Purpose

The purpose of this Administrative Procedure is to support The IRSC District Board of Trustees Policy number 6Hx11-3.13 by rendering a process through which a complaint, should one occur, may be filed and pursued toward resolution in a fashion devoid of coercion, interference, restraint, discrimination or reprisal.

This procedure shall apply only to discrimination or harassment complaints based on race, gender, color, national or ethnic origin, religion, age, disability, veteran or marital status, and/or sexual orientation.

Employee grievances, suspensions or terminations of employment are not covered by this procedure. The Employee Grievance Procedure, AP-6.15, guides these specific matters.

Definitions

a) Complainant/s: An individual, or group of individuals expressing a complaint, or charging another with a violation.

b) Complaint: A dissatisfaction wherein a person feels he/she has been adversely affected by discriminatory actions and/or harassment at the College.

c) Complaint Intake Persons: These are the individuals to whom an initial complaint/concern is to be reported as the first step in pursuing resolution. The proper individuals for this purpose are located in the Human Resources Department. To allow for varying comfort levels and situations, the responsible HR Representatives include minority and non-minority Intake Persons who are available to hear initial complaint reports.

d) Discriminate: To act with partiality or prejudice either for or against a person or group, based upon race, gender, color, national or ethnic origin, religion, age, disability, sexual orientation, veteran or marital status.

e) Evidence: As applied in this procedure, any information, including documents and testimony, which relate to the alleged circumstances that gave rise to the complaint.
f) Harassment: There are a variety of types of harassment that can occur in the workplace. Workplace harassment, whether it be verbal or physical badgering based on sex, religion, or race, is unlawful and also a form of discrimination. Unwelcome and discriminatory conduct is legally considered harassment when it is bothersome enough to negatively impact the work environment. Also, if a supervisor’s harassment results in an obvious change in the employee’s salary or status, this conduct would be considered unlawful workplace harassment.

g) Respondent/s: The individual, or group of individuals, against whom the complaint is filed.

Filing a Discrimination and/or Harassment Complaint

Indian River State College and its District Board of Trustees strongly encourage any person who believes that he or she has been subjected to discrimination and/or harassment at the college to immediately bring it forward to one of the designated Complaint Intake Persons in The Human Resources Office. Such discussion should include as much information as possible, including names and positions of persons involved; identification of witnesses, if any; the time, place and details of the incident leading to the allegations; etc. In no case will a Complainant be required to report such behavior to the alleged Harassing Party (the Respondent).

In the event that a supervisor or any other employee may receive a complaint concerning harassment directly from an employee and/or student, he/she must immediately inform an appropriate Intake Person.

Should a student be involved in such a situation, reference is to be made to the Student Reporting Procedure outlined in AP-3.13 for the designated Complaint Intake Persons, their locations on Campus, and the “Responsible Authorities.”

Failure of an employee to immediately notify an appropriate individual of suspected or actually disclosed allegations of discrimination and/or harassment constitutes a violation of their individual accountability to support the Non-Discrimination and Non-Harassment Policy and Procedures of the college. Such violations may be subject to disciplinary actions.
Complaint Investigation

The issues generating the complaint are first discussed with an Intake Person in order to determine that the situation properly fits into the purview of these specific Policy and Procedural provisions. The Intake Person will explain the formal investigative process about to be entered into, should the complaint be eligible and desired by the Complainant to move forward to the Dean of Human Resources. The Dean of Human Resources serves as the Responsible Authority vested with investigative duties.

In order to move the complaint forward into investigation, the Complainant must complete and sign a "Harassment Report Form." This Form must include details of the conduct and circumstances of the complaint. The Complainant must file a complaint within 60 days of the incident.

The Dean of Human Resources will then conduct an actual investigation of the charges being made. The Dean of Human Resources and the Respondent's Vice President will interview the Respondent and witnesses together regarding the nature of the complaint.

In the event that a student is involved in the complaint along with an employee, the Vice President of Student Affairs will partner with the Dean of Human Resources in a joint investigation process.

The Respondent will be provided with a copy of the Complainant's written complaint as stated in the "Harassment Report Form".

Any persons thought to have information or evidence relevant to the complaint shall be interviewed and such interviews shall be appropriately documented. Employees are expected to cooperate in providing requested information. Other acceptable methods for gathering information include, but are not limited to, visual inspection of offensive materials and follow-up interviews as necessary.

In determining whether the alleged conduct constitutes harassment, the totality of the circumstances, the nature of the conduct, frequencies, and the context in which the alleged conduct occurred will be investigated.
The investigation of the complaint must be concluded within a reasonable period of time. The institution will make every effort to complete a thorough investigation as expeditiously as possible. The timeline should not exceed twenty working days after the receipt of the written "Harassment Report Form," unless otherwise agreed upon by the Complainant and the Responsible Authority or Authorities, due to extenuating circumstances.

Within five days of the completion of the investigation, the Dean of Human Resources will prepare a written Complaint Resolution Report. The Complaint Resolution Report shall include the:

- Basis of the complaint;
- Issues and facts surrounding the dispute;
- Summary of investigative findings, including interviews;
- Recommendations/dispositions of inquiry;
- Proposed disciplinary penalty (if any);
- Basis for recommended action

The Complaint Resolution Report will be presented and explained to both the Complainant and the Respondent in separate debriefing meetings. Findings and the resulting official actions to be taken, if any, will be discussed. Should disciplinary actions be determined to be in order, the appropriate supervisors must be made aware at this time in order to carry out the recommended actions(s) and/or disciplinary procedure(s) that may be applicable.

The College President will be fully advised from the outset of the Complaint being lodged, and will also be given a copy of the final Complaint Resolution Report.

**Confidentiality**
Confidentiality shall be maintained to the greatest extent possible while still meeting requirements of conducting an appropriate investigation. Witnesses interviewed will be advised and requested to honor confidentiality as well.
Retaliation
Retaliation against an individual or individuals who have filed a charge, participated in an investigation, or openly opposed any unlawful practice, is prohibited and will subject the person who retaliates to disciplinary action.

Disciplinary Actions
Any employee or student found to have harassed another employee or student within the definitions of the Non-Discrimination and Non-Harassment Policy and Procedures will be subject to disciplinary actions, up to and including possible separation of service, probation, suspension, or expulsion.

False or Malicious Complaints
Any employee or student found to have acted dishonestly or maliciously in making Complaint allegations, or in their actions or witness statements during an official investigation, shall also become subject to possible disciplinary action.

Prevention
Indian River State College and the District Board of Trustees recognize that preventive measures are the best tool for the mitigation of discriminatory actions and sexual harassment issues emerging. Therefore, the college and the Board of Trustees will take necessary steps toward prevention, including but not necessarily limited to the following:

- Establishing and publishing the Indian River State College Non-Discrimination and Non-Harassment Board Policy, along with the companion Administrative Procedures with regard to reporting violations.
- Inclusion of the policy and procedure information in student and employee handbooks with availability electronically maintained through the college website.
- Distribution of the Policy and Procedures during student and new employee orientations.
- Including discrimination/sexual harassment awareness and prevention training during student and employee orientations.
- Fostering Cultural Intelligence through college events and educational materials that address appreciation of diversity and cultural differences.
- Refreshing the ongoing awareness and training toward prevention of discrimination and harassment among both students and employees.