



Santa Fe College Rules Manual

Title:	Prohibition Against Discrimination and Harassment	Procedure 2.8P
Based on:	Rule 2.8	
Effective Date:	June 12, 2017	

General Application and Responsibility of the College

The following procedures shall apply in the event of an alleged violation of the Rule set forth in Rule 2.8 (Prohibition Against Discrimination and Harassment) (hereinafter referred to as “Rule 2.8” or “the Rule”).

For purposes of this Procedure, a “Complainant” under Rule 2.8 shall be deemed to be (1) the aggrieved individual or, (2) in some cases, the college. A third party individual who has witnessed or is aware of discrimination or harassment may participate in the Advisement Process or file a Formal Complaint and will be referred to as a “Reporter.”

At all times during the process, the College reserves the right to investigate, pursue, and otherwise take appropriate action with respect to any allegations that may come to its attention on the basis of facts and evidence available.

I. Reporting Responsibilities

Members of the college community should be aware that every employee, other than those considered confidential by SF, is responsible for making the Equity Officer/Title IX Coordinator aware of any concerns or complaints of discrimination or harassment. Positions with these responsibilities include:

- All instructors, including full-time professors, adjuncts, and any others who offer classroom instruction or office hours to students;
- All chairs, directors, and deans;
- All advisors, access specialists, and high school dual enrollment guidance counselors;
- All coaches, trainers, and other athletic staff that interact directly with students;
- All student affairs administrators and their assistants;
- Employees who work in offices that regularly interface with students; and
- All supervisors and managers.

II. Investigative Procedures

A. Advisement Process

Anyone may seek advice or information on matters related to discrimination or harassment without having to request an informal resolution or file a formal complaint.

Parties seeking information or advice can expect to learn about resources available at Santa Fe College and elsewhere that provide counseling and support. They also will be advised about the steps involved in pursuing an informal resolution or filing a formal complaint. In addition, the Equity Officer/Title IX Coordinator may discuss with the Complainant or Reporter whether any interim measures are appropriate at this stage.

B. Informal Resolution Process

Any Santa Fe College student or employee may choose to seek informal resolution to their concern. The request can be made either orally or in writing to the Equity Officer/Title IX Coordinator.

The request should identify the alleged harasser and describe the allegations. The Equity Officer/Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the community to determine whether informal resolution may be appropriate. This assessment may include limited fact-finding and the Equity Officer/Title IX Coordinator may assign an Investigator(s) to the case. If informal resolution is appropriate, the Equity Officer/Title IX Coordinator or the Investigator(s) will attempt to aid the parties in finding a mutually acceptable agreement. The Complainant shall have the option to end this process at any time and request to withdraw the complaint or engage in the Formal Complaint Resolution process.

A matter will be resolved when both parties expressly agree to an outcome that is also acceptable to Equity Officer/Title IX Coordinator. Once an agreement has been reached, the agreement will be commemorated in writing and will be held on file with the Equity Officer/Title IX Coordinator consistent with state records retentions laws.

In addition, the Equity Officer/Title IX Coordinator or Investigator(s) may discuss with Complainant whether any interim measures are appropriate at this stage.

Ordinarily, the informal resolution process will be concluded within three weeks of the date of the request.

C. Formal Complaint Resolution Process

1) How to File a Complaint

A Complainant or Reporter may file a formal complaint alleging a violation of policy at any time. Complaints should be submitted directly to the Equity Officer/Title IX

Coordinator (See contact information at the end of this document).

The complaint should be in writing and, if not submitted electronically, signed and dated by the Complainant or Reporter. It should state the name of the alleged harasser (if known) and describe with reasonable specificity the incident(s) of alleged harassment or discrimination, including the date and place of such incident(s). The complaint must be in the Complainant or Reporter's own words, and may not be authored by others absent extenuating circumstances. Attached to the complaint should be a list of any sources of information (for example, witnesses, correspondence, records) that the Complainant or Reporter believes may be relevant to the investigation. A complaint should not be delayed if such sources of information are unknown or unavailable.

2) Timeframe for Filing a complaint

Santa Fe College does not limit the timeframe for filing a complaint. The College encourages complaints to be filed as soon as possible after an alleged Rule violation because the College's ability to gather adequate information may be limited when a significant length of time has elapsed between an incident and the filing of a complaint. The College's ability to complete its processes may be limited with respect to Respondents who are no longer affiliated with the College.

3) Initial Review

Once a complaint is received by the Equity Officer/Title IX Coordinator, the case will either be investigated by the Equity Officer/Title IX Coordinator, the Equity Officer/Title IX Coordinator and 1 investigator, or be assigned to 2 Investigators (collectively called the Investigative Team). All investigators will be impartial and unbiased, will disclose any real or reasonably perceived conflicts of interest to the Equity Officer/Title IX Coordinator, and have training in investigating and evaluating conduct under the Rule and applicable confidentiality requirements. Any concerns by the participants in the investigation about potential conflicts of interest or the impartiality of the investigators should be reported to the Equity Officer/Title IX Coordinator as soon as possible.

The Investigative Team will contact the Complainant or Reporter in an attempt to gather a more complete understanding of the allegations, as well as any related conduct that may implicate the Rule. When a complaint is brought by a Reporter, the Investigative Team will try to meet with the person identified as the potential Complainant both to gather information and to discuss his or her interest in participating in an investigation and provide that person with information about resources.

Based on the information gathered, the Investigators will determine whether the information, if true, would constitute a violation of the Rule. If it would, an investigation is opened. If the information provided would not constitute a violation, the case is administratively closed. The Investigators will convey this determination to the

Complainant (and the Reporter, if there is one) and the Equity Officer/Title IX Coordinator in writing. If the information contained in the complaint could constitute a violation of other SF Rules, the Equity Officer/Title IX Coordinator may forward that concern to the appropriate Vice President.

After the decision is made to close a case administratively, the Complainant or Reporter may request reconsideration on the grounds that there is substantive and relevant new information that was not available at the time of the decision and that may change the outcome of the decision. The requests should be submitted to the Equity Officer/Title IX Coordinator in writing (See contact information at the end of this document).

4) The Investigation

a. Investigative Steps

Once the decision to open an investigation is made, both parties will receive simultaneous written notice of that decision. This letter will include copies of this policy and procedure and will notify the parties of the implicated provisions of the Rule known at that time. The Investigative Team will request individual interviews with the Complainant (if necessary to gather additional evidence) and the Respondent, and, as appropriate, with other witnesses. The Respondent will be able to view the written allegations in the first investigative interview and may provide a written response at their discretion, which may in turn be viewed by the Complainant.

During the investigation, both the Complainant and Respondent will have an equal opportunity to respond to information, provide evidence, and name witnesses.

After the collection of additional information is complete but prior to the conclusion of the investigation, the Investigative Team may request individual follow-up interviews with the Complainant and the Respondent to give each the opportunity to respond to the additional information that was gathered during the investigation.

Prior to the submission of the investigative report to the appropriate vice president, the parties will be simultaneously provided with a redacted, written draft summary of their statements, witnesses' statements, and either a copy or written summary of other relevant evidence collected during the investigation. The documents will be redacted for sensitive personal identifying information, student information protected by FERPA, and any other information deemed appropriate by the Equity Officer/Title IX Coordinator and/or the Investigative Team. The Complainant and Respondent may review the summary and provide feedback in response. The Complainant and Respondent must submit any comments, feedback, additional documents, evidence, names of additional witnesses, or any other information they deem relevant to the investigator within seven (7) calendar days after receipt.

b. Personal Advisors

In cases involving allegations of sexual harassment, sexual assault, domestic violence,

dating violence, or stalking, both parties have a choice of personal advisor. Both the Complainant and the Respondent may bring a personal advisor to any interviews with the Investigative Team. During interviews, personal advisors may not speak for their advisees, although they may ask for breaks for their advisees or ask procedural questions.

c. Confidentiality

The Investigative Team, personal advisors, and others at the College involved in or aware of the complaint will take reasonable steps to protect the privacy of all involved. Once a complaint is filed, the Complainant or Reporter, the Respondent, and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case and the expectation that they therefore keep such information – including any documents they may receive or review – confidential. They also will be notified that sharing such information might be construed as retaliatory by the other party. Retaliation of any kind is a separate violation of the Rule and may lead to an additional complaint and sanctions by the College.

d. Coordination with Law Enforcement Authorities

In some cases, conduct may constitute both harassment under the Rule and unlawful criminal activity. In such cases, individuals should feel free to contact law enforcement and may ask for assistance with notifying law enforcement from the Equity Officer/Title IX Coordinator or the Counseling Center (see contact information below).

Because the standards for criminal investigations are different, police investigations or reports are not determinative of whether harassment or violence violates the Rule. Furthermore, a criminal investigation into allegations does not relieve the school of its duty to resolve complaints promptly and equitably. In the event that an allegation includes behavior or actions that are under review by law-enforcement authorities, the Investigative Team will seek updates from law enforcement and assess the timing of the investigation so that it does not compromise the criminal investigation.

e. Conclusion of the Investigation

At the conclusion of the investigation, the Investigative Team shall report the findings to the appropriate Vice President.¹ For complaints against students, the appropriate Vice President will be the Vice President of Student Affairs. For complaints against employees, the division in which the employee serves will determine the appropriate decision-maker. The Investigative Team will apply the preponderance of the evidence standard to make findings of fact and a determination of whether there was a violation of the Rule, and will provide a summary and findings, which may include recommendations, to the Vice President for future action.

¹ For purposes of these procedures, the Vice President will be referenced hereafter but the President would become involved at this level if one of his immediate staff members is the accused. Moreover, “Vice President” shall include any Vice President-level administrator, including the Provost and the General Counsel.

After consultation with the Equity Officer, the Vice President will set forth a written decision as to future action within 10 days of the Vice President's receipt of the findings. The Equity Officer shall simultaneously provide the parties with the decision letter, signed by the Vice President, which will include a summary of the findings and the Vice President's decision.

f. Timeframes for investigation

SF will seek to complete any investigation and resulting disciplinary process within 60 calendar days after receipt of a complaint. SF will seek to complete any appeal within 30 calendar days after receipt of the appeal.

There may be circumstances requiring longer timeframes. Timeframes may be extended, for example, in the interest of the integrity and completeness of the investigation, to accommodate witness availability, to comply with requests not to prejudice investigations or processes of external law enforcement, or for other legitimate reasons, including the complexity of the investigation and the severity or extent of alleged misconduct. The Investigative Team will notify the parties of any extensions of timeframes and the reasons for those extensions.

If any of the parties requires an extension for any reason, they should provide that request in writing to the Investigative Team who has the discretion to approve/deny any requests. If an extension is granted, the Investigative Team will notify the parties of any extensions of timeframes and the reasons for those extensions.

D. Appeals

Both the Respondent and the Complainant will be notified of their rights to appeal in writing and may appeal on the following grounds:

1. A procedural error occurred, which may change the outcome of the decision;
2. The appellant has substantive and relevant new information that was not available at the time of investigation and that may change the outcome of the decision;
3. The findings were clearly erroneous, or
4. The sanction is not proportional to the severity of the violation.

Appeals must be in writing, state the grounds for appeal, and be received by the Equity Officer/Title IX Coordinator within 7 calendar days of the date of the delivery of the Vice President's decision letter.

Upon receipt of a timely appeal, the Equity Officer/Title IX Coordinator will notify the other party and Vice President of the appeal in writing. If the subject of the appeal is a **student**, an appellate board as defined in Rule 7.23 Student Conduct Code will consider the appeal. If the subject of the appeal is an **employee**, the Equity Officer/Title IX Coordinator will then appoint an appellate board consisting of three trained Investigators not involved in the investigation to provide a review of the grounds for appeal.

The appellate board shall have the authority to order an investigation be reopened, dismiss findings completely or in part, and/or, or modify a sanction. Once the appellate panel has reached a consensus as to action, they shall submit a written report as to future actions to the appropriate Vice President, the Equity Officer/Title IX Coordinator, and the parties, within 20 days of the receipt of appeal. Subject to limitations specified in State Board of Education Rule 6A-14.0411 (applicable to faculty), the decision of the appellate board is final.

E. Special Circumstances

1. Requests for anonymity

If a Complainant or Reporter requests confidentiality or *asks* that the complaint not be pursued, SF will take all reasonable steps to understand the scope of the conduct and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. The Equity Officer/Title IX Coordinator will evaluate the request in the context of SF's responsibility to provide a safe and non-discriminatory environment for all students and employees and inform the Complainant of their decision.

When a Complainant or Reporter *insists* that their name or other identifiable information not be disclosed to the alleged perpetrator, the ability of SF to respond may be limited.

Additionally, all individuals should be aware that Florida's Public Records Law, Ch. 119, F.S., provides a right of access to the records of Santa Fe College. In the absence of a statutory exemption, this right of access applies to all materials made or received by the College in connection with the transaction of official business which are used to perpetuate, communicate, or formalize knowledge.

2. Request to Withdraw the Complaint

While SF will take every effort to respect the Complainant's wishes to withdraw a formal complaint, SF must be mindful of its overarching commitment to provide a nondiscriminatory environment. As a result, the Equity Officer/Title IX Coordinator may determine that investigation is appropriate despite a Complainant's request to withdraw the complaint or failure to cooperate.

III. Resources

Equity Officer and Title IX Coordinator:

Jasmine Gibbs
3000 NW 83rd Street, R-Annex, Room 113
Gainesville, Florida 32606
352-395-5950
equity.officer@sfcollge.edu

Counseling Center (Confidential Resource):
(352) 395-5508 Hours: Mon.-Fri. 8:15 AM - 4:00 PM Building R, Room 227

Employee Assistance Program (for full-time employees only) – 1-800-272-7252

SF Police Department:
For emergencies, call: 352-395-5555 (or dial 911), For all other police business, call: 352-395-5519

Whether or not a complaint is filed with Santa Fe College, any person may file a complaint of discrimination with the following agencies or any other state or federal agency having jurisdiction:

Florida Human Rights Commission - Web: <http://fchr.state.fl.us/>

U.S. Equal Employment Opportunity Commission – Web:
<https://www.eeoc.gov/employees/charge.cfm>

U.S. Department of Education Office of Civil Rights -
Office for Civil Rights, Atlanta Office
U.S. Department of Education
61 Forsyth St. SW, Suite 19T70
Atlanta, GA 30303-8927
Telephone: 404-974-9406
E-mail: OCR.Atlanta@ed.gov