



Broward
Community
College

Procedure Manual

Title: Reporting Violations and Conducting Investigations of Student Complaints Alleging Discrimination, Harassment, and /or Retaliation	Number: A6Hx2-5.22
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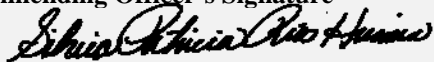

General Statement. In compliance with Board Policy 6Hx2-5.22, any student who believes that they have been subjected to unlawful discrimination, harassment or retaliation in violation of the College’s policies may file a complaint within ninety (90) days of the alleged discriminatory, harassment and/or retaliatory conduct by utilizing either an informal and/or formal complaint process described below. (For employee Complaints about alleged discrimination, harassment, or retaliation, refer to College Policy 6Hx2-3.34 and Procedure A6Hx2-3.34).

Complaints. The informal complaint process does not have to be exhausted prior to filing a complaint under the formal complaint process. Complainants are encouraged, where applicable, to attempt initially to resolve complaints through the informal process. Additionally, individuals who believe that they have been victims of unlawful discrimination, harassment or retaliation may file a complaint with the appropriate federal, state or local agencies.

Upon receipt of an informal or formal complaint, the Campus Provost/Center Director will provide an initialed, signed, date-stamped copy of the complaint to the complainant.

The complaint shall contain:

- a. The name, campus, home address and telephone number(s) of the complainant.
- b. A statement of facts explaining what happened and what the complainant believes constituted the unlawful act(s) in sufficient detail to give each respondent an account of what is claimed against him/her. The statement should include the date, approximate time and place where the alleged act(s) of unlawful discrimination, harassment, or retaliation occurred. If the act(s) occurred on more than one date, the statement should also include the last date on which the act(s) occurred as well as detailed information about the prior act(s). The names of any potential witnesses should be provided.
- c. The name(s) of the respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination, harassment or retaliation.
- d. Identification of the category of the person(s) charged i.e. faculty, staff or student.
- e. Other supplemental information may be requested.
- f. Upon receipt of the complaint, the Campus Provost/Center Director will notify the respondent(s), that a complaint has been made and the respondent is to immediately

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contact the Campus Provost/Center Director to arrange for a time to meet and discuss the allegations.

- g. This process will be used for both initiation of complaints under the informal and formal procedure and the conversion of the complaint to the formal procedure.

Informal Complaint Process.

1. Any student who believes he/she has been the subject of conduct in violation of the College's above-stated policies must contact the Campus Provost/Center Director. A supervisor who receives a complaint of discrimination, harassment or retaliation from an employee shall immediately refer such complaint to the Campus Provost/Center Director who will investigate the complaint.
2. If a complainant elects to have the matter dealt with in an informal manner, the Campus Provost/Center Director will attempt to reasonably resolve the problem to the mutual satisfaction of the parties.
3. 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 mediation, communication, negotiation, facilitation, and problem-solving that emphasizes fairness, the needs and interests of the participants, and to the extent possible confidentiality.
4. In seeking an informal resolution, the Campus Provost/Center Director shall attempt to review all relevant information, interview pertinent witnesses, and bring together the complainant and the respondent(s), if appropriate under the circumstances. If a resolution satisfactory to both the complainant and the respondent is reached, a written notice to that effect along with the terms of the agreement reached and a copy of the complaint, with redacted personal contact information, will be sent to the complainant and respondent(s). Any agreement reached shall be signed and dated by the complainant, the respondent(s) and the Campus Provost/Center Director. The College will attempt to complete the informal process no later than ninety (90) working days after the complainant and the respondent(s) have agreed to this process. If the Campus Provost/Center Director is unable to resolve the complaint to the mutual satisfaction of the complainant and the respondent(s) within the timeframe for filing of the complaint, the Campus Provost/Center Director shall notify all the parties accordingly. The Campus Provost/Center Director will again advise the complainant of his/her right to proceed to the formal process. The time limitations set forth may be extended by mutual agreement

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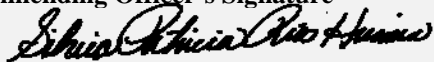

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of the complainant and the respondent(s) with the approval of the Campus Provost/Center Director.

5. If the complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the Campus Provost/Center Director may terminate any further processing of the complaint
6. If the complainant first pursues the informal process and subsequently wishes to pursue a formal complaint, he/she may do so by checking the appropriate box, sign and date the complaint form.

Formal Complaint Process.

1. A formal complaint may be made in writing or by telephone to the Campus Provost/Center Director. Upon receipt of a written or verbal complaint, the Campus Provost/Center Director will furnish the complainant with a copy of the Harassment and Discrimination Complaint Form which must be completed and signed.
2. Upon receipt of a complaint, the Campus Provost/Center Director will mail a notice of the complaint and a copy of the complaint to the respondent(s) and initiate the investigation.
3. The Campus Provost/Center Director shall investigate the complaint. The investigation may include, but is not necessarily limited to, interviewing the complainant, witnesses, and respondent(s) 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.
4. If the complaint is about the Campus Provost/Center Director the complaint shall be made to the Vice-President for Student Affairs and Enrollment Management. The Vice President for Student Affairs will coordinate with the Vice President for Human Resources and Equity to ensure that appropriate college policies and procedures are followed regarding complaints against employees.
5. The College will attempt to complete all investigations within ninety (90) working days after the date the formal complaint is filed. The time limitations set forth may be

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extended by mutual agreement of the complainant and the respondent(s) with the Campus Provost/Center Director.

6. The College will take all necessary and appropriate action to resolve the situation. This could include, but not limited to, instituting appropriate counseling or disciplinary action or proceedings which may include counseling up to and including termination.

Voluntary Withdrawal of Complaint. The complainant may withdraw the complaint at any time by submitting a written statement to the Campus Provost/Center Director, indicating his or her desire to withdraw the complaint and stating that the decision to withdraw the complaint was made by his or her own volition, without coercion or threat of retaliation.

Record of Complaint. The Equity Office in Human Resources will maintain all documents regarding complaints of discrimination, harassment and retaliation in a file separate and confidential from the complainant’s personnel file or student’s academic record, to the extent permitted by law.

Resolution of Complaint. The final report of the investigating official shall be transmitted to the complainant, the respondent(s), the respondent(s) immediate supervisor, the Vice President for Student Affairs and Enrollment Management, and the Vice-President for Human Resources and Equity and/or his or her designee. If disciplinary action is warranted, the appropriate College official shall make a recommendation as to the discipline and/or suggest any other corrective action. In making a decision regarding discipline, any record of previous conduct and the seriousness of the violation may be considered. The Equity Office in Human Resources and/or the Vice-President for Human Resources and Equity, and the Vice President for Student Affairs and Enrollment Management shall approve the proposed resolution. Disciplinary action shall be taken in accordance with BCC policy and procedures affecting the class of employees and the terms of any applicable collective bargaining agreement(s).

Review of Findings.

1. Either party may request that the President or his/her designee review the findings of the investigating official by filing a written request within twenty (20) days of the receipt of said findings.

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2. The request shall be in writing, and shall set forth the issues to be considered in the review. Copies of the request shall be provided to the opposing party, the investigating official, and to the President or his or her designee.

3. The written request must state in detail the reason(s) for the review 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/or the investigating official may file a response to the request with the President or his or her designee within twenty (20) days of receipt of the request.

5. The President or his or her designee shall issue a written finding no more than twenty (20) days after receipt of the request or a response to the review, whichever is later.

Duty to Report Alleged Violations. Any administrator or supervisor who receives a complaint or has knowledge about allegations of violations of Policy 6Hx2-5.22 by or against any member of the College community has the duty to report the same to the Campus Provost/Center Director. Administrators and supervisors shall also inform the complainant of the process for filing a complaint. Any administrator, or supervisor who knowingly fails to comply with Policy 6Hx2-5.22 and 6Hx2-5.20 may be subject to discipline, up to and including termination of employment.

Prohibition of Retaliation. It is a violation of BCC policy for any action to be taken against a student because he or she has filed a complaint or participated in an investigation. Any act of retaliation shall be treated as a separate allegation of discrimination.

Confidentiality. All complaints of discrimination, 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.

No Waiver of Rights. Nothing contained in this procedure shall affect the right of a complainant to pursue the matter with an appropriate external agency as permitted by law.

[Link to Policy 6Hx2-5.22](#)

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