



Florida Atlantic Research and Development Authority

Title: Harassment Policy  
Date Adopted: October 14, 2015  
Effective Date: October 1, 2015  
Amended: August 26, 2020

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1. **PURPOSE** – It shall be the policy of the Florida Atlantic Research and Development Authority (FARDA) that a policy, "Harassment Policy", is hereby adopted, to wit:
  - a. FARDA will provide a work environment free of harassment which encourages mutual respect, cooperation and understanding amongst members of the Florida Atlantic Research and Development Authority (hereinafter referred to as the "Authority") and employees of the Authority.
  - b. The Authority will not tolerate harassment whether it occurs in the workplace or outside the workplace.
2. **SCOPE** –
  - a. This policy applies to:
    - i. Members of the Authority and Employees of the Authority.
    - ii. Claims of conduct defined as "Harassment".
    - iii. Harassing conduct committed by vendors, clients and members of the public will not be tolerated. Harassing conduct by non-employees will be addressed through the Authority's control over any business relationship with the alleged harasser.
3. **DEFINITIONS** –
  - a. For purposes of this policy, "Workplace Harassment" consists of unsolicited, offensive or retaliatory behavior based on race, color, religion, sex, sexual orientation, national origin, age, handicap, marital status, gender identity or expression, or an employee's exercise of their constitutional or statutory rights. "Sexual Harassment" consists of unsolicited, offensive behavior involving sexual overtures or conduct, either verbal or physical. Neither Workplace Harassment nor Sexual Harassment refers to occasional comments of a socially acceptable nature to a reasonable person. The term "Harassment" is used in this policy to describe both Sexual Harassment and Workplace Harassment. Harassment

refers to behavior that is not welcome, that is personally offensive, and that lowers morale, and, interferes with the work environment.

Offensive comments about an Employee's race, color, religion, sex, sexual orientation, national origin, age, handicap, marital status, gender identity or expression, or an Employee's exercise of their constitutional or statutory rights constitutes Harassment when (1) submission to such comments or conduct is made either explicitly or implicitly a term of an individual's employment, (2) submission to or rejection of such comments or conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) such comments or conduct have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Harassment may also take the form of employment actions such as termination, demotion, or other adverse employment decisions which effect an Employee's working conditions, if such actions are taken on the basis of an employee's race, color, religion, sex, sexual orientation, national origin, age, handicap, marital status, gender identity or expression, or an Employee's exercise of their constitutional or statutory rights.

Employment actions that are based on an Employee's performance or other legitimate reasons are not Harassment.

#### **4. PREVENTION –**

- a. The Authority believes that the elimination of Harassment begins with its prevention. The Authority is committed to:
  - i. Publicizing this policy at least annually to all Employees and Authority members, and to providing new Employees and Authority members with a copy of this policy, to ensure their understanding of their rights and obligations under this policy, and the procedures for filing complaints under this policy;
  - ii. Developing methods to sensitize all Employees and Authority members to issues of Harassment;
  - iii. Maintaining effective procedures for the enforcement of this policy and for the filing of complaints under this policy.
- b. The Authority welcomes any comments and suggestions as to how this policy may be improved. Such comments and suggestions should be provided to the Authority in writing.

#### **5. COMPLAINT PROCEDURE**

- a. An Employee who believes he or she has been subjected to Harassment must promptly bring that problem to the attention of the Authority. Complaints should immediately be reported to the President. If the complaint involves the President, the Employee shall immediately report the complaint to the General Counsel.
- b. If a complaint involves a member of the Authority, the Employee should report the complaint to the President and the General Counsel. No later than five (5) business days after receiving the complaint, the President or General Counsel shall refer the matter to a private law firm outside the jurisdiction of Palm Beach

and Broward Counties to investigate the claim. Once the complaint has been referred to the outside law firm, the party who made the complaint shall be notified. Each complaint will be immediately and thoroughly investigated in a professional manner.

- c. Actions taken to investigate and resolve Harassment complaints shall be conducted in a confidential manner to the extent practicable, appropriate and permitted by law in order to protect the privacy of persons involved. The person who is the subject of the complaint will be notified and provided with an opportunity to respond verbally and/or in writing. The investigation may include interviews with parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct, or who have other relevant knowledge.
  - d. If deemed to be in the Authority's best interest, an Employee, whether the complainant, the respondent or both, may be placed on Administrative Leave with pay during the investigation process.
  - e. The Employee will be notified of a decision or the status of the investigation in a timely manner.
  - f. If the investigation finds there is reasonable cause to support the complaint, appropriate corrective and/or disciplinary action will be swiftly taken by the Authority.
  - g. There will be no discrimination or retaliation taken against any individual who files a complaint in good-faith, even if the investigation finds there is not sufficient evidence to support the complaint, or if the charges cannot be proven. There will be no discrimination or retaliation taken against any other individual who participates in the investigation of a complaint.
  - h. Disciplinary action, which may include discharge, will also be taken against individuals who make false or frivolous, malicious, or reckless accusations.
- 6. DISCIPLINE FOR VIOLATIONS OF THIS POLICY**
- a. In accordance with the procedures developed by the Authority, the Authority will take immediate and appropriate corrective action, against any individual who the Authority determines has violated this policy.
  - b. If, during the performance of their duties on behalf of the Authority, any Employee is subjected to Harassment or retaliation by any person(s) not associated with the Authority, the Authority will take immediate and appropriate corrective action to protect the Employee from such Harassment or retaliation.

**ADOPTED THIS 14<sup>th</sup> DAY OF OCTOBER 2015**

**AMENDED THIS 26<sup>TH</sup> DAY OF AUGUST 2020**