of reference, has been copied as follows: *Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.*

“Dating Violence” has the same meaning as in Section 784.046(1), Florida Statutes (2013) as follows: *Violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:*

- 1. A dating relationship must have existed within the past 6 months;*
- 2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and*
- 3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.*

“Stalking” has the same meaning as in Section 784.048(2), Florida Statutes (2013), as may be amended) portions of which, for ease of reference, have been copied as follows: *A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking.*

“Family or Household Member” has the same meaning as in Section 741.28(3), Florida Statutes (2013) which, for ease of reference, has been copied as follows: *“Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.*

“Perpetrator”, “Batterer” or “Abuser” means the individual who commits, has committed, or threatens to commit an act of violence.

“Harass” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose. Section 784.048(1), Florida Statutes 2013

“Victim” and “Survivor” mean an individual who is currently subject to, or has in the past been subjected to, Domestic Violence and/or Sexual Violence and/or Stalking.

“Violence” means any or all of the following, collectively: Domestic Violence, Dating Violence, and Stalking.

“Workplace and campus” means any location where a student attends class or where faculty or staff performs College work related duties, including College facilities, College vehicles, College premises, and College-sponsored events.

### **C. RESPONSE TO VICTIMS**

The College recognizes that students, faculty or staff members who are victims of violence may experience temporary difficulty fulfilling student or work responsibilities. If the College becomes aware that a student, faculty or staff’s work performance or conduct has been impacted by domestic violence, dating violence, or stalking, the College will offer support to the student, faculty or staff and work in collaboration with the student, faculty or staff to address the issues, in accordance with established policies.

### **D. DISCRIMINATION AND RETALIATION**

The College shall not discriminate in hiring, staffing, or other terms and conditions of employment or student activity against any student, faculty or staff for disclosing his or her status as a victim of violence or for submitting a complaint or disclosing concerns about violence to the College.

The College shall not retaliate or take adverse employment actions against any student, faculty or staff for submitting a complaint pursuant to this policy, for disclosing his or her status as a victim, or for actions of violence perpetrated by another against a student, faculty or staff that occur in or have an impact on the campus or workplace.

### **E. LEAVE AND OTHER WORKPLACE ASSISTANCE**

The College will make every reasonable effort to assist a student, faculty or staff to maintain employment when the student, faculty or staff is experiencing or has experienced violence on campus or in the workplace, or has experienced violence outside the campus or workplace, or is assisting a family member who has experienced domestic violence, dating violence or stalking.

The College will work in collaboration with the student, faculty or staff member to provide reasonable and flexible leave options when a student, faculty or staff, or a child, spouse, or parent of a student, faculty or staff, is a victim of domestic violence, sexual violence, dating violence, and stalking.

As per Florida Statutes, Section 741.313(2), the College shall permit an employee to request and take up to 3 working days of paid leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence.

To request leave, student, faculty or staff should contact the College's Equity Officer. The College will also work with students, faculty and staff to determine if other non-leave related assistance will facilitate the student, faculty or staff's ability to remain safe and maintain his or her work performance, such as, but not limited to, modifying work or class schedules, changing student, faculty or staff's location within the campus or workplace or location of a parking spot, changing phone numbers. The College will assist students, faculty and staff to enforce his or her protection order, if applicable.

## **F. CONFIDENTIALITY/PUBLIC RECORDS**

TCC recognizes and respects student, faculty and staff's right to privacy and the need for confidentiality and autonomy. TCC shall maintain the confidentiality of a student, faculty and staff's disclosure regarding violence to the extent permitted by law unless to do so would result in physical harm to any person and/or jeopardize safety within the workplace.

The College will maintain a separate and confidential record of student, faculty or staff's status as a victim of domestic violence, dating violence, or stalking to ensure that his or her rights and privileges of employment or enrollment are not impacted or compromised as a result of the violence.

The College shall make every effort to provide advance notice to the student, faculty or staff who disclosed information if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere.

## **G. FALSE COMPLAINTS**

Any person who knowingly files a false complaint of domestic violence, dating violence, or stalking will be in violation of this policy.

## **H. DISCIPLINE**

The College shall investigate immediately and take disciplinary action, up to and including termination or expulsion, against any student, faculty or staff who threatens to commit or who commits workplace-related incidents of domestic violence, dating violence, or stalking. Students, faculty or staff are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, fax machines or other means to threaten, harass, intimidate, or otherwise harm another person.

In cases in which any employee intentionally uses his or her job-related authority and/or intentionally uses workplace resources in order to negatively impact a victim of violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of violence, or protect an abuser from appropriate consequences for his behavior, said employee will be subject to corrective or disciplinary action, in accordance with existing statutes and regulations. If

appropriate, law enforcement will be contacted, which may result in arrest, criminal charges, and/or prosecution.

A student, faculty or staff member who is subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of domestic violence, dating violence, or stalking must disclose the existence of such criminal or civil action if the conditions of such actions interfere with the student, faculty or staff's ability to perform his or her job, impact another student, faculty or staff at the College, or specifically relate or name the College. Failure to disclose the existence of such criminal or civil actions in these circumstances will result in disciplinary action, up to and including termination from employment.

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

## **I. WORKPLACE SAFETY PLANS**

TCC will provide reasonable means and personnel to assist victimized employees in developing and implementing individualized domestic violence workplace safety plans, consistent with existing statutes and regulations.

Any student or staff member who obtains a temporary or permanent order of protection is encouraged to provide the relevant security personnel and supervisory personnel with a copy of the petition and court order. Additionally, the employee is encouraged to provide the relevant security personnel and supervisory personnel with the following information on the abuser: a photograph or physical description, description of the abuser's automobile and license plate number, and any other information the College needs for the security of the workplace.