

ADMINISTRATIVE PROCEDURES

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| Title DISCRIMINATION COMPLAINT | Identification: | 2.05 |
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| | Effective Date: | April 14, 2015 |
| Authority: SBE 6A-14.0261 FS 1001.64; 1001.65; 1000.05; 1006.71 | Signature/Approval: | Dr. Ken Atwater |

PURPOSE

This procedure establishes guidelines to outline the steps necessary to properly file a complaint related to allegations of unequal opportunity or treatment at Hillsborough Community College (HCC).

PROCEDURE

HCC is an affirmative action and equal opportunity employer that supports a culturally diverse educational and work environment. The policy of HCC is to ensure equal opportunity or treatment, regardless of race, color, sex, gender, religion, ethnicity, national origin, age, disability, sexual orientation (including gender identity), marital status, genetic information, protected veteran's status, or affiliations. This policy is applied to faculty, staff, students, applicants and contractors in a manner consistent with applicable Federal and State laws, regulations and HCC rules and procedures. HCC expressly prohibits unlawful discrimination, harassment or retaliation. Conduct that intimates by threat or creates a hostile environment is contrary to HCC's commitment to providing a harmonious educational and work environment. Retaliation against an individual, who in good faith brings a discrimination complaint, including a harassment complaint, participates in an investigation or engages in a protected activity, is prohibited and may be a cause for disciplinary action.

Any employee, student or applicant for employment or admission who believes that they have been unfairly discriminated against on the basis of race, color, sex, gender, religion, ethnicity, national origin, age, disability, sexual orientation (including gender identity), marital status, genetic information, protected veteran's status, or affiliations may initiate a formal complaint. Sexual harassment is a form of discrimination based on a person's gender and is a violation of HCC's rules and procedures. The Special Assistant to the President for Equity and Special Programs ("Special Assistant to the President") is responsible for investigating allegations of discrimination at the College.

I. REPORTING

- A student or applicant for admission should report any incident of alleged discrimination to the Dean of Student Services or to the Office of Equity and Special Programs.
- An applicant for employment should report any incident of alleged discrimination to the Director of Human Resources or to the Office of Equity and Special Programs.
- A student, employee or applicant who experiences discrimination from a supervisor or another employee, and is not comfortable reporting to a Dean or an immediate supervisor should contact the Office of Equity and Special Programs.
- All College employees who witnesses or becomes aware of conduct that is perceived to violate HCC administrative rule prohibiting discrimination, including sexual harassment and retaliation, should promptly report the conduct to the Office of Equity and Special Programs which will coordinate an investigation.

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- Upon receipt of a written or telephone complaint, the Special Assistant to the President will furnish the complainant with a copy of the Discrimination Complaint form, which is also available online on the department's webpage.

II. **COMPLAINT FORM** – To initiate a formal complaint, the aggrieved individual should submit a completed Discrimination form to the Office of Equity and Special Programs or schedule an appointment with that office. The Discrimination form should be completed before the complaint process can begin. However, any written statement sufficiently precise to identify the parties concerned and the alleged discriminatory acts or practices, may be submitted, pending final completion of the form. This will open a record file. Incidents of alleged discrimination must be reported within ninety (90) days.

III. **INVESTIGATION** - The Special Assistant to the President will conduct an impartial review of all complaints alleging discrimination, including sexual harassment or retaliation

A. HCC will complete the investigation and fact finding report concerning complaints received directly by the College or referred by a civil rights enforcement agency, within forty-five (45) calendar days after receiving a discrimination complaint.

B. All allegations will be thoroughly investigated on behalf of the College by the Special Assistant to the President. Due process will be provided for individuals against whom a formal complaint of discrimination, harassment or retaliation has been made.

C. The Office of Equity and Special Programs will ensure prompt and corrective measures to remedy unlawful discrimination or retaliation at HCC.

1. The Office of Equity and Special Programs will privately interview the complainant to determine the alleged discriminatory/retaliatory conduct and the nature of the remedy desired.

2. The Office of Equity and Special Programs will determine whether the substance of the allegations constitute a violation of HCC's rules and procedures, presuming the facts underlying the allegations are determined to be accurate. This preliminary determination will be made within five (5) working days from the date of the complaint. The Office of Equity and Special Programs will determine whether a formal investigation is required or whether appropriate intervening measures are necessary.

3. If the initial facts are sufficient to warrant an investigation, the Office of Equity and Special Programs will initiate further review which includes providing notice to both the complainant and respondent.

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4. The Office of Equity and Special Programs will conduct the investigation which may include but is not limited to collecting documents, interviewing all parties including witnesses, and seeking other information as needed. The Office of Equity and Special Programs will have access to all relevant records, materials and documents as needed and will have the opportunity to interview all persons who may have relevant information.
 5. The Office of Equity and Special Programs may recommend an informal resolution or the parties may agree to informally resolve their concerns.
 6. The Office of Equity and Special Programs will complete a written Fact Finding Report with a summation of its findings, recommendations and determination as to whether the complainant was subjected to unlawful adverse treatment in violation of HCC's equal opportunity, non-discrimination and non-retaliation rules. The Office of Equity and Special Programs will submit the report to the President for review and approval. Both the complainant and respondent and appropriate Cabinet Officer will receive a copy of the final Fact Finding Report.
 7. If disciplinary or corrective action is required as a result of a finding, applicable procedures as outlined in HCC administrative rules and procedures and the applicable Collective Bargaining Agreement will be followed. The Office of Equity and Special Programs will coordinate with the Executive Director of Human Resources and the appropriate supervisor.
- IV. **CONFIDENTIALITY** – All complaints and related records maintained with the Office of Equity and Special Programs that relate to complaints of discrimination are exempt from Section 119.07, F.S., until a finding is made or the investigating becomes inactive. All parties involved in an investigation, including witnesses, shall keep information concerning the investigation confidential.
- V. **OTHER SOURCES** – An individual who has a complaint involving unlawful discrimination may pursue remedies with outside agencies, such as the Florida Commission on Human Relations, the Equal Employment Opportunity Commission or the Office For Civil Rights.

History:

Adopted: 3/25/86; Revised: 11/6/86, 11/21/86, 1/18/91, 10/8/91, 11/9/93, 3/10/06, 9/16/13; Formerly: 2.042

