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	<b>Revised:</b>	<b>September 1, 2023</b>

## Non-Harassment Policy


Ringling College of Art and Design strives to maintain a professional work and academic environment in which all employees and students are treated with respect and dignity. A vital element of this atmosphere is the College's commitment to equal opportunities and the eradication of discriminatory practices including harassment, with the goal to provide an academic and institutional climate of non-harassment. Forms of harassment that are encompassed by this policy include harassment based on sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, pregnancy, disability, veteran status, genetic information, or any other basis prohibited by law ("Protected Traits").

Harassment on the basis of a Protected Trait is specifically prohibited by state and federal law and instances of harassment may result in both civil and criminal liability on the part of the individual harasser as well as the College. Harassment's destructive impact wastes human potential, demoralizes employees and students, and perpetuates the tendency for further unacceptable behavior. For these reasons, the College is opposed to harassment in any form in its workplace and activities. This policy establishes procedures to address problems and questions regarding harassment in a prompt, discreet and fair manner. All employees and students are expected to comply and cooperate with its provisions and in accordance with the code of professional ethics.

Harassment: For purposes of this policy, Harassment is defined as conduct on the basis of a Protected Trait when:

1. Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic work, or participation in any aspect of a College education program or activity; or
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, humiliating, or sexually offensive working, academic, residential, or social environment under both a subjective and an objective standard.

Sexual Harassment: Due to the inherent complexity of sexual harassment and harassment on the basis of sex, gender, or sexual orientation, the College

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maintains a Sexual Misconduct and Title IX Policy to address reports and formal complaints of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking. All complaints regarding Prohibited Conduct under the Sexual Misconduct and Title IX Policy, including sexual harassment and harassment on the basis of sex, gender, or sexual orientation, will be handled pursuant to that Policy. Individuals who have experienced this type of conduct are encouraged to contact a Title IX Coordinator for more information about supportive measures, available resources, reporting to law enforcement if desired, and the formal complaint process for investigating and adjudicating sexual harassment and harassment on the basis of sex, gender, or sexual orientation:


Title IX Coordinator:  
Tracy Wagner – Executive Vice President  
Office location: Keating Center, First Floor  
2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7595      [twagner@ringling.edu](mailto:twagner@ringling.edu)

Deputy Title IX Coordinators (Students):  
Dr. Tammy S. Walsh – Vice President for Student Life and Dean of Students  
Office location: Ulla Searing Student Center, Second Floor  
2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7510      [twalsh@ringling.edu](mailto:twalsh@ringling.edu)

Jekeyma Robinson – Associate Dean of Students for Student Development  
Office location: Ulla Searing Student Center, Second Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 309-4375      [jrobinso@ringling.edu](mailto:jrobinso@ringling.edu)

Deputy Title IX Coordinator (Faculty and Staff):  
Darren Mathews, Assistant Vice President and Director of Human Resources  
Office location: Verman Kimbrough Bldg, First Floor  
2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7619      [dmathews@ringling.edu](mailto:dmathews@ringling.edu)

Relationships: Within this section, the following terms and definitions apply:

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1. Affiliated Individuals. Employees, trustees, and vendors.
2. Employee. Faculty member (full-time, part-time, or adjunct; regular or visiting) or staff member (exempt or non-exempt; full-time or part-time; regular, casual, or temporary).
3. Trustees. Member or Honorary Life Member of the Board of Trustees.
4. Vendors. Organizations or individuals engaged in a contractual relationship with the College to execute a specific function such as food service, custodial service, other services or to provide temporary staffing services.
5. Student-staff. Undergraduate students enrolled in the College who are employed by the College, (e.g. resident assistant, teaching assistant, tutors).

For the purposes of this section of the policy, a “relationship” is defined as a single romantic date or sexual encounter.

Relationships between Affiliated Individuals and Students. All affiliated individuals are prohibited from initiating, engaging in, or attempting to engage in, sexual or dating relationships with any PreCollege or degree-seeking student. An affiliated individual involved in a sexual or dating relationship with a student which began prior to their engagement with the College or implementation of this policy is exempt from this prohibition, as is an employee whose spouse or domestic partner is a student. However, the relationship must be disclosed as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting or grading structure, can be taken.

Relationships between Individuals in a Supervisory Relationship. All affiliated individuals and student-staff are prohibited from engaging in sexual or dating relationships with anyone under their direct supervision or whom they officially evaluate or mentor. They are further prohibited from officially supervising, evaluating, or mentoring anyone with whom they have had a relationship in the past, regardless of the consensual nature of the relationship. If such a relationship develops or exists, the relationship may be disclosed by anyone, but must be disclosed by the supervisor, evaluator, or mentor as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting structure, can be taken.

Other relationships. Sexual and dating relationships in which there is a power differential, even when the differential does not fall into one of the above


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categories, may raise questions of sexual harassment or suspicions of unprofessional conduct (e.g. conflict of interest, abuse of authority, favoritism, and unfair treatment). For this reason, even relationships that are not officially supervisory or mentoring in nature may require extra sensitivity where such a power differential occurs. In particular, even though student-staff may not think of themselves as being in a position of authority over other students, by virtue of their responsibilities, they should recognize their experience, role in policy enforcement, or access to tools, equipment, and studio time may result in their being viewed as having more power in a relationship. Anyone concerned that issues described in this paragraph have developed (or may develop) in a relationship they are aware of or a part of is encouraged to seek guidance from the Title IX Coordinator or Deputy Coordinators.

Disclosures. All disclosures of existing relationships and reports of concerns should be made to the Title IX Coordinator or Deputy Coordinators. The Title IX Coordinators, at their discretion, may inform the appropriate supervisor and/or the Director of Human Resources (for matters involving staff and/or student-staff), the Vice President of Student Life and Dean of Students (for matters involving student-staff), or the Vice President of Academic Affairs (for matters involving faculty) about a disclosed relationship.

Disclosed relationships will be addressed outside of this policy on a case-by-case basis unless the report contains information which would support a violation of this policy.

The Human Rights Committee: The Human Rights Committee is a fact-finding committee whose purpose is to respond to and resolve harassment complaints, except as otherwise indicated in the Sexual Misconduct Policy. The Committee is a standing committee appointed by the President and comprised of three faculty members, two staff members, and two students. The student members of the Committee will participate only in those cases where other students are involved. The Director of Human Resources will serve as coordinator without vote. If the complaint should be against the Director of Human Resources, one of the committee members is to serve as the coordinator, with vote. If all members of the Human Rights Committee must be recused due to concerns about bias and/or impartiality, the Director of Human Resources or designee may appoint an external individual to perform the duties of the Committee.

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Student to Student Harassment: Student-to-Student harassment complaints are to be processed under the disciplinary procedure established and operated by the Office of Student Life, except as otherwise indicated in the Sexual Misconduct Policy. All other harassment complaints are to be processed by the procedures outlined in this policy.

“On Notice” Option of Complaint: Individuals who feel they have been harassed may choose to put the offender “on notice” that the offender’s behavior is unwelcome. Often this direct communication by the individual brings a stop to the harassment, and no further action is necessary.


Use of the “on notice” option is not a prerequisite to initiating the complaint procedures set forth in this policy, and the College will not refuse to investigate a complaint on the grounds that the complainant did not have a discussion with the offender.

In other words, the complainant always retains the right to avoid direct interaction with the offender and to initiate the complaint procedure explained in this policy.

Procedures for Informal Complaint: Individuals who believe they have experienced harassment that does not fall under the Sexual Misconduct Policy may seek an informal resolution of the problem. Use of the informal complaint procedures is not a prerequisite to initiating a formal complaint.

Informal complaints may be oral or written and directed to the Director of Human Resources or to any member of the Human Rights Committee. Informal resolution will generally involve the Director of Human Resources or the Human Rights Committee serving as facilitator in an effort to resolve the complaint. The respondent will be informed of the existence and nature of the informal complaint and will have an opportunity to respond. The Human Rights Committee or the Director of Human Resources, serving as intermediaries, will seek a resolution that both the complainant and the respondent can agree upon. If no mutually satisfactory resolution can be found, the Human Rights Committee, the Director of Human Resources, and/or the complainant can decide if further action is appropriate.

Procedures for a Formal Complaint: Harassment complaints that do not fall under the Sexual Misconduct and Title IX Policy are to be directed to the Director of Human Resources or to a member of the Human Rights Committee. The Director of Human Resources or the contact person on the Committee will

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prepare a written record of the individual's factual allegations which the complainant will then have the opportunity to review before signing. Although complaints should be brought as soon as possible, preferably within six months after an offensive incident, the College recognizes that the sensitivity involved in certain situations may cause individuals to delay taking action.

Once the initial complaint is prepared, the Director of Human Resources or the contact person on the Committee shall convene the entire Human Rights Committee to review the complaint, and to conduct an appropriate investigation of the allegations. This investigation may be limited to informal resolution and a negotiated agreement between the complainant and the respondent, which requires the approval of the Director of Human Resources or a designee. If an informal resolution is not achieved, a designated member of the Human Rights Committee will prepare a report based on the evidence collected containing the Committee's findings and conclusions.

Possible outcomes of the investigation are that the allegations are substantiated, or that allegations are not substantiated. A preponderance of the evidence standard is used to determine whether allegations are substantiated. In the event the allegations are substantiated, the Director of Human Resources or the Human Rights Committee may endeavor, through informal resolution, to reach a negotiated agreement of the sanctions and/or remedies to be imposed; any such sanctions or remedies must be approved by the Director of Human Resources or designee.

If a negotiated agreement cannot be reached, the Human Rights Committee will refer the matter to the College's Vice Presidents for resolution. The Vice Presidents will not reopen a completed investigation unless it can be shown that the investigating individuals made specific errors in reviewing the facts. The Vice Presidents will consider the findings and recommendations of the Human Rights Committee and, in consultation with the President, render a decision. Decisions will be made using the preponderance of evidence standard (i.e. it is more likely than not that the alleged conduct occurred).

Protection of Complainant and Others: All information regarding harassment allegations will be kept in confidence to the greatest extent practicable and appropriate under the circumstances. The College cannot guarantee that the identity of the complainant will be concealed from the respondent, but any retaliation committed by the respondent by way of irresponsible, malicious or unfounded complaints will be investigated. If an investigation reveals that the complainant falsely accused another of harassment knowingly or in a malicious

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manner, the complainant will be subject to appropriate sanctions and/or discipline.

In order to ensure that a complete investigation of harassment claims can be conducted it may be necessary for the College to disclose to others portions of the information provided by the complainant. The College will try to honor any complainant's request that the College not disclose certain information provided, consistent with the College's obligation to identify and correct instances of harassment.

Penalties: Every claim of harassment will be considered on its own merits. The College will take whatever corrective action and/or disciplinary measures it considers appropriate under the circumstances, including but not limited to counseling, reprimand, probation, suspension, transfer, demotion or immediate termination of an employee or student in accordance with the provisions, policies and procedures outlined in the appropriate Faculty, Staff or Student Handbook.

Approved by President Larry R. Thompson, August 14, 2020

Approved by the Board of Trustees, November 12, 2020

Updated June 1, 2021

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