

Polk State College Procedure

Subject	Reference	Date	Number
Applicant Equity Complaint Procedure	FS 1000.05 FS 1001.64 FS 1001.65 DBOT Rule 3.12	8/21/17	6054

The purpose of this procedure is to provide guidance to applicants for employment who file a complaint with Human Resources or the Office of Equity and Diversity about the employment process. This will also provide procedural guidance to College officials who may need to address the complaint.

1. **Scope of Access to this Procedure**

The College has a responsibility to select the best qualified applicant available for employment. The District Board of Trustees has appointed College officials to exercise judgment in the employment process. This judgment is based on each applicant's qualifications as it relates to the College's needs. Determination of job qualifications is the responsibility of the College and is not subject to review by the general public. Therefore, complaints suggesting differences of opinion about applicant qualifications will not be considered.

Complaints alleging a discriminatory selection process on the basis of race, color, national origin, ethnicity, sex, age, religion, sexual orientation, marital status, veteran status, genetic information, disability, or pregnancy, as well as failure to apply requested veteran's preference status, will be reviewed.

2. **Procedure of Review**

A. Applicant responsibility: The unsuccessful applicant must submit a written complaint within five (5) days of receipt of notification from the Human Resources Office that he/she has not been selected to continue to the next step in the selection process, or within ten (10) days of receipt of notification that the employment process has been completed and a finalist has been selected for the position. The written complaint must clearly state all of the following:

- 1) applicant name
- 2) title of position applied for and job number
- 3) date the applicant was notified about non-selection
- 4) Explanation of the complaint and details regarding the alleged discriminatory act(s) during the selection process, specifically which protected category(ies) was/were the basis of the alleged discrimination (race, color, national origin, ethnicity, sex, age, religion, sexual orientation, marital status, veteran status, genetic information, disability, or pregnancy), or if veteran's preference was not properly applied during the selection process.

The written complaint must be addressed to either the Director of Equity and Diversity or the Vice President for Administration/CFO at the address shown below.

Polk State College
999 Avenue H, Northeast
Winter Haven, FL 33881-4299

- B. College responsibility: The Director of Equity and Diversity will initiate the following events within ten (10) days of the receipt of the complaint:
- 1) Notify the Director of Human Resources and Chairperson of the Employment Complaint Review Committee that a complaint has been received which will require committee review.
 - 2) If the selection process is still ongoing, the Director of Human Resources will immediately notify the committee chair to cease and desist all ongoing screening committee activities until the complaint has been resolved. An internal review of the complaint will be performed by HR and a response provided to the recipient of the complaint (either the Director of Equity and Diversity or the Vice President Administration/CFO). The Director of Equity and Diversity or the Vice President Administration/CFO will determine if an Employment Complaint Review Committee still needs to be formed.
 - 3) If the final candidate has been selected, the Director of Human Resources will form an Employment Complaint Review Committee, as follows:
 - a. one President's Staff member - not involved in the selection process in question
 - b. one administrator - not involved in the selection process in question
 - c. one employee from the same pay group as the vacancy in question (faculty, administration, career, professional/technical) at a similar or higher pay grade
- C. Employment Complaint Review Committee: The committee will review the selection process and make a report of findings to the Director of Equity and Diversity. The review process may consist of any of the following and any other appropriate activities:
- 1) interviews with the Human Resources Office staff, the hiring manager/supervisor of the vacancy, members of the search committee, or anyone involved in the selection process
 - 2) review of paper work, documentation of the employment process, candidate submissions and the applicant tracking system, including applicant credentials
 - 3) review the needs of the College as stated in the job description, the job advertisement, and the job analysis form (if new position) to confirm that reasonable judgment was exercised in analyzing the College's needs and qualifications of the applicants

- 4) In reviewing the documentation and the statements of persons involved, the committee will use all of the following:
 - a. knowledge of the College's Rules and Procedures; employment/hiring best practices; and federal, state, and local employment laws
 - b. a "reasonable person" standard, i.e. what choices would a reasonable person make under similar circumstances to help form their findings
 - c. a "more likely than not" or a so-called "51 percent certainty" standard to find that discrimination has or has not occurred.
- 5) A written decision and recommendation will be forwarded to the Director of Equity and Diversity. The decision of the Employment Complaint Review Committee is final pending a procedural review by the Office of Equity and Diversity.
- 6) There shall be no retaliation or adverse action taken by the College against any person furnishing truthful information to the Employment Complaint Review Committee about matters pertaining to the complaint, or against the complainant for filing a complaint, regardless of the outcome of that complaint. Further, the confidentiality of the complainant will be maintained insofar as it does not violate the law or interfere with the College's ability to investigate the complaint.
- 7) All material will be retained by the Human Resources Office in accordance with the State of Florida *General Records Schedule GS1-SL for State and Local Government Agencies*, Item #24-Employment Application and Selection Records.

History

Adopted May 11, 1989

Revised: March 17, 1997; August 2, 2005; January 23, 2007; February 17, 2009; July 8, 2011; August 21, 2017

			
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
			
President's Approval			Date