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# EQUAL ACCESS/EQUAL OPPORTUNITY

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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.

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

Ms. Darla Ferguson, Chief Equity 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 201G  
3865 North Wickham Road  
Melbourne, FL 32935  
telephone: 321-433-5775 or  
[email](#)

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**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 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.**

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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.

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## Filing an Informal Complaint

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An individual who believes that he/she is the victim of discrimination or harassment should file a complaint with the College Equity Officer (if an employee) or the Dean of Students (if a student). This will require the complainant to provide a summary of the complaint, identifying himself/herself and the respondent(s), identifying the date(s) that the alleged incident(s) took place and the place(s) of the alleged discriminatory action(s), describing the alleged incident(s) and identifying the resolution sought.

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## 10 Business Days

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Once the Equity Officer or Dean of Students receives such a complaint, he/she or their respective designee has ten (10) business days to attempt to resolve the complaint unless otherwise extended by mutual agreement or extenuating circumstances that resulted in a delay are communicated in writing to the complainant.

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## Formal Process

If the Informal Process does not yield an acceptable resolution for the individual student, the employee (staff, faculty, or administrator), or member of the public, or if the Informal Process is bypassed, the College Equity Officer or designee will initiate the Formal Grievance process (unless the matter is already subject to a formal review process by an outside governmental agency). Matters involving sexual misconduct will be processed in accordance with Section 800.10 of the EFSC Procedures Manual.

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## Reasonably Prompt Time Frame

Utilizing the information gathered during the Informal Process or in the Formal Grievance process request, the Equity Officer or designee, using a reasonably prompt timeframe, will investigate the grievance and prepare a written determination. For this purpose, while the Equity Officer or designee will endeavor to conclude the Formal Grievance process as promptly as possible under the circumstances, the College considers 60 calendar days to be a reasonably prompt time frame (except for sexual misconduct matters - see Section 800.10 of the EFSC Procedures Manual for reasonably prompt time frame).

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## 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 Formal Grievance process, the Equity Officer or designee:

- Will meet or attempt to meet with complainant as soon as reasonably practicable for both schedules and the complainant shall be primarily responsible for his/her presentation;
- Will meet or attempt to meet with the respondent (as necessary or appropriate) to allow for a presentation of the respondent's position;
- Will conduct interviews with voluntary witnesses when relevant to the case, which may include witnesses that complainant or respondent have suggested;
- Will review all relevant and available information gathered in the course of the investigation with equal fairness to complainant, respondent, and witnesses;
- Will recall witnesses or call additional voluntary witnesses if deemed necessary or helpful to reach a fair result; and
- Will at the conclusion of the investigation, using the preponderance-of-the-evidence standard (i.e., more likely than not), prepare and deliver to the complainant (and respondent as necessary or appropriate) a written determination containing the result and rationale for each claim of harassment or discrimination.

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## Appeal Process

If the complainant is not satisfied with the written determination of the Equity Officer or designee, he/she must submit to the Equity Officer a written appeal within seven (7) calendar days of complainant's receipt of

the written determination. Such appeal must be based upon one or more of the following:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available during the investigation that could affect the outcome of the matter; or
- the Equity Officer or designee had a conflict of interest or bias that affected the outcome of the matter.

The Equity Officer will forward the appeal and case file to the Office of the President within seven (7) calendar days of receipt of complainant's appeal unless extenuating circumstances that resulted in a delay are communicated in writing to the complainant.

The President or designee will issue a written result of the appeal within (21) calendar days of receipt of the appeal from the Equity Officer unless extenuating circumstances that resulted in a delay are communicated in writing to the complainant. The decision of the President or designee is final.

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## 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.