

Pensacola State College

Office of Institutional Diversity

Guidelines for Filing a Discrimination and/or Harassment Complaint

Summary

The following is provided as a brief outline that describes the process that is followed by Pensacola State College (PSC) when investigating complaints based on discrimination or allegations of sexual harassment. Complaints alleging discrimination or harassment are referred to the college's designated "equity officer," the Associate Vice President of Institutional Diversity. As soon as Administration is made aware that a discrimination complaint or sexual harassment complaint has been filed, a detailed fact-finding investigation is initiated.

At all times, when conducting an investigation, Pensacola State College observes the fundamentals of due process in order to reach a fair, equitable and just resolution of the grievance.

Definition

An individual who has filed a discrimination complaint is alleging that the college's policy of nondiscrimination has been violated. Specifically, an individual is alleging that he/she was discriminated against based on race, color, ethnicity, sex/gender, creed, age, religion, marital status, national origin and disability. In addition, the college prohibits discrimination and retaliation based on sexual orientation and/or genetic information.

Who may file a discrimination/harassment complaint?

Employees and students may file a complaint. In addition, applicants for admission or applicants for employment may file a discrimination complaint as well. Individuals who are employees of a temporary employment agency but assigned at PSC as a work location may file a complaint through their employer. Once the discrimination complaint is received by Pensacola State College, the matter will be investigated by the equity officer, in cooperation with the agency, the same way discrimination complaints are investigated involving PSC employees and students.

Faculty filing a discrimination and/or harassment complaint may file under the guidelines covered under the Collective Bargaining Agreement, or they may use the employee grievance process.

Time Frame

For the most part, time frames outlined in the Student Handbook and Employee Handbook serve as a guide. It is recommended that discrimination complaints be filed as soon as possible. However, complaints may be filed within 180 days of the last act of discrimination. If the complaint involves matters that occurred longer than 180 days, the complainant must submit detailed information explaining why the complaint was not filed within the 180-day time period. Depending on extenuating circumstances the time period may be waived. However, the amount of time to complete an investigation will

depend on the “particular circumstances” involved. For example, the number of individuals who must be interviewed, scheduling the individuals, a review of documents, records, evaluations and other evidentiary material may all affect the amount of time needed to complete the investigation. The complainant is updated if an investigation is going to be longer than anticipated due to the circumstances involved.

Grievance Form

An employee, student or individual wishing to file a grievance may obtain a form from the Office of Institutional Diversity, the Human Resources Department or online on the Pensacola State College website. The form is self-explanatory and must be completed and signed.

Procedure

Once a discrimination complaint has been received, the equity officer will contact the complainant to schedule an interview. An email, phone call or letter to schedule the interview will be sent to the complainant. During the interview process the equity officer will ask the complainant a series of questions to determine exactly what happened and the facts of the case. The claimant will be asked to provide the names of witnesses or potential witnesses (if there are any).

The claimant will be asked to provide copies of any documents, notes, records, photos, emails or any other material that they feel will support or provide evidence of their allegations.

If the names of witnesses are provided, those individuals will also be interviewed. Individuals are interviewed one at a time. In addition, the witnesses will also be questioned if they are aware of any other individuals who may have knowledge of the circumstances or who witnessed the alleged discriminatory behavior. The witnesses will be questioned as to whether they have documents, notes, records or other evidentiary material relevant to the case.

Confidentiality

All individuals who are interviewed are made aware that the investigation will be discreet involving only those individuals who need to know. Records relating to discrimination and harassment complaints are confidential documents.

Notice

After the complainant has been interviewed, the individual who is alleged to have engaged in the discriminatory behavior is notified and an interview is scheduled. The appropriate administrator, supervisor, dean, vice president or, in some cases, the president is copied on the notification. The time frame may vary. The individual may be notified at the same time the complaint is received or shortly thereafter.

Due Process

Even though the individual may be notified that a complaint was filed against them (at the time a complaint was received), the interview is usually not scheduled until after the complainant has been interviewed. In some cases, depending on the circumstances and facts of the case, the alleged wrongdoer or harasser will be interviewed after all the witnesses have been interviewed.

The alleged harasser or wrongdoer is given an opportunity to tell their side of the story and respond to any allegations that have been made. The alleged harasser may also provide witnesses, documents, records or other materials which they feel support their position or version of the circumstances that occurred.

Depending on the evidence presented or information that is revealed, the party who filed the complaint, the alleged wrongdoer/harasser or witnesses may have to be re-interviewed.

Once the interviews are completed and all records, documents or evidence are reviewed, an investigative report is issued which...

1. Summarizes the case
2. Outlines the statements of all the individuals interviewed
3. Gives the statement of the law or definitions of the law
4. A review of case law and standards of proof
5. An analysis of the facts with regard to each and every allegation
6. Conclusion (Determination)
7. Evidentiary exhibits may be attached at the end of the report
8. A copy of the investigative report is given to the appropriate administrators (supervisors) and, in some cases, the president also receives a copy.

Once a determination is made, a letter informing both parties of the outcome of the investigation and that the investigation has been completed is mailed usually (Certified) to the complainant and alleged wrongdoer. A copy of the letter is also sent to the appropriate administrator/supervisor.

At the conclusion of the investigation and once a determination and investigative report have been issued, depending on the case, a recommendation may be made by the equity officer regarding disciplinary action. However, disciplinary action is initiated by the appropriate administrator (supervisor), and the level of disciplinary action is also determined by the appropriate administrator (supervisor). The Human Resources Department is consulted in all matters concerning disciplinary action.

Depending on the severity or egregiousness of the inappropriate behavior or violation of the college's policy of nondiscrimination, discipline may include oral warnings, written reprimands, probation, suspension, possible termination or specific sensitivity training to address matters concerning discrimination and harassment. All disciplinary actions are

coordinated through the Human Resources Department and up the chain of command for approval.

Need for Immediate Action

During the course of the investigation, if it becomes apparent that immediate action must be taken to avoid a harmful or dangerous situation, the administration will take the appropriate action to protect the parties involved.

Discrimination/Sexual Harassment Complaints Filed with Agencies Outside of the College (Florida Commission on Human Relations (FCHR), Equal Employment Opportunity Commission (EEOC), Office of Civil Rights (OCR), Veterans Administration (veterans preference claims), etc.

Discrimination or harassment complaints may be filed internally with the college, or an individual may file directly with an outside agency. If a complaint has been filed with an outside agency, once the college receives written notification that a complaint has been filed, the same process outlined above is followed. The equity officer is assigned the case and will investigate the matter in the time frame required. Occasionally, because of the nature of the case and the number of individuals required to be interviewed, or because the college is going on spring or winter break, the college will request additional time to respond to the allegations.

When needed, the college has always been granted the additional time. At the completion of the investigation, a copy of the investigative report is provided to the president and general counsel. The report, along with exhibits and/or attachments, is sent to the federal or state agency.

After reviewing the information provided by the college, the college will eventually receive written notification as to the outcome of the agency's review. The agency has a range of decisions that can be made such as finding no cause and dismissing the case to requesting mediation or conciliation, or notifying the claimant that they may request an administrative hearing by filing a petition for relief.

Once the college receives notification that the case is dismissed, the college will close the case.

Retaliation

College policy prohibits retaliation and under no circumstances will retaliation be tolerated.