

STUDENT COMPLAINTS:  
DISCRIMINATION AND/OR HARASSMENT

FLDA  
(LOCAL)

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DISCRIMINATION AND/OR HARASSMENT BY STUDENTS Students shall not engage in discrimination and/or harassment toward another student or a District employee. A substantiated charge of discrimination and/or harassment against a student shall result in disciplinary action. [See FM series]

Discrimination and/or harassment may be motivated by age, race, color, religion, national origin, gender, disability, genetic information, or veteran status. Harassment may include unwanted and unwelcome verbal or physical conduct of a sexual nature, whether by word, gesture, or any other sexual conduct, including requests for sexual favors.

SEXUAL HARASSMENT BY EMPLOYEES District employees are prohibited from sexually harassing students. [See also FLDA(LEGAL) and DHA(LEGAL)].

PROCEDURES FOR REPORTS, INVESTIGATIONS, RESOLUTION, AND APPEALS

1. Any student who believes that he/she has been subjected to harassment and/or a discriminatory action shall report the incident to any administrator within 90 calendar days of the incident. The administrator receiving the complaint shall report the incident in writing to the Vice President of Student Services. If the complaint is against an employee of the College, the administrator receiving the complaint shall also notify the Title IX Coordinator in writing, who in turn shall take the appropriate actions in accordance with College Policy and Procedures as it relates to an employee of the institution. (Under no circumstances shall this procedure require a student bringing a complaint to present the matter to a person who is the subject of the complaint.)
2. Upon the receipt of an allegation, the Vice President of Student Services shall ascertain the facts and shall seek redress as appropriate through an informal process and/or mediation. If during the course of the investigation, the Vice President determines that disciplinary action against a student or students may

be warranted, the Vice President shall take appropriate action through the College's disciplinary process.

3. If the Vice President makes a decision to resolve the issue and the complainant is not satisfied with the results, the complainant may formally appeal the decision of the Vice President to the Student Affairs Committee (See Student Complaints and Grievance Process). Or, if the Vice President determines that the evidence warrants further review, a hearing may be called before the Student Affairs Committee, and the student bringing the allegations as well as any individuals named in the complaint will be notified of the time, date, and place of the hearing.
4. At the hearing, the student will have the opportunity to articulate his/her allegations and present substantiating evidence. In turn, those named in the complaint will have the same opportunity to rebut the allegations.
5. Once all evidence has been heard, the Committee will meet in closed session to consider the evidence and to reach a decision.
6. The Committee shall make a decision as soon as possible and shall communicate its decision to all parties. The Vice President shall be responsible for communicating the decision of the Committee to all parties and for enforcing student discipline as it relates to these matters.
7. Should the student not be satisfied with the Committee's decision, further appeals are possible in accordance with College policy.

PROTECTION  
FROM  
RETALIATION

The District shall not retaliate against a student who in good faith reports perceived discrimination, harassment, sexual harassment or sexual abuse.

COMPLAINT  
PROCESS

For the purposes of the following complaint process, "days" mean working days.

LEVEL ONE -  
INVESTIGATION  
AND INFORMAL  
RESOLUTION

Upon the receipt of an allegation, the Vice President shall ascertain the facts and shall seek redress as appropriate through an informal process and/or mediation. If during the course of the investigation, the Vice President determines that disciplinary action against a student or students may be warranted, the Vice President shall take appropriate action through the College's disciplinary process.

If the complaint is against an employee of the College, the Vice President shall notify the Title IX Coordinator, who in turn shall take the appropriate actions in accordance with College Policy and Procedures as it relates to an employee of the institution. (Under no circumstances shall this procedure require a student bringing a complaint to present the matter to a person who is the subject of the complaint.)

A student who has a complaint alleging discrimination, harassment, sexual harassment, or sexual abuse by an employee may request a conference with the appropriate administrator, designee, or the Title IX Coordinator. The student may be accompanied by an advisor at the initial conference and throughout the complaint process. The conference shall be scheduled and held as soon as possible, but in any event within seven working days of receipt of the complaint. At the conference, the person bringing the complaint shall be informed of the right to file a formal complaint with the College's Title IX Coordinator.

The appropriate administrator or designee or the Title IX coordinator shall coordinate an appropriate investigation.

Nothing in the complaint process shall have the effect of requiring a student alleging discrimination, harassment, sexual harassment, or sexual abuse to report the matter to a person who is the subject of the complaint.

## LEVEL TWO

If the complaint of discrimination and/or harassment is a complaint against a student and if the complaint cannot be resolved at Level One, the Vice President of Student Services may begin disciplinary proceedings against a student or students, as appropriate. From this point forward, the Student Disciplinary Process becomes the operative process for students charged with discrimination and/or harassment.

If the complaint is a complaint against an employee and if the complaint cannot be resolved informally, the Title IX Coordinator, after investigating the complaint and trying to resolve the complaint shall forward the results of the investigation, findings, and recommendations to the appropriate Vice President or designee. The Vice President or designee shall consider the investigation, findings, and recommendations of the Title IX Coordinator and take appropriate action in accordance with College Policy.

If the complaint is not resolved to the satisfaction of the complainant, the complainant may appeal the decision through the institution's Student Affairs Committee (if the complainant is a

student) or the institution's Complaint and Grievance Process (if the complainant is an employee) [FLD(Local)].

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