APPENDIX 1

Nondiscrimination Policy
(1) Florida State College at Jacksonville is committed to the principle of equal opportunity in accordance with the provisions of the Florida Educational Equity Act and all other relevant state and federal laws, rules and regulations. Discrimination or harassment on the basis of race, ethnicity, creed, color, national origin, religion, age, sex, gender, disability, marital status, sexual orientation/expression, veteran status, genetic information or any other factor protected under applicable federal, state and local laws, rules and regulations against students, employees, applicants for admission and applicants for employment is prohibited. Sexual harassment, sexual assault, domestic violence, dating violence and stalking are forms of prohibited sex discrimination.

(2) The College President is delegated the responsibility to establish guidelines and procedures, to implement the College’s equal educational and employment opportunity, equity rules and principles.

(3) The College shall develop and maintain an Equity Plan that is in compliance with this Board Rule and other applicable federal and state laws. The College President shall designate a College Equity Officer and delegate to the designee the responsibility for the development and oversight of the Equity Plan and associated goals.

(4) Discrimination, harassment and retaliation are prohibited by this rule.

A. Any employee, student, student organization, business entity or person privileged to work or study in or for the Florida State College at Jacksonville community who violates this policy will be subject to disciplinary action up to and including periodic or permanent exclusion from the College or College business.

B. All College vendors and contractors who do business on College premises shall be subject to this policy to the extent that this policy or the contractual agreement requires the vendors and/or contractors to not discriminate against or harass members of the College community.

(5) Collegewide responsibility for the coordination of specific actions pertaining to formally submitted issues is delegated by the College President to the Executive Director, Employee Relations and College Equity Officer as indicated below and all communications related to this rule and actions taken thereof will be maintained by the Executive Director, Employee Relations and College Equity Officer.

Executive Director, Employee Relations and College Equity Officer
Florida State College at Jacksonville
501 W. State Street
Jacksonville, FL 32202
(904) 632-3221
RULES OF THE BOARD OF TRUSTEES

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<td>6Hx7-2.1</td>
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(General Authority: F.S. 1000.05, 1001.64, 1001.65, 1012.86, SBE Rule 6A-14.0261, 6A-14.0571, 6A-19.001)

(Adopted 07/01/72, Revised 07/13/78, 12/13/78, 06/23/80, 06/29/83, 06/23/87, 03/16/88, 11/16/88, 05/31/89, 03/01/95, 03/02/04, 06/01/04, 04/07/11, 04/03/12, 04/08/14, 12/02/14) Formerly 4.1
Purpose

The purpose of this procedure is to implement the College’s Equal Access/Equal Opportunity policy establishing the basic roles of the administrators responsible for such implementation.

Procedure

A. Board rule 6Hx7-2.1 establishes the College’s legal, philosophical and practical commitment to equal access and equal opportunity to all persons without regard to race, ethnicity, color, creed, national origin, religion, age, sex, gender, disability, marital status, sexual orientation/expression, veteran status, genetic information or any other factor protected under applicable federal, state and local laws, rules and regulations. The Equal Access/Equal Opportunity rule applies to all educational programs and services, to affirmative action in employment and to the treatment of all persons who wish to provide goods or services to the College.

B. The responsibility for establishing administrative procedures to implement the Equal Access/Equal Opportunity/Equity Plan (EA/EO/EP) in the major administrative units as well as the day-to-day management of EA/EO/EP is delegated by the College President to the Chief Human Resource Officer and Executive Director, Employee Relations and College Equity Officer. This responsibility includes the orientation of all administrators regarding the College’s equal educational opportunity equity plan and insuring that the plan is integrated into all procedures and practices related to instructional programs and services and all personnel considerations and business transactions.

C. Any employee who has a concern regarding the College’s implementation and/or interpretation of this rule shall have the right to formalize that concern through the College’s complaint or grievance procedures as detailed in APM 03-1404.

D. Persons who feel that they have been harassed and wish further information or assistance in filing a complaint or grievance, may contact:

Executive Director, Employee Relations and College Equity Officer
Florida State College at Jacksonville
501 W. State Street
Telephone: (904) 632-3221

-or-

Vice President of Student Services
Administrative Offices
Telephone: (904) 632-3131

Dean of Student Success
Downtown Campus/ATC
Telephone: (904) 633-8250
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-or-

Any Administrator that the complainant may select.

REFERENCES: F.S. 1000.05, 1001.64, 1001.65, 1012.86, SBE Rule 6A-14.0261, 6A-14.0571, 6A-19.001

Adopted Date: November 2, 1987
Revision Date: April 3, 2001, October 19, 2011, December 2, 2014
APPENDIX 2

Grievance Procedures
(1) Florida State College at Jacksonville is committed to the principle of equal opportunity in accordance with the provisions of the Florida Educational Equity Act and all other relevant state and federal laws, rules and regulations. Discrimination or harassment on the basis of race, ethnicity, creed, color, national origin, religion, age, sex, gender, disability, marital status, sexual orientation/expression, veteran status, genetic information or any other factor protected under applicable federal, state and local laws, rules and regulations against students, employees, applicants for admission and applicants for employment is prohibited. Sexual harassment, sexual assault, domestic violence, dating violence and stalking are forms of prohibited sex discrimination.

(2) The College President is delegated the responsibility to establish guidelines and procedures, to implement the College’s equal educational and employment opportunity, equity rules and principles.

(3) The College shall develop and maintain an Equity Plan that is in compliance with this Board Rule and other applicable federal and state laws. The College President shall designate a College Equity Officer and delegate to the designee the responsibility for the development and oversight of the Equity Plan and associated goals.

(4) Discrimination, harassment and retaliation are prohibited by this rule.

A. Any employee, student, student organization, business entity or person privileged to work or study in or for the Florida State College at Jacksonville community who violates this policy will be subject to disciplinary action up to and including periodic or permanent exclusion from the College or College business.

B. All College vendors and contractors who do business on College premises shall be subject to this policy to the extent that this policy or the contractual agreement requires the vendors and/or contractors to not discriminate against or harass members of the College community.

(5) Collegewide responsibility for the coordination of specific actions pertaining to formally submitted issues is delegated by the College President to the Executive Director, Employee Relations and College Equity Officer as indicated below and all communications related to this rule and actions taken thereof will be maintained by the Executive Director, Employee Relations and College Equity Officer.

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(Adopted 07/01/72, Revised 07/13/78, 12/13/78, 06/23/80, 06/29/83, 06/23/87, 03/16/88, 11/16/88, 05/31/89, 03/01/95, 03/02/04, 06/01/04, 04/07/11, 04/03/12, 04/08/14, 12/02/14) Formerly 4.1
(1) College personnel are entitled to fair and equitable treatment. The College and its employees share a joint responsibility to seek means of satisfactorily resolving grievances concerning an employee's rights regarding terms and conditions of employment as set forth in the College Board Rules and Administrative Procedures.

(2) The President shall establish, or cause to be established, procedures to address employee grievances.

(General Authority: F.S. 1001.64, 1012.81, SBE Rule 6A-14.0261)

(Adopted 07/01/72, Revised 06/23/80, 12/02/14, Formerly 5.45)
Purpose

The purpose of this procedure is to implement the College’s Equal Access/Equal Opportunity policy establishing the basic roles of the administrators responsible for such implementation.

Procedure

A. Board rule 6Hx7-2.1 establishes the College’s legal, philosophical and practical commitment to equal access and equal opportunity to all persons without regard to race, ethnicity, color, creed, national origin, religion, age, sex, gender, disability, marital status, sexual orientation/expression, veteran status, genetic information or any other factor protected under applicable federal, state and local laws, rules and regulations. The Equal Access/Equal Opportunity rule applies to all educational programs and services, to affirmative action in employment and to the treatment of all persons who wish to provide goods or services to the College.

B. The responsibility for establishing administrative procedures to implement the Equal Access/Equal Opportunity/Equity Plan (EA/EO/EP) in the major administrative units as well as the day-to-day management of EA/EO/EP is delegated by the College President to the Chief Human Resource Officer and Executive Director, Employee Relations and College Equity Officer. This responsibility includes the orientation of all administrators regarding the College’s equal educational opportunity equity plan and ensuring that the plan is integrated into all procedures and practices related to instructional programs and services and all personnel considerations and business transactions.

C. Any employee who has a concern regarding the College’s implementation and/or interpretation of this rule shall have the right to formalize that concern through the College’s complaint or grievance procedures as detailed in APM 03-1404.

D. Persons who feel that they have been harassed and wish further information or assistance in filing a complaint or grievance, may contact:

Executive Director, Employee Relations and College Equity Officer
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Any Administrator that the complainant may select.

REFERENCES: F.S. 1000.05, 1001.64, 1001.65, 1012.86, SBE Rule 6A-14.0261, 6A-14.0571, 6A-19.001

Adopted Date: November 2, 1987
Revision Date: April 3, 2001, October 19, 2011, December 2, 2014
Purpose

The purpose of this procedure is to present an overview of options available to employees when discrimination, harassment, sexual harassment or retaliation may have occurred. Any employee or applicant for employment who believes that they have been subjected to discrimination, harassment, sexual harassment, or retaliation in violation of the College’s policies may file a complaint by utilizing either an informal or formal complaint process, or both.

The Office of Human Resources shall administer the policies and procedures referred to herein. This authority is delegated from the College President, and carries the obligation to ensure that the College community adheres to the College’s policies prohibiting discrimination, harassment, sexual harassment, and retaliation. Behaviors or actions that create an intimidating, offensive or abusive atmosphere will not be tolerated.

Procedure

A. Complaints - Employees or applicants for employment who believe that there has been a violation of the College’s policies prohibiting discrimination, harassment, sexual harassment or retaliation may utilize one or both of the following complaint processes. The informal complaint process does not have to be exhausted prior to filing a complaint under the formal complaint process. Additionally, individuals who believe that they have been victims of unlawful discrimination may file a complaint with the appropriate federal, state or local agencies.

1. Informal Complaint Process

a. Any employee who believes they have been the subject of conduct in violation of the College’s Equal Access/Equal Opportunity: Non-Discrimination, Harassment or Retaliation policy (6Hx7-2.1), or who has been accused of the same, may seek the advice of or consult of the Chief Human Resource Officer (CHRO) and Executive Director, Employee Relations and College Equity Office, or designee. Alternatively, employees have the option of bringing their concerns to an immediate supervisor, department head, director, campus president or vice president. An administrator or supervisor who receives an employee’s complaint may assist the complainant by formulating a plan for resolution of the problem. The Office of Human Resources must be notified of any informal complaint and/or plan for resolution of the problem.

b. 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 communication, negotiation, facilitation, and problem-solving that emphasizes fairness, the needs and interests of the participants, and confidentially. An example of an informal complaint is one where the
complainant requests only that an appropriate College official counsel the accused individual to cease the alleged conduct.

c. The Office of Human Resources must be notified of any resolution of an informal complaint. Should the problem not be resolved satisfactorily using the informal process, the complainant may file a formal complaint. A complainant who chooses not to proceed with a formal complaint may be asked to state that preference in writing.

2. Formal Complaint Process

a. Forms for filing a formal complaint are available from the Campus President’s office, the Office of Human Resources or the Office of the General Counsel.

b. A complaint may be made in writing or by telephone to the Office of Human Resources. Upon receipt of a written or telephone complaint, the complainant will be furnished with a copy of the Equity Intake Form. The complaint form contains the name of the complainant, states the nature of the act(s) alleged, including the name of the alleged offender(s), the date(s) on which the alleged act(s) occurred, the name(s) of any witnesses, and the desired resolution(s). A complaint must be filed within sixty (60) days of the act(s) alleged to be a violation of College Policy.

c. The Office of Human Resources shall investigate the complaint. The investigation may include, but is not necessarily limited to, interviewing the complainant, witnesses, and alleged offender, 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.

d. If the complaint is about the Executive Director, Employee Relations and College Equity Officer, the complaint shall be made to the Chief Human Resource Officer (CHRO). The CHRO will conduct the investigation and issue findings and recommendations in accordance with paragraph C of this section.

c. The College will attempt to complete all investigations within ninety (90) days after the date the formal complaint is filed.

f. If there is reasonable cause to believe there was discrimination, the College will take all necessary and appropriate action to resolve the situation. This could include instituting disciplinary proceedings against the alleged offender.
B. Voluntary Withdrawal of Complaint - The complainant may withdraw the complaint at any time by submitting a written statement to the Executive Director, Employee Relations and College Equity Officer, indicating his or her desire to withdraw the complaint. The complainant shall sign an affidavit stating that the decision to withdraw the complaint was made by the complainant of his or her own volition, without coercion or threat of retaliation.

C. Record of Complaint - The Office of Human Resources will maintain all documents regarding complaints of discrimination in a file separate from the complainant’s personnel file.

D. Conciliation - During the course of an investigation, the investigating official may attempt conciliation during the course of an investigation of a complaint. If conciliation is not achieved, the investigation shall continue until completion. If conciliation is achieved but the alleged offender fails to abide by the agreement or retaliates against the complainant, the complaint may proceed, as if conciliation had not been reached.

E. Resolution of Complaint - The final report of the investigating official shall be transmitted to the complainant, the alleged offender, the alleged offender’s immediate supervisor, and the CHRO and/or his or her designee. If disciplinary action is warranted, the 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 shall be considered. The Office of Human Resources shall approve the proposed resolution. Disciplinary action shall be taken in accordance with College policy and procedures affecting the class of employees and the terms of any applicable collective bargaining agreement(s).

F. Review of Findings

1. Either party may request that the College President, or 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 appeal. Copies of the appeal shall be provided to the opposing party, the investigating official, and to the College President, or designee.

3. The written appeal must state in detail the reason(s) for the appeal 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 the investigating official may file a response to the appeal with the College President, or designee, within twenty (20) days of receipt of the appeal.

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

G. Duty to Report Alleged Violations - Any administrator, department head, director or supervisor who receives a complaint of discrimination or has knowledge about allegations of discrimination by or against a College employee has the duty to report the same to his or her immediate supervisor or to the Office of Human Resources. Administrators, campus presidents, department heads, directors and supervisors shall also inform their subordinates of any alleged victim of discrimination of the process for filing a complaint pursuant to this procedure. Any administrator, campus president, department head, director or supervisor who is determined to have received a complaint of discrimination or who is determined to have known about conduct in violation of the College’s policies may be subject to discipline, up to and including termination.

H. Prohibition of Retaliation - It is considered a violation of College policy for any action of retaliation to be taken against an employee or applicant for employment because he or she has filed a complaint or participated in an investigation pursuant to this procedure. As such, any attempt to penalize an employee or applicant for initiating a complaint or for participating in an investigation by subjecting his or her to any adverse employment action shall be treated as a separate allegation of discrimination.

I. Confidentiality - All complaints of discrimination, harassment, sexual 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.

J. Frivolous or Malicious Complaints - In the event that a claim of discrimination, harassment, sexual harassment, or retaliation is found to be frivolous or malicious, disciplinary action shall be taken in accordance with College policy and procedures affecting the class of employees and the terms of any applicable collective bargaining agreement(s).

K. Concurrent Grievance - Nothing contained in this procedure shall affect the right of a complainant to pursue the matter with an appropriate external agency.

L. Contact Information - College-wide responsibility for the coordination of specific actions pertaining to formally submitted issues is delegated by the College President to the Executive Director, Employee Relations and College Equity Officer as indicated below:
Executive Director, Employee Relations and College Equity Officer
Florida State College at Jacksonville
501 W. State Street
Jacksonville, FL 32202
(904) 632-3221

REFERENCES: F.S. 1000.05, 1001.64, 1001.65, 1012.86, SBE Rule 6A-14.0261, 6A-14.0571, 6A-19.001

Adopted Date: June 27, 2012
Revision Date: December 2, 2014
APPENDIX 3
Revised Policies and/or Procedures
RULES OF THE BOARD OF TRUSTEES

NUMBER | TITLE | PAGE
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6Hx7-2.1 | Equal Access/Equal Opportunity: Non-Discrimination, Harassment or Retaliation | 2 - 1

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(2) The President shall establish, or cause to be established, procedures to address employee grievances.

(General Authority: F.S. 1001.64, 1012.81, SBE Rule 6A-14.0261)

(Adopted 07/01/72, Revised 06/23/80, 12/02/14, Formerly 5.45)
Purpose

The purpose of this procedure is to implement the College’s Equal Access/Equal Opportunity policy establishing the basic roles of the administrators responsible for such implementation.

Procedure

A. Board rule 6Hx7-2.1 establishes the College's legal, philosophical and practical commitment to equal access and equal opportunity to all persons without regard to race, ethnicity, color, creed, national origin, religion, age, sex, gender, disability, marital status, sexual orientation/expression, veteran status, genetic information or any other factor protected under applicable federal, state and local laws, rules and regulations. The Equal Access/Equal Opportunity rule applies to all educational programs and services, to affirmative action in employment and to the treatment of all persons who wish to provide goods or services to the College.

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REFERENCES: F.S. 1009.05, 1001.64, 1001.65, 1012.86, SBE Rule 6A-14.0261, 6A-14.0571, 6A-19.001

Adopted Date: November 2, 1987
Revision Date: April 3, 2001, October 19, 2011, December 2, 2014
Purpose

The purpose of this procedure is to present an overview of options available to employees when discrimination, harassment, sexual harassment or retaliation may have occurred. Any employee or applicant for employment who believes that they have been subjected to discrimination, harassment, sexual harassment, or retaliation in violation of the College's policies may file a complaint by utilizing either an informal or formal complaint process, or both.

The Office of Human Resources shall administer the policies and procedures referred to herein. This authority is delegated from the College President, and carries the obligation to ensure that the College community adheres to the College's policies prohibiting discrimination, harassment, sexual harassment, and retaliation. Behaviors or actions that create an intimidating, offensive or abusive atmosphere will not be tolerated.

Procedure

A. Complaints - Employees or applicants for employment who believe that there has been a violation of the College's policies prohibiting discrimination, harassment, sexual harassment or retaliation may utilize one or both of the following complaint processes. The informal complaint process does not have to be exhausted prior to filing a complaint under the formal complaint process. Additionally, individuals who believe that they have been victims of unlawful discrimination may file a complaint with the appropriate federal, state or local agencies.

1. Informal Complaint Process

   a. Any employee who believes they have been the subject of conduct in violation of the College’s Equal Access/Equal Opportunity: Non-Discrimination, Harassment or Retaliation policy (6Hx7-2.1), or who has been accused of the same, may seek the advice of or consult the Chief Human Resource Officer (CHRO) and Executive Director, Employee Relations and College Equity Officer, or designee. Alternatively, employees have the option of bringing their concerns to an immediate supervisor, department head, director, campus president or vice president. An administrator or supervisor who receives an employee’s complaint may assist the complainant by formulating a plan for resolution of the problem. The Office of Human Resources must be notified of any informal complaint and/or plan for resolution of the problem.

   b. 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 communication, negotiation, facilitation, and problem-solving that emphasizes fairness, the needs and interests of the participants, and confidentially. An example of an informal complaint is one where the
complainant requests only that an appropriate College official counsel the accused individual to cease the alleged conduct.

c. The Office of Human Resources must be notified of any resolution of an informal complaint. Should the problem not be resolved satisfactorily using the informal process, the complainant may file a formal complaint. A complainant who chooses not to proceed with a formal complaint may be asked to state that preference in writing.

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a. Forms for filing a formal complaint are available from the Campus President’s office, the Office of Human Resources or the Office of the General Counsel.

b. A complaint may be made in writing or by telephone to the Office of Human Resources. Upon receipt of a written or telephone complaint, the complainant will be furnished with a copy of the Equity Intake Form. The complaint form contains the name of the complainant, states the nature of the act(s) alleged, including the name of the alleged offender(s), the date(s) on which the alleged act(s) occurred, the name(s) of any witnesses, and the desired resolution(s). A complaint must be filed within sixty (60) days of the act(s) alleged to be a violation of College Policy.

c. The Office of Human Resources shall investigate the complaint. The investigation may include, but is not necessarily limited to, interviewing the complainant, witnesses, and alleged offender, 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.

d. If the complaint is about the Executive Director, Employee Relations and College Equity Officer, the complaint shall be made to the Chief Human Resource Officer (CHRO). The CHRO will conduct the investigation and issue findings and recommendations in accordance with paragraph C of this section.

e. The College will attempt to complete all investigations within ninety (90) days after the date the formal complaint is filed.

f. If there is reasonable cause to believe there was discrimination, the College will take all necessary and appropriate action to resolve the situation. This could include instituting disciplinary proceedings against the alleged offender.
B. Voluntary Withdrawal of Complaint - The complainant may withdraw the complaint at any time by submitting a written statement to the Executive Director, Employee Relations and College Equity Officer, indicating his or her desire to withdraw the complaint. The complainant shall sign an affidavit stating that the decision to withdraw the complaint was made by the complainant of his or her own volition, without coercion or threat of retaliation.

C. Record of Complaint - The Office of Human Resources will maintain all documents regarding complaints of discrimination in a file separate from the complainant’s personnel file.

D. Conciliation - During the course of an investigation, the investigating official may attempt conciliation during the course of an investigation of a complaint. If conciliation is not achieved, the investigation shall continue until completion. If conciliation is achieved but the alleged offender fails to abide by the agreement or retaliates against the complainant, the complaint may proceed, as if conciliation had not been reached.

E. Resolution of Complaint - The final report of the investigating official shall be transmitted to the complainant, the alleged offender, the alleged offender’s immediate supervisor, and the CHRO and/or his or her designee. If disciplinary action is warranted, the 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 shall be considered. The Office of Human Resources shall approve the proposed resolution. Disciplinary action shall be taken in accordance with College policy and procedures affecting the class of employees and the terms of any applicable collective bargaining agreement(s).

F. Review of Findings

1. Either party may request that the College President, or 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 appeal. Copies of the appeal shall be provided to the opposing party, the investigating official, and to the College President, or designee.

3. The written appeal must state in detail the reason(s) for the appeal 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 the investigating official may file a response to the appeal with the College President, or designee, within twenty (20) days of receipt of the appeal.

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

G. Duty to Report Alleged Violations - Any administrator, department head, director or supervisor who receives a complaint of discrimination or has knowledge about allegations of discrimination by or against a College employee has the duty to report the same to his or her immediate supervisor or to the Office of Human Resources. Administrators, campus presidents, department heads, directors and supervisors shall also inform their subordinates of any alleged victim of discrimination of the process for filing a complaint pursuant to this procedure. Any administrator, campus president, department head, director or supervisor who is determined to have received a complaint of discrimination or who is determined to have known about conduct in violation of the College's policies may be subject to discipline, up to and including termination.

H. Prohibition of Retaliation - It is considered a violation of College policy for any action of retaliation to be taken against an employee or applicant for employment because he or she has filed a complaint or participated in an investigation pursuant to this procedure. As such, any attempt to penalize an employee or applicant for initiating a complaint or for participating in an investigation by subjecting his or her to any adverse employment action shall be treated as a separate allegation of discrimination.

I. Confidentiality - All complaints of discrimination, harassment, sexual 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.

J. Frivolous or Malicious Complaints - In the event that a claim of discrimination, harassment, sexual harassment, or retaliation is found to be frivolous or malicious, disciplinary action shall be taken in accordance with College policy and procedures affecting the class of employees and the terms of any applicable collective bargaining agreement(s).

K. Concurrent Grievance - Nothing contained in this procedure shall affect the right of a complainant to pursue the matter with an appropriate external agency.

L. Contact Information - College-wide responsibility for the coordination of specific actions pertaining to formally submitted issues is delegated by the College President to the Executive Director, Employee Relations and College Equity Officer as indicated below:
Executive Director, Employee Relations and College Equity Officer
Florida State College at Jacksonville
501 W. State Street
Jacksonville, FL 32202
(904) 632-3221

REFERENCES: F.S. 1000.05, 1001.64, 1001.65, 1012.86, SBE Rule 6A-14.0261, 6A-14.0571,
6A-19.001

Adopted Date: June 27, 2012
Revision Date: December 2, 2014
(1) For the purposes of this policy, an infected individual includes a person diagnosed as having Acquired Immune Deficiency Syndrome (AIDS); or a person who is determined to be positive for the Human Immunodeficiency Virus (HIV) but who has not developed the symptoms of AIDS. Florida State College at Jacksonville recognizes that discrimination against such infected individuals is expressly prohibited by Florida law, which provides to such infected individuals every protection made available to persons with documented disabilities under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791), the Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and Chapter 760, Florida Statutes.

(2) In accordance with law, the College will offer students and employees with AIDS/HIV the same opportunities and benefits offered to other students and employees while at the same time attempting to balance the rights of such infected individuals to an education and to employment at the College against the rights of other students and employees to an environment in which they are protected from contracting the disease.

A. Employees

1. The College shall not require an individual to take a HIV test as a condition of hiring, promotion, or continued employment unless the absence of the HIV is a bona fide occupational qualification for the job in question.

2. The College shall not fail or refuse to hire or discharge any individual, segregate or classify an individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual on the basis of the results of a HIV test unless the absence of the HIV is a bona fide occupational qualification for the job in question.

3. The College will not require an infected individual to cease working on the basis of a diagnosed infection unless such person has been determined not to be otherwise qualified based on a determination that no reasonable accommodation can be made to prevent the likelihood that the individual will, under the circumstances involved, expose other individuals to a significant possibility of being infected with HIV or to enable such person to perform the essential functions of the job.

4. An employee who informs the College that he/she has HIV/AIDS shall be accorded confidentiality regarding disclosure of the medical condition in accordance with all established state, local and federal laws and regulations.
For the purposes of this policy, an infected individual includes a person diagnosed as having Acquired Immune Deficiency Syndrome (AIDS); or a person who is determined to be positive for the Human Immunodeficiency Virus (HIV) but who has not developed the symptoms of AIDS. Florida State College at Jacksonville recognizes that discrimination against such infected individuals is expressly prohibited by Florida law, which provides to such infected individuals every protection made available to persons with documented disabilities under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791), the Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and Chapter 760, Florida Statutes.

In accordance with law, the College will offer students and employees with AIDS/HIV the same opportunities and benefits offered to other students and employees while at the same time attempting to balance the rights of such infected individuals to an education and to employment at the College against the rights of other students and employees to an environment in which they are protected from contracting the disease.

A. Employees

1. The College shall not require an individual to take an HIV test as a condition of hiring, promotion or continued employment unless the absence of HIV is a bona fide occupational qualification for the job in question.

2. The College shall not fail or refuse to hire or discharge any individual, segregate or classify an individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual on the basis of the results of an HIV test unless the absence of HIV is a bona fide occupational qualification for the job in question.

3. The College will not require an infected individual to cease working on the basis of a diagnosed infection unless such person has been determined not to be otherwise qualified based on a determination that no reasonable accommodation can be made to prevent the likelihood that the individual will, under the circumstances involved, expose other individuals to a significant possibility of being infected with HIV or to enable such person to perform the essential functions of the job.

4. An employee who informs the College that he/she has HIV/AIDS shall be accorded confidentiality regarding disclosure of the medical condition in accordance with all established state, local and federal laws and regulations.
5. In instances where an infected employee is unable to fulfill their regular responsibilities, or portions of these responsibilities, but is able and desires to continue working in a less physically demanding capacity, the College shall make a reasonable effort, if requested, to accommodate the employee’s physical disability and ensure “reasonable” efforts to accommodate the special needs of employee with AIDS and AIDS related diseases unless the accommodation places “undue burdens” on the College.

B. Students

1. The College will not deny the admission or deny continued attendance of a student otherwise qualified for admission or continued attendance on the basis of a diagnosed infection unless a determination has been made that no reasonable accommodation can be made to prevent the likelihood, under the circumstances involved, that such admission or attendance will expose other individuals to a significant possibility of being infected with HIV or to enable such persons to meet the substantial requirements of the educational program.

(3) Anyone who believes they have been subject to harassment or discrimination can contact the College’s Equity Officer:

501 West State Street
Jacksonville, FL 32202
(904) 632-3221 (confidential)
Equityofficer@fscj.edu (confidential)
1-877-578-6801 (confidential)


(Adopted 10/19/88; Revised 5/21/92, 05/13/14, 04/14/15)
APPENDIX 4
Policy and Procedures to Implement Rule 6A-10.041, F.A.C.
Purpose

The purpose of this procedure is to establish a mechanism whereby eligible students with disabilities may be identified and provided special considerations and/or reasonable substitute requirements for admission to this institution, admission to a program of study or graduation.

Procedure

A. Definitions and Explanations

1. Eligible students with disabilities will be defined in accordance with the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act of 1973.

2. For the purpose of this procedure, the following definitions shall apply:

   a. Hearing Impairment - A hearing loss of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000, and 4000 Hz, unaided, in the better ear. Examples include, but are not limited to, conductive hearing impairment or deafness, sensorineural hearing impairment or deafness, high or low tone hearing loss or deafness and/or acoustic trauma hearing loss or deafness.

   b. Visual Impairment - Disorders in the structure and function of the eye as manifested by at least one of the following: visual acuity or 20/70 or less in the better eye after the best possible correction, a peripheral field so constricted that it affects one's ability to function in an educational setting or a progressive loss of vision which may affect one's ability to function in an educational setting. Examples include, but are not limited to, cataracts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa and strabismus.

   c. Specific Learning Disability - A disorder in one or more of the basic psychological or neurological processes involved in understanding or in using spoken or written language. Disorders may be manifested in listening, thinking, reading, writing, spelling or performing arithmetic calculations. Examples include dyslexia, dysgraphia, dysphasia, dyscalculia and other specific learning disabilities in the basic psychological or neurological process. Such disorders do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to intellectual disability, to emotional disturbances or to an environmental deprivation.

   d. Orthopedic Impairment - A disorder of the musculoskeletal, connective tissue disorder and neuromuscular system. Examples include, but are not limited to: cerebral palsy, absence of some body member, nerve damage to the hand and arm, cardiovascular aneurysm (CVA), head injury and spinal cord injury, arthritis and rheumatism, epilepsy, intracranial hemorrhage, embolism, thrombosis (stroke), poliomyelitis, multiple sclerosis, Parkinson’s disease, congenital malformation of brain cellular tissue, and physical disorders pertaining to muscles,
nerves, usually as a result of disease or birth defect, including but not limited to, muscular
dystrophy and congenital muscle disorders.

e. Speech/Language Impairments - Disorders of language, articulation, fluency or voice which
interferes with communication, pre-academic or academic learning, vocational training or
social adjustments. Examples include, but are not limited to: cleft lip and/or cleft palate with
speech impairment, stammering, stuttering, laryngectomy and aphasia.

f. Emotional and Behavioral Disorders - Any mental or psychological disorder including but not
limited to organic brain syndrome, emotional or mental illness or attention deficit disorders.

g. Autism Spectrum Disorder - Disorders characterized by an uneven development profile and a
pattern of qualitative impairments in social interaction, communication, and the presence of
restricted repetitive, and/or stereotyped patterns of behavior, interests or activities. These
characteristics may manifest in a variety of combinations and range from mild to severe.

h. Traumatic Brain Injury - An injury to the brain, not of a degenerative or congenital nature but
caused by an external force, that may produce a diminished or altered state of consciousness,
which results in impairment of cognitive ability and or physical functioning.

i. Other Health Impairment - Any disability not identified in paragraphs (1)(a through h) of this
rule, except those students who have been documented with an intellectual disability, deemed
by a disability professional to make completion of the requirement impossible.

3. Persons eligible for special considerations and substitutions will be made known to the College
through a process of self-identification, or identification through appropriate community resources
(i.e., DVR, DBS, School System and Veterans Affairs). Additionally, information/invitation in
the College Catalog and the Office of Services for Students with Disabilities (OSSD) webpage
informs persons with disabilities to contact the OSSD staff for eligibility determination.

4. The student is informed that course substitution could impact eligibility for some programs of
study and they should contact the institution of transfer before completing this request.

5. Decisions for acceptable substitutions of graduation requirement(s) will be made on an individual
basis which guarantees that students' rights are not denied. If an individual with a disability feels
he/she cannot participate in a particular required course, he/she may obtain a Course Substitution
Request Form from the campus OSSD staff. It is recommended the student utilize auxiliary aid
support services prior to applying for an exemption or waiver, but a failed attempt at a course is
not a requirement for a substitution request.

6. Any student who, in the best professional opinion of the College, has a disability such that the
student cannot demonstrate successful completion of one or more sections of the college-level
communication and/or computation skills examination and is achieving at the college level in
every area except that of the disability, and whose diagnosis indicates further remediation will not
succeed in overcoming the disability, may appeal through the appropriate Campus Dean for
Student Success to a Course Substitution Appeals Committee, appointed by the Vice President of the College/Provost for special consideration.

a. The committee shall consist of the following:

   i. Director of Student Support Services,
   ii. the Executive Dean for Arts and Sciences,
   iii. the Registrar,
   iv. a member of the faculty from the Mathematics Department,
   v. a member of the faculty from the Communications Department, and
   vi. a member of the faculty from a non-General Education discipline.

b. The committee shall examine the evidence of the student’s academic and medical records and may hear testimony relevant to the case.

7. Should a student with a disability be denied a substitution request and/or a special consideration, he/she may appeal the decision, in writing, to the Vice President of Student Services.

8. The availability of substitution courses and special considerations shall be made known to students through notice in the College Catalog and during individual advising sessions with students.

9. Credits awarded by other state institutions as a result of substitute requirements established upon provisions of SBE Rule 6A-10.041 will be accepted by Florida State College at Jacksonville.

10. Students who qualify for a course substitution will be exempt from college preparatory requirements, as provided in State Board Rule 6A-10.0315 in the basic skill area for which the student is eligible for the course substitution, provided that successful completion of the college preparatory coursework is not considered an essential part of the curriculum in the student’s academic program.

11. It is the responsibility of the Registrar, in coordination with the OSSD to maintain records of the number of students with disabilities granted special consideration and/or substitutions by type of disability, number of requests for substitutions, title of course for which the substitutions were granted, title of substitution course, number of students granted substitutions and the number of requests for substitutions or special considerations which were denied.

Adopted Date: October 4, 1991
Revision Date: August 3, 2000, February 12, 2013, April 14, 2015
FLORIDA STATE COLLEGE AT JACKSONVILLE
COURSE SUBSTITUTION REQUEST FOR STUDENTS WITH DISABILITIES

DATE: ________________________________

ORIGIN OF REQUEST (circle one): Kent Downtown North South Open/Deerwood Center

TERM (circle one): Fall Spring Summer

STUDENT NUMBER: ________________________________

NAME: ________________________________
(LAST) (FIRST) (MIDDLE INITIAL)

MAILING ADDRESS: ________________________________
(STREET) (CITY) (STATE) (ZIP CODE)

PHONE: (HOME) ________________________________ Email: ________________________________

Program of Study: ________________________________ Transfer Institution: ________________________________

Nature of Disability: ________________________________

Course for which you are requesting substitution: ________________________________

Course(s) you requested to take in lieu of the above course: ________________________________

Clearly state how your disability interferes with you completing this course: ________________________________

ACTION TAKEN TO PASS THE COURSE(S) (if appropriate):

SERVICES: (tutors, readers, labs, etc.) ________________________________

TESTING ACCOMMODATIONS: (extended time, etc.) ________________________________

COURSES: (credit and/or non-credit) ________________________________

OTHER: ________________________________

Student must deliver this form with documentation of disability (if applicable) and/or other requested information to the Office of Services for Students with Disabilities, at least 45 days prior to the enrollment term. This form must be completed and signed before the request will be considered.

Student's Signature ________________________________ Date __________
Office of Services for Students with Disabilities (OSSD) Representative ________________________________ Date __________