



CDA Technical Institute
91 Trout River Drive
Jacksonville, FL 32208

Policy Title: Non-Discrimination and Equal Opportunity

Objective: The purpose of this policy is to set forth CDA Technical Institutes expectations for fostering and maintaining an environment of inclusiveness and equity for all who interact with our institution; and to reinforce CDA's commitment to diversity in the recruitment, selection and retention of students, faculty and staff; and to provide procedures to file a complaint alleging discrimination, retaliation, discriminatory harassment, Sexual misconduct/harassment is covered by a separate policy (See Sexual Misconduct policy).

Statement of Policy

CDA Technical Institute ("CDA") is committed to providing an inclusive and welcoming environment for all who interact with/within our institution. In building this environment, we strive to attract students, faculty and staff from a variety of cultures, abilities, backgrounds and life experiences to achieve a diverse community. In furtherance of the Institutes diversity initiatives and focus toward inclusiveness, it is expected that all who interact with the Institute will appreciate and respect the dignity, individuality and the uniqueness of our members. It is also expected that we will maintain an environment conducive to the pursuit of educational, scholarly, and career interests, where both the distinctiveness of each person's experience and the common humanity that unites us all will be recognized. This will allow us to take full educational advantage of the variety of talents, backgrounds, and perspectives of those who study and work at the Institute.

CDA is equally committed to ensuring that educational and employment decisions, including but not limited to recruitment, admission, hiring, compensation and promotion, are based on the qualifications, skills and abilities of those desiring to work, study or interact with our institution.

To accomplish the intent of this policy, CDA shall not commit or permit discrimination or discriminatory harassment on the basis of race, color, religion, age, sex (inclusive of Title IX), gender identity/expression, sexual orientation, disability, marital status, national origin or veteran status, or any other characteristic protected under applicable federal or state law, in any educational, employment, social or recreational program or activity offered by CDA. Similarly, CDA will not commit or permit retaliation against any individual who complains or reports discrimination or harassment or any individual who cooperates in an investigation of an alleged violation of this policy.

CDA understands that only by eliminating discrimination, discriminatory harassment and retaliation can we ensure that all members, especially our students, have the opportunity to work and achieve excellence. Accordingly, CDA expects that all individuals including students,

faculty, staff, vendors, contractors, visitors or others who interact with the Institute will observe and comply with these equal opportunity and diversity principles.

As a recipient of federal funds, CDA is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX") [1] which prohibits discrimination on the basis of sex in education programs or activities. The responsibility for communicating, interpreting and monitoring this Equal Opportunity and Inclusion Policy and the Institutes Affirmative Action compliance obligations rests with the Director of Compliance and Title IX Coordinator, CDA Technical Institute, 91 Trout River Drive, Jacksonville, FL 32208, 904-766-7736.

It must also be understood that some acts of discrimination and/or harassment constitute criminal conduct. Faculty, administrators, managers and supervisors are required to report criminal activity on CDA property to law enforcement (see contact information below). Other campus members who witness discrimination and/or harassment that places individuals or groups in fear for their health or safety are strongly encouraged to contact law enforcement. The health, safety and welfare of all members of CDA should be a shared concern of all who interact in our learning community.

A. DEFINITIONS

For purposes of this policy, the following definitions are controlling:

1. "Discrimination" means treating another individual unfavorably compared to other similarly situated individuals, whether intentional or unintentional, based solely upon their membership in a protected class as defined by this policy. To be actionable, the discriminatory treatment must be severe, persistent or pervasive so that it limits or denies the individual's ability to participate in or to realize the intended benefits of an institutional activity, opportunity, or resource.
2. "Harassment" means unwelcome conduct about an individual or protected class covered by this policy that is sufficiently serious (i.e., severe, persistent or pervasive) to deny or limit a student's ability to participate in or benefit from the Institute's educational programs or activities or such conduct is sufficiently severe or pervasive so as to alter the conditions of, or have the purpose and effect of substantially interfering with, a faculty or staff member's employment by creating an intimidating, hostile or offensive working environment. Harassment can include such acts as making slurs, physical assaults or threats, and intimidation, when such conduct rises to the level of definition provided above.
3. "Retaliation" means when an officer, agent, contractor or employee takes an adverse action against any individual for their participation in protected activity under this policy.
4. "Protected activity" means actions that include, but are not limited to, filing a discrimination charge, testifying or participating in any way in an investigation, proceeding, or lawsuit, and opposing employment practices that one reasonably

believes discriminates against individuals or encourages someone to exercise their rights.

5. "Protected classes" means individuals who are provided protection against discrimination or harassment under this policy because of race, color, religion, age, sex (inclusive of Title IX), gender identity/expression, sexual orientation, disability, marital status, national origin or veteran status or any other characteristic protected under applicable federal or state law.

B. Preventing Discrimination and/or Harassment – Bystander Intervention

Achieving CDA's commitment to providing an inclusive and welcoming environment for all who interact with our Institution is a shared responsibility that requires all members to act when they observe discriminatory or harassing behavior. This means not only reporting behavior in violation of this policy but if a member can safely intervene to encourage others engaging in actions in violation of this policy to cease their inappropriate conduct. Examples of how to safely intervene, include, but are not limited to the following:

- Educate yourself and others by reading and understanding this policy.
- Make sure you know to whom and where to report incidents, the services available to victims/survivors as detailed in the policy and discussing these issues with others to raise awareness on the campus.
- Gain awareness of the challenges and experiences of others different than you by interacting and communicating with them and/or reading articles and books regarding cultural and other diversity initiatives.
- When you hear friends or acquaintances making discriminatory or harassing remarks, encourage them to refrain from such behaviors and explain to them why their actions may be harmful to others.
- Don't assume others will take action when you observe discriminatory or harassing behavior.
- When you see something that is wrong, don't be afraid to speak up.

It cannot be emphasized enough that campus members should only personally intervene when they feel it is safe to do so; therefore, if a campus member has concerns about safely intervening, do not condone objectionable actions but instead intervene by reporting the inappropriate behavior to an administrator or other campus official.

STATEMENT OF REQUIREMENTS

- A. Responsibility to comply with this policy.
All members of the Institute are required to comply with and are responsible for ensuring that their conduct does not violate this policy. This same responsibility for extends to, vendors, contractors (including the employees of third parties), visitors or others on the campus and at any sponsored or related function or activity.
- B. Required Responsibility to Report.

All supervisors and managers (defined for purposes of this policy as supervising 1 or more employees) are required to promptly report to the Director of Compliance (either verbally or through written communications) allegations, reports or instances of alleged discrimination and harassment by or against any person covered by this policy.

1. Responsibility of Faculty – All faculty are required to promptly report to the DOC or their lead instructor, dean or applicable administrator any allegations, reports or instances of alleged discrimination, retaliation and/or harassment by or against a student in violation of this policy. Persons to whom alleged acts of discrimination, retaliation and harassment are reported must then promptly report the matter to the DOC (either verbally or through written communications).
2. Responsibility of Campus Members – To maintain an environment free from discrimination, retaliation and harassment, the responsibility for reporting incidents rests with all members of the Campus community. Thus, any employee, staff or faculty member, student, applicant or other individual who believes an individual is being treated in a manner that is in violation of this policy is strongly encouraged to report the alleged violations to their supervisor manager, or directly to the DOC. As discussed above, all alleged incidents of conduct in violation of the Campuses Equal Opportunity and Inclusion Policy must be reported to the DOC.
3. Responsibility of the Victim – The alleged victim is not required to inform an alleged offender of the offensiveness of their behavior in order to make a claim under this policy. However, any person who deems any action or conduct as unwelcome is encouraged to advise the offending party that their conduct is unwelcome and seek help.

CONFIDENTIALITY

CDA recognizes the importance of confidentiality and understands that some individuals filing complaints of harassment/discrimination or who are otherwise involved in an investigation may want their identity to remain anonymous and/or confidential. In all cases, issues of confidentiality must be balanced against the need to investigate and take appropriate action. CDA will respect the privacy and confidentiality of individuals involved in an investigation to the fullest extent possible. If you have concerns about this please contact the DOC.

RETALIATION

Retaliation, or otherwise taking adverse employment or educational action against a member of the community because they in good faith reported discrimination or harassment, or participated in an investigation or review regarding a complaint, is strictly prohibited. Those found to have violated this prohibition against retaliation will be subject to disciplinary action up to and including termination.

VIOLATION

Taking all the above into consideration, it shall be a violation of this policy for any officer, campus employee, student, visitor, agent, vendor or contractor to discriminate against, harass, or retaliate against any person covered by this policy. Prohibited behavior constitutes conduct that limits or denies one's ability to participate in, interact with, or benefit from an academic program, event or activity or to otherwise participate in campus life. Potential violations of this policy will be evaluated from the perspective of a reasonable person in the alleged victim's position, considering the totality of the circumstances, such as the nature of the alleged conduct and the context in which the alleged conduct occurred.

ENFORCEMENT

As mentioned above, in some situations harassing behavior may lead to criminal prosecution. Any individual, student, faculty or staff, found to have violated this policy will also be subject to discipline through the appropriate procedures. For example, students will be referred to Student Conduct. Faculty and staff will be subject to disciplinary action in accordance with CDA's personnel policies. CDA has an obligation to promptly respond to allegations of sexual misconduct and will proceed, unless exceptional circumstances dictate otherwise, with its own investigative and disciplinary procedures while criminal charges are pending.

STATEMENT OF PROCEDURES

- A. Seeking guidance regarding this policy.
Any member of the Campus community who believes that they have been subjected to discrimination, discriminatory harassment, retaliation and/or sexual misconduct, or observed or witnessed any member of the campus community being subjected to the same, may seek guidance, or file a complaint in accordance with this regulation by contacting the DOC.
- B. Complaint Procedure
Allegations of violation of this policy including the actual filing of a complaint of discrimination, harassment or retaliation will be addressed by the DOC in accordance with the non-discrimination complaint and investigation procedures.