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## Purpose

The purpose of this procedure is to present an overview of options available to a person who believes that he/she has been subjected to discrimination, harassment, sexual harassment or retaliation in violation of the College's policies. Such a person may file a complaint by utilizing either an informal or formal complaint process, or both.


The Office of Human Resources and the College Equity Office shall administer the policies and procedures referred to herein. This authority is delegated from the College President, and carries the obligation to ensure that the College community adheres to the College's policies prohibiting discrimination, harassment, sexual harassment and retaliation. Behaviors or actions that create an intimidating, offensive or abusive atmosphere will not be tolerated.

## Procedure

A. Complaints - Any person who believes that there has been a violation of the College's policies prohibiting discrimination, harassment, sexual harassment or retaliation may utilize one or both of the following complaint processes. The informal complaint process does not have to be exhausted prior to filing a complaint under the formal complaint process. Additionally, individuals who believe that they have been victims of unlawful discrimination may file a complaint with the appropriate federal, state or local agencies.

### 1. Informal Complaint Process


- a. Any person who believes he/she has been the subject of conduct in violation of the College's Equal Access/Equal Opportunity: Non-Discrimination, Harassment or Retaliation policy (6Hx7-2.1), or who has been accused of the same, may seek the advice of or consult of the Chief Human Resource Officer (CHRO) or the Executive Director, Employee Relations and College Equity Officer, or designee. Alternatively, a person has the option of bringing their concerns to an immediate supervisor, department head, director, dean, campus president or vice president. An administrator or supervisor who receives a complaint may assist the complainant by formulating a plan for resolution of the problem. The College Equity Office must be notified of any informal complaint and/or plan for resolution of the problem.
- b. At the informal level, the goal is to resolve the situation to the mutual satisfaction of all parties. The informal processing of a complaint will be based on principles of communication, negotiation, facilitation, and problem-solving that emphasizes fairness, the needs and interests of the participants and confidentially. An example of an informal complaint is one where the complainant requests only that an appropriate College official counsel the accused individual to cease the alleged conduct.

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- c. The College Equity Office must be notified of any resolution of an informal complaint. Should the problem not be resolved satisfactorily using the informal process, the complainant may file a formal complaint. A complainant who chooses not to proceed with a formal complaint may be asked to state that preference in writing.


## 2. Formal Complaint Process

- a. A formal complaint may be made in writing to the College Equity Office using the [Equity Intake Form](#). The complaint form contains the name of the complainant, states the nature of the act(s) alleged, including the name of the alleged offender(s), the date(s) on which the alleged act(s) occurred, the name(s) of any witnesses, and the desired resolution(s). A complaint must be filed within sixty (60) days of the act(s) alleged to be a violation of College Policy.
  - b. The College Equity Office shall investigate the complaint. The investigation may include, but is not necessarily limited to, interviewing the complainant, witnesses and alleged offender, and reviewing any relevant documents. Upon completion of the investigation, a report shall be prepared which includes a summary of the complaint, a description of the investigation, the findings and recommendations for further action by the College, if any.
  - c. If the complaint is about the Executive Director, Employee Relations and College Equity Officer, the complaint shall be made to the Chief Human Resource Officer (CHRO). The CHRO will conduct the investigation and issue findings and recommendations in accordance with paragraph (c) of this section.
  - d. The College will attempt to complete all investigations within ninety (90) days after the date the formal complaint is filed.
  - e. If there is reasonable cause to believe there was discrimination, the College will take all necessary and appropriate action to resolve the situation. This could include instituting disciplinary proceedings against the alleged offender.
- B. Voluntary Withdrawal of Complaint - The complainant may withdraw the complaint at any time by submitting a written statement to the Executive Director, Employee Relations and College Equity Officer, indicating his or her desire to withdraw the complaint. The complainant shall sign an affidavit stating that the decision to withdraw the complaint was made by the complainant of his or her own volition, without coercion or threat of retaliation.
- C. Record of Complaint - The College Equity Office will maintain all documents regarding complaints of discrimination in a file separate from the complainant's personnel file.
- D. Conciliation - During the course of an investigation, the investigating official may attempt conciliation during the course of an investigation of a complaint. If conciliation is not achieved, the

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investigation shall continue until completion. If conciliation is achieved but the alleged offender fails to abide by the agreement or retaliates against the complainant, the complaint may proceed, as if conciliation had not been reached.

- E. Resolution of Complaint - The final report of the investigating official shall be transmitted to the complainant, the alleged offender, the alleged offender's immediate supervisor and Cabinet member, and the CHRO. If disciplinary action is warranted, the College Equity Office shall make a recommendation as to the discipline and/or suggest any other corrective action to the appropriate Cabinet member. The Cabinet member shall make the final determination as to corrective action and/or discipline. In making a decision regarding discipline, any record of previous conduct and the seriousness of the violation shall be considered. The Office of Human Resources shall approve the proposed resolution. Disciplinary action shall be taken in accordance with College policy and procedures affecting the class of employees and the terms of any applicable collective bargaining agreement(s).
- F. Review of Findings
1. Either party may request that the College President, or designee, review the findings of the investigating official by filing a written request within twenty (20) days of the receipt of said findings.
  2. The request shall be in writing, and shall set forth the issues to be considered in the appeal. Copies of the appeal shall be provided to the opposing party, the investigating official and to the College President, or designee.
  3. The written appeal must state in detail the reason(s) for the appeal and shall address one or more of the following: relevant evidence was not reviewed or factual errors were included; there were substantial procedural errors; new evidence is available; or the factual evidence was insufficient to support the findings.
  4. The opposing party and the investigating official may file a response to the appeal with the College President, or designee, within twenty (20) days of receipt of the appeal.
  5. The College President, or designee, shall issue a written finding no more than twenty (20) days after receipt of the appeal or a response to the appeal, whichever is later.
- G. Duty to Report Alleged Violations - Any administrator, department head, director or supervisor who receives a complaint of discrimination or has knowledge about allegations of discrimination by or against a College employee has the duty to report the same to his or her immediate supervisor or to the College Equity Office. Administrators, campus presidents, department heads, directors and supervisors shall also inform any alleged victim of discrimination of the process for filing a complaint pursuant to this procedure. Any administrator, campus president, department head, dean, director or

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supervisor who is determined to have received a complaint of discrimination or who is determined to have known about conduct in violation of the College's policies may be subject to discipline, up to and including termination.

- H. Prohibition of Retaliation - It is considered a violation of College policy for any action of retaliation to be taken against a student, employee or applicant for employment because he or she has filed a complaint or participated in an investigation pursuant to this procedure. As such, any attempt to penalize a student, employee or applicant for initiating a complaint or for participating in an investigation by subjecting him/her to any adverse educational or employment action shall be treated as a separate allegation of discrimination.
- I. Confidentiality - All complaints of discrimination, harassment, sexual harassment or retaliation and investigations of the same will be kept as confidential as possible throughout the investigation and to the extent allowed by law.
- J. Frivolous or Malicious Complaints - In the event that a claim of discrimination, harassment, sexual harassment or retaliation is found to be frivolous or malicious, disciplinary action shall be taken in accordance with College policy and procedures affecting the class of employees and the terms of any applicable collective bargaining agreement(s).
- K. Concurrent Complaint - Nothing contained in this procedure shall affect the right of a complainant to pursue the matter with an appropriate external agency.
- L. Contact Information - College-wide responsibility for the coordination of specific actions pertaining to formally submitted issues is delegated by the College President to the Executive Director, Employee Relations and College Equity Officer as indicated below:

Executive Director, Employee Relations and College Equity Officer  
 Florida State College at Jacksonville  
 501 W. State Street  
 Jacksonville, FL 32202  
 (904) 632-3221  
[equityofficer@fscj.edu](mailto:equityofficer@fscj.edu)

- M. Any student who believes they have been subjected to sexual assault or sexual misconduct should reference the outlined process in College APM 11-0801.



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REFERENCES: F.S. 1000.05, 1001.64, 1001.65, 1006.53, 1012.86, SBE Rule 6A-19.001

Adopted Date: June 27, 2012

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