

Procedure Manual



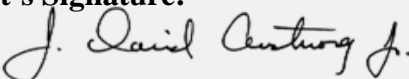
Title: Reporting Violations and Conducting Investigations of Complaints Alleging Discrimination Harassment and/or Retaliation	Number: A6Hx2-3.34
Policy Number: 6Hx2-3.34	Page: 1 of 5

General Statement: In compliance with Board Policy 6Hx2-3.34, any employee who believes that they have been subjected to discrimination, harassment or retaliation in violation of the Broward College's policies may file a complaint within ninety (90) days of the alleged discriminatory, harassment or retaliatory action by utilizing either an informal and/or a formal complaint process described below. (For complaints from students about alleged discrimination, refer to college Policy 6Hx2-5.20 and Procedure A6Hx2-5.20).

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. Information about how to contact these agencies is available in the equity office in human resources. Upon receipt of an informal or a formal complaint, the equity office in human resources will provide an initialed, signed, date-stamped copy of the complaint to the complainant.

The complaint shall contain:

1. The name, campus, home address and telephone number(s) of the complainant.
2. 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.
3. The name(s), campus address and telephone number(s) of the respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination, harassment or retaliation.
4. Identification of the category of the person(s) charged, i.e. faculty, staff, or student.
5. Upon receipt of the complaint, the equity office in human resources will notify the respondent(s) that a complaint has been made and that the respondent(s) is/are to immediately contact the equity office in human resources to arrange for a time to meet and discuss the allegations.
6. Other supplemental information, as may be requested.
7. This form will be used for both the initiation of complaints under informal and formal procedure and the conversion of the complaint to the formal procedure.

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: 	Date: 9/25/12
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Procedure Manual



Title: Reporting Violations and Conducting Investigations of Complaints Alleging Discrimination Harassment and/or Retaliation	Number: A6Hx2-3.34
Policy Number: 6Hx2-3.34	Page: 2 of 5

Informal Complaint Process:

1. Any employee who believes they have been the subject of conduct in violation of the college's above-stated policies, or who has been accused of the same, must contact the equity office in human resources to file a complaint. A supervisor or administrator who receives a complaint of discrimination, harassment or retaliation from an employee shall immediately refer such complaint to the equity office in human resources.
2. An informal complaint may be filed with the equity office in human resources. Upon receipt of the complaint, the equity office in human resources will furnish the complainant with a copy of the Harassment and Discrimination Complaint Form which must be completed and signed.
3. If a complainant elects to have the matter dealt with in an informal manner, the equity office in human resources will attempt to reasonably resolve the problem to the mutual satisfaction of the parties.
4. 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.
5. In seeking an informal resolution, the equity office in human resources 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 any agreement reached and a copy of the complaint 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 equity office in human resources. The college will attempt to complete the informal process no later than sixty (60) working days after the complainant and the respondent(s) have agreed to this process. If the equity office in human resources 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 office shall notify all the parties accordingly. The equity office in human resources shall again advise the complainant of his or her right to proceed to the formal process. At all times the complainant retains the right to separately exercise his or her rights to file a complaint with the appropriate external enforcement agencies as permitted by law. The time limitations set forth may be extended by mutual agreement of the complainant and the respondent(s) with the approval of the equity office in human resources.

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: 	Date: 9/25/12
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Title: Reporting Violations and Conducting Investigations of Complaints Alleging Discrimination Harassment and/or Retaliation	Number: A6Hx2-3.34
Policy Number: 6Hx2-3.34	Page: 3 of 5

6. If the complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the equity office in human resources may terminate any further processing of the complaint.
7. 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, signing and dating the complaint form.

Formal Complaint Process:

1. A formal complaint may be made in writing or by telephone to the equity office in human resources. Upon receipt of a written or telephone complaint, the equity office in human resources will furnish the complainant with a copy of the Discrimination and Harassment Complaint Form which must be completed and signed.
2. Upon receipt of a complaint, the equity office in human resources will mail a notice of the complaint and a copy of the complaint to the respondent(s).
3. The equity office in human resources shall investigate the complaint. The investigation may include, but is not necessarily limited to, interviewing the complainant, witnesses, and the 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. 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 extended by mutual agreement of the complainant and the respondent(s) with the approval of the equity office in human resources.
5. The college will take all necessary and appropriate action to resolve the situation. This could include, but not be limited to, instituting appropriate counseling or disciplinary action or proceedings which may include a recommendation for termination.

Voluntary Withdrawal of Complaint: The complainant may withdraw the complaint at any time by submitting a written statement to the equity office in human resources, indicating his/her desire to withdraw the complaint and stating that the decision to withdraw the complaint was made by his/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 confidential file separate from the complainant's personnel file.

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: <i>J. David Anthony Jr.</i>	Date: 9/25/12
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Title: Reporting Violations and Conducting Investigations of Complaints Alleging Discrimination Harassment and/or Retaliation	Number: A6Hx2-3.34
Policy Number: 6Hx2-3.34	Page: 4 of 5

Resolution of Complaint: The final report of the investigating official shall be transmitted to the complainant, the respondent(s), the respondent'(s) immediate supervisor, and the vice-president for human resources and equity and/or his/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 shall approve the proposed resolution. Disciplinary action shall be taken in accordance with BC 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.
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/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:
 - a. relevant evidence was not reviewed or factual errors were included;
 - b. there were substantial procedural errors;
 - c. new evidence is available; or
 - d. 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/her designee within twenty (20) days of receipt of the request.
5. The president or his/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 6Hx2-3.34 by or against any member of the college community has the duty to report the same to the equity office in human resources or to the Associate Vice President for Human Resources and equity. Administrators and supervisors shall also inform the complainant of the process for filing a complaint. Any administrator or supervisor who knowingly fails to

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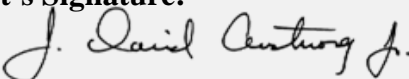
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Policy Number: 6Hx2-3.34	Page: 5 of 5

comply with Policy 6Hx2-3.34 and 6Hx2-3.31 and this procedure may be subject to discipline, up to and including termination of employment.

Prohibition of Retaliation: It is a violation of BC policy for any materially adverse action to be taken against an employee because s/he 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.

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