

# EQUAL ACCESS/EQUAL OPPORTUNITY

In accordance with Federal and State laws as well as Board Governance Policy [400.1], Eastern Florida State College is dedicated to providing a nondiscriminatory environment which promotes equal access, equal educational opportunity, and equal employment opportunity to all persons regardless of age, race, national origin, color, ethnicity, genetic information, religion, sex, gender, sexual orientation, pregnancy, disability, marital status, veteran status, ancestry, or political affiliation in its programs, activities, or employment.

Inquiries regarding the College's nondiscrimination policies may be directed to:

Ms. Darla Ferguson, Chief Equity and Diversity Officer  
Cocoa Campus, George Washington Carver Administration Building  
2, Room 113  
1519 Clearlake Road  
Cocoa, FL 32922  
Telephone: 321-433-7080  
[e-mail](#)

or

Stephen Salvo, Dean of Public Safety & Title IX Compliance  
Coordinator  
Melbourne Campus, Building 8, Room 201 G  
3865 North Wickham Road  
Melbourne, FL 32935  
telephone: 321-433-5775 or  
[email](#)

**Official representatives of the College to include supervisors, staff and faculty are required to report all complaints or concerns regarding sexual misconduct, including sexual harassment, sexual violence, dating violence, domestic violence, sexual assault/sexual battery, and stalking to the Chief Equity and Diversity Officer and Title IX Compliance Coordinator or to their supervisor in a timely manner (within 24 hours). The complainant's desire to keep the matter confidential does not exempt employees from this directive. Failing to report these matters in a timely basis is a serious offense and will most likely result in disciplinary action.**

Inquiries regarding veterans' programs may be directed to the

Military & Veterans Service Center  
Student Services Center/Administration, Building 1, Room 140  
3865 North Wickham Road  
Melbourne, Florida 32935  
321-433-7880

or the

Military & Veterans Service Center  
Ralph M. Williams Student Center, Building 11, Room 113  
1519 Clearlake Road  
Cocoa, Florida 32922  
321-433-7880

The College has instituted procedures to provide a channel for the resolution of various types of problems or complaints by students and applicants for admission concerning College policies or College employees. Retaliatory action of any kind taken by an employee of the College against any student involved in any aspect of the grievance procedure is prohibited and shall be regarded as a separate and distinct grievous matter per College policy.

Students who feel that they have been injured in some fashion by unfair treatment (on the part of a College employee, or under any of the College policies, procedures, programs or activities) or by discrimination or harassment (on the basis of age, race, national origin, color, ethnicity, genetics information, religion, sex, gender, sexual orientation, pregnancy, disability, marital status, veteran status, ancestry or political affiliation) have the right to initiate informal and (optionally) formal grievance procedures (see Section 800.10 of the EFSC Procedures Manual for sexual misconduct matters).

## Informal Process

The College encourages individuals to discuss issues and attempt to work out differences in a non-confrontational manner. This informal process is defined as the verbal discussion between the student and the staff or faculty member most closely associated with the concern. The informal process is intended to encourage a satisfactory resolution to a complaint at the earliest possible time; however, the informal process is not a mandatory step in order to access the formal process.

The Associate Dean of Student Success and Support is the designated [college-wide ombudsman](#). The ombudsman is not directly involved in any formal complaint or grievance process, but will be available to inform the student on his rights and College processes for informal or formal complaint and grievance procedure. The [Equity Officer](#) is the designated ombudsman for staff, faculty and adjuncts.

## Filing an Informal Complaint

An individual who believes that he/she is the victim of discrimination or harassment should file a complaint with the Equity Officer. This will require that the complainant contact the Equity Officer and complete a grievance input form, identifying himself/herself, the respondent, the date(s) that the incident(s) took place and the place(s) of the alleged discriminatory action(s), describing the alleged incident(s) and identifying the resolution sought.

## 10 Business Days

Once the Equity Officer receives a complaint, he/she has ten (10) working days to contact the appropriate College official to arrange for the official to attempt to resolve the differences between the complainant and the respondent. The Equity Officer will monitor the progress of the grievance resolution and, if no satisfactory resolution is achieved within the allotted time frame, escalate the matter to the Associate Dean.

## 10 Business Days

The Associate Dean has ten (10) business days to attempt to resolve the differences between the aggrieved student and the respondent. The Campus Associate Dean and the Equity Officer will document the case,

including the allegation, the settlement attempts, and any resolution reached and provide copies of this memorandum to the Dean.

## Formal Process

If the Informal Process does not yield an acceptable resolution for the student; or, if the Informal Process is bypassed, the College Equity Officer will initiate the Formal Grievance Process.

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### 10 Business Days

Utilizing the information gathered during the Informal Process or in the Formal Process request, the Equity Officer has ten (10) business days from completion of the Informal Process to investigate and analyze further the grievance (interview complainant, witnesses, respondent; research legal aspects) and forward the findings to the Dean.

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### 10 Business Days

The Dean has ten (10) business days to resolve this matter.

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### 15 Business Days

If the Dean cannot resolve the issue, the Equity Officer has fifteen (15) business days to convene a three member Hearing Panel, consisting of one person each from complainant peer group, respondent peer group, College administration. Appointed members of the Hearing Panel shall be limited to full-time employees and full-time students. The Hearing Panel shall convene the hearing, calling together interested parties, witnesses and other parties deemed necessary as advisors. They will obtain, review and analyze all relevant records, documents, etc. and submit a recommendation to the Equity Officer.

**Note:** At any point in time, if due process requires further investigation, a written notice will be sent to the complainant and the respondent.

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### 5 Business Days

After the close of the hearing, the Equity Officer has five (5) business days to prepare a report outlining each issue the panel considered, summaries of important evidence brought to bear on the issue, conclusions, and recommendations. The Equity Officer will communicate the outcome in writing to the complainant and all involved parties.

## Investigation Process

The College will consider every claim of harassment or discrimination on an individual basis. In order to ensure an adequate, reliable, and impartial investigation, the Equity Officer:

- Will meet with complainant as soon as possible for both schedules within the 10 days and the complainant shall be primarily responsible for his/her presentation;
- Will meet with the respondent to allow for an explanation of the respondent's position;
- Will conduct interviews with the witnesses when relevant to the case, including witnesses that interested/involved parties have suggested;

- Will review all interview information with equal fairness to complainant, respondent, and all witnesses;
- Will recall witnesses or call additional new witnesses as deemed necessary or helpful to reach a fair decision;
- Will include only evidence relevant to the case (when/if/as available);
- Will not discuss the case with anyone outside of the investigation process in order to preserve confidentiality;
- Will apply the preponderance of evidence standard during this process in order to prove or disprove the allegation or violation;
- Will submit a written report at the conclusion of the investigation which will contain:
  - the purpose of the hearing,
  - the issues considered,
  - a summary of the testimony and evidence presented,
  - findings of fact discovered during the investigation,
  - recommendation for final disposition of the case.

## Appeal Process

If the student is not satisfied with the decision of the Hearing Panel, he/she must contact the Equity Officer in writing to request an appeal within five (5) business days of student's receipt of reported findings. The Equity Officer will forward the appeal request and case file to the President within five (5) business days of receipt of student's appeal.

The President will make the final determination within five (5) business days of receipt of the appeal from the Equity Officer. Within five (5) business days of receiving the President's decision The Equity Officer will inform the student and respondent of the President's decision in writing.

## Confidentiality

Due to the nature of the allegation and information received, all information regarding harassment will be kept in confidence to the greatest extent practicable and appropriate under the circumstances. The Equity Officer or his/her alternate, who will conduct the investigation, may require the cooperation of other students or employees at the College. Only those individuals necessary for the investigation and resolution of the complaint shall be given information regarding the situation in question. The College cannot, however, guarantee that the identity of the complainant will be concealed from the accused harasser. When reasonable, the College will consider requests for separation of the primary parties during the investigation.

In order to ensure that a complete investigation of harassment claims can be conducted, it may be necessary for the College to disclose to others portions of the information provided by the complainant. The College will make every effort to honor any complainant's or respondent's request that the College not disclose certain information provided, consistent with the College's obligation to identify and to correct instances of harassment, including sexual harassment. All parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.