

Complaints and Appeals – Complete information about submitting complaints and appeals can be found in the current Student Handbook, Faculty and Adjunct Faculty Handbooks, and the Personnel Policy and Procedure Manual. The information provided here is a summary of major issues supplied for the convenience of off-campus students, faculty, and staff. An online complaint form is supplied below this document.

This document contains information about:

- 1. Title IX complaints for all students, faculty, and staff.**
- 2. Appeals related to academic accommodations.**
- 3. Filing a complaint against BUF.**
- 4. Making an appeal to SACSCOC.**
- 5. Making an appeal to CIE.**
- 6. Distance education complaints to FL-SARA.**
- 7. Student disciplinary appeals.**
- 8. Faculty Grievances**
- 9. Staff Grievances**

Title IX Complaints for All Students, Faculty, and Staff

In compliance with federal law, including provisions of Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and the recent amendments to the Violence Against Women Act (VAWA), and the Department of Education's 2020 Final Rule, The Baptist University of Florida does not illegally discriminate on the basis of race, sex, color, national or ethnic origin, age, disability, or military service in its administration of education policies, programs, or activities, admissions policies, or employment. Under federal law, the university may discriminate on the basis of religion in order to fulfill its purposes.

The university is committed to providing its students, faculty and staff with an environment free from implicit and explicit coercive behavior used to control, influence or affect the well-being of any member of the university community. The university prohibits any harassment of any person, whether or not it is related to a person's race, sex, religion, national origin, age or physical condition. Harassment or sexual harassment of any person is inappropriate, unacceptable and contrary to the standards of conduct expected of all members of the university community including students, faculty and staff.

Reporting/Complaint Procedure:

Inquiries or complaints should be directed to the Title IX coordinator. The Title IX coordinator is responsible for responding to inquiries and complaints.

The Baptist University of Florida Title IX coordinator is not a confidential source of support. Complaints will be addressed and investigated with sensitivity, and information will be kept as private as possible. If complete confidentiality is desired, then a Confidential Counselor should be requested through the Student Life (850) 263-3261 Ext. 474.

The Title IX coordinator, as appointed by the President of The Baptist University of Florida, is Jason Hamilton, Director of Campus Safety. Mr. Hamilton can be reached in the Frank Faris Student Center during normal working hours from 8:00 a.m. to 5:00 p.m., Monday through Thursday, (850) 263-3261 Ext. 409, Central Time Zone. After hours, he can be reached at (850) 415-0800.

In addition to the Title IX coordinator, reports relating to sexual misconduct may be reported to the appropriate representative offices as outlined in the Student Handbook, Personnel Manual, and Faculty/Adjunct Faculty Handbook. Sexual misconduct may also constitute a criminal violation which is reportable to local law enforcement agencies and to individuals designated by the university as Campus Security Authorities (CSAs).

The university encourages students, faculty, and staff to report all incidents of sexual misconduct. The university is obligated under federal law to investigate reports of sexual misconduct to eliminate sexual harassment, discrimination, assault, and prevent reoccurrence. The university reserves the right to take whatever measures necessary to protect students' rights and personal safety.

Title IX inquiries and complaints will be processed taking into consideration certain rights afforded the Complainant(s) and Respondent student(s).

1. Written notification of the alleged violation
2. Disclosure of the source of any allegation
3. Policy violated within the Code of Conduct
4. Investigation results/sanctions and/or disciplinary results (administrative disciplinary actions such as suspension or expulsion, interim suspension, sanctions such as warnings, probation, loss of privileges, restrictions, community service or other forms of restitution, or no contact) will be determined by the Presiding Officer appointed by The Baptist University of Florida President.
5. Provided an opportunity to respond/or refrain from making statements
6. Appeal (both the Complainant and Respondent have the right to an appeal). A written appeal or submission must be submitted to the University Hearing Officer within 5 days following receipt of the investigation results including any administrative disciplinary action, if required. The decision of the University Hearing Officer on appeals is final unless the President chooses to review the matter.

Academic Accommodation Appeals for Students

A student who disagrees with a determination of eligibility or accommodation is encouraged to meet with the Academic Dean to resolve the matter informally. A student who disputes the determination by the Academic Dean regarding the existence of a disability or denial of an accommodation may file a written complaint with the University Hearing Officer within 30 days of the date of the Disability Support Services determination. The decision of the University Hearing Officer shall be final.

Students who believe that the university has discriminated against them on the basis of their disability may contact the Title IX Coordinator to discuss filing a formal complaint of discrimination.

Filing a Complaint against BUF

Internal Process

While BUF expects individuals to attempt to resolve problems in a biblical manner, any student may make a complaint against BUF. The university will neither entertain complaints that are not in writing or which are anonymous, nor will it consider complaints sent through facsimile transmission. In addition, the university will not act on complaints submitted on behalf of another individual or complaints forwarded to the institution.

A formal complaint is one that is:

1. Submitted in writing describing the complaint in the clearest possible terms
2. Signed and dated
3. Sent to the attention of the Title IX coordinator

Once the formal written complaint is submitted, the Title IX coordinator will have 10 working days to acknowledge receipt of the complaint and 30 working days to address the complaint with complainant.

If the complainant is not satisfied with the Title IX coordinator's response he/she will have 5 working days to submit in writing an appeal to the University Hearing Officer. The University Hearing Officer's decision is final unless the President chooses to review the matter.

Other Processes

Appeal to Southern Association of Colleges and Schools Commission on Colleges

The Baptist University of Florida is accredited by the Southern Association of Colleges and Schools Commission on Colleges. The Commission is to be contacted if there is evidence that appears to support an institution's significant non-compliance with a requirement or standard.

Procedures have been established to provide a mechanism for the Commission to consider complaints that address significant violations of the Commission's standards. Any person who has information that he or she feels should come to the attention of the Commission may submit a complaint in writing to the Commission on Colleges at:

1866 Southern Lane
Decatur, Georgia 30033-4097
or call (404) 679-4500

The Commission has a form at their website at
sacscoc.org/app/uploads/2019/07/complaintpolicy.pdf.

In addition to completing the form, the complaint should state the nature of the complaint, then briefly describe the details of the complaint in the clearest possible language and indicate how the institution has violated specific provisions of the *Principles of Accreditation*. The complainant should then describe the steps taken to exhaust the institution's grievance process, describe the action taken by the institution to date, and provide a copy of the institution's response to the complainant as a result of the prescribed procedures.

Appeal to the Commission for Independent Education, Florida Department of Education

Additionally, The Baptist University of Florida is licensed by the Commission for Independent Education, Florida Department of Education. If an individual has exhausted the university's grievance process and wishes to file a complaint against this institution, he/she may write a letter or email containing the name of the student or complainant, as well as a current address and phone number, along with the name of the institution, the location of the institution (city), dates of attendance, and a full description of the problem and any other documentation that will support his/her claim, such as enrollment agreements, correspondence, etc. One may then send the letter to:

Commission on Independent Education
325 W. Gaines Street, Suite 1414
Tallahassee, FL 32399-0400
or email: CIEinfo@fldoe.org
or fax: (850) 245-3233

Distance Education Student Complaints

Out-of-state distance education students participating under SARA, who have completed the internal institutional grievance process and the applicable state grievance process (both described above), may appeal non-instructional complaints to the FL-SARA PRDEC Council. For additional information on the complaint process, please visit the [FL-SARA Complaint Process](http://www.flsara.org) page at www.flsara.org.

Student Disciplinary Appeals

Academic Misconduct

Academic misconduct, including but not limited to plagiarism, cheating, other academic dishonesty, class disruption, disrespect of others, the violation of class rules of decorum, tardiness, and absences may be dealt with by the teacher's counseling and warning, and may be punished by the teacher by grade reduction and academic assignments consistent with the policy of the university and of the department. If a student's grade for the course is reduced because of dishonesty, this action should be reported to the Division Chair. An appeal of the teacher's disciplinary decision may be made to the Division Chair, and then to the Academic Dean. Academic misconduct may also be the basis for further disciplinary action upon referral to the Academic Dean.

Other Misconduct

Other misconduct, whether occurring on campus or in violation of the off-campus expectations, shall be reported to the Director of Campus Safety.

On all matters reported to the Director of Campus Safety, that officer may conciliate, counsel, warn, censure, assign community service, restrict or revoke privileges, order restitution, assign disciplinary probation, final disciplinary probation, suspension, and dismissal. An appeal of the disciplinary actions of the Director of Campus Safety may be made in writing by the student within five working days to the University Hearing Officer.

Progressive Processes

If the University Hearing Officer is considering disciplinary actions, which, if proven, will not result in suspension or expulsion, the University Hearing Officer shall follow a process, which should be followed by all of those in the university who have authority to discipline students.

The student will be clearly advised of the allegation of misconduct and will be asked if the student admits or denies the charge. If the student admits the charge, the university official will determine the disciplinary action to be taken. In the case of appeal, the University Hearing Officer will evaluate the discipline taken.

If the student denies the charge, the university official will afford the student a hearing, consider the evidence, including the evidence and testimony produced by the student, determine from the preponderance of the evidence the student's guilt or innocence, and, if guilty, consider in light of all relevant matters and appropriate penalty. When considering an appeal, the University Hearing Officer may confirm, modify, or reverse the disciplinary penalty being appealed and may do so on the basis of the evidence already gathered, or may conduct a hearing before acting.

If the University Hearing Officer is considering disciplinary action which, if confirmed, may result in suspension or dismissal, the University Hearing Officer shall provide the student with a written and timely notice of charges against the student, and the possible consequences. The student shall be afforded an opportunity to admit or deny the charges, to present all relevant evidence at a

hearing, to challenge adverse testimony and evidence, to speak in his or her own behalf, to call witnesses, and to be accompanied by and to receive counsel from a student, faculty, or staff advisor of his or her own choosing who is willing to participate and who has not had legal training. The decision of the University Hearing Officer on appeals is final unless the President chooses to review the matter.

Faculty Issues

Faculty and Adjunct Faculty Appeals Process

Following are excerpts from the Faculty Handbook

8.8 GRIEVANCE AND APPEALS.

To provide an orderly but fair means of settling institutional disputes, the administration provides a process of appeal.

8.8.1 General Grievances.

8.8.1.1 Administrative Appeal. A faculty member or administrator who has a problem, complaint, or concern about any matter related to the university is encouraged to seek a satisfactory resolution of the matter through the following channels. First, discuss the matter with the appropriate administrative officer or chair. Should the individual be dissatisfied with the administrator's disposal of the complaint, he/she may request in writing of that administrator a hearing before that administrator's supervisor. Such a review will include the aggrieved and the administrator who heard the case.

8.8.1.2 Appeal to the Faculty Affairs Committee and President. Should the faculty member or administrator be dissatisfied with the disposition of the question, he/she should appeal in writing to the president. The president may deal with the question directly or request that the faculty affairs committee review the matter and suggest a solution. The decision of the president is final.

9.6.7 Grievance and Appeals.

To provide an orderly but fair means of settling disputes, the university provides a process of appeal. An adjunct professor who has a problem, complaint, or concern about any matter related to the university is encouraged to seek a satisfactory resolution of the matter through the following channels. First, discuss the matter with the appropriate supervisor or division chair. Should the individual be dissatisfied with the supervisor or chair's disposal of the complaint, he/she may request in writing a hearing before the Academic Dean. Such a review will include the aggrieved and the supervisor or chair who heard the case. Should the adjunct professor still be dissatisfied with the disposition of the question, he/she should appeal in writing to the president. The decision of the president is final.

Staff Issues

Personnel Policy and Procedure Manual

Section: A Page: 24

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ADMINISTRATIVE GUIDELINES

(12) Grievance Procedure/Disciplinary/Appeal

- (a) An appropriate grievance is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters which may be considered appropriate grievances under this policy include:
- (1) A belief that University policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
 - (2) Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
 - (3) Alleged discrimination because of race, color, sex, age, national origin, marital status, or disability; and
 - (4) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.
 - (5) Grievance procedures related to a forced termination of employment are handled by separate policy guidelines (see Section A, "Personnel Resignation/Termination" (3) "Grievance Procedure").
- (b) Employees should notify the University's Director of Business Affairs, in a timely fashion, of any grievance considered appropriate for handling under this policy. The grievance procedure is the exclusive remedy for employees with appropriate grievances. As used in this policy, the terms "timely fashion," "reasonable time," and "promptly" generally will mean five working days.
- (c) The grievance procedure has a maximum of three steps, but grievances may be resolved at any step in the process. Grievances are to be fully processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.
- (d) Employees who feel they have an appropriate grievance should proceed as follows:
- (1) **Step One** - Promptly bring the grievance to the attention of the immediate supervisor and then the Director of Business Affairs. If the grievance involves the supervisor or the department director, or in the absence of a supervisor/department director, then it is permissible to proceed directly to Step

Two. The department director is to investigate the grievance, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the grievance and proposed resolution to be provided to the employee, the respective department head, and for file purposes in the Business Office.

(2) **Step Two** - Appeal the decision to the department head, if dissatisfied with the supervisor's decision, or initiate the procedure with the department head if Step One has been bypassed. Such an appeal or initial complaint must be made in a timely fashion using a written form provided for this purpose. The supervisor's version of the grievance and decision will then be submitted using a similar written form. The department head will, in a timely fashion, confer with the employee, the supervisor, and any other members of the president's council considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.

(3) **Step Three** - Appeal an unsatisfactory department head decision to the president. The timeliness requirement and procedures to be followed are similar to those in Step Two. The president will review documents and issue a written, final, and binding decision. No hearing will be held by the president.

- (e) The president will provide training and support to supervisors and department directors in dealing with employee grievances. In addition, employees should be encouraged to consult with their supervisors, or other members of the council on a less formal basis regarding employee complaints or disputes when appropriate.
- (f) Final decisions on grievances will not be precedent-setting or binding on future grievances unless they are officially stated as University policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.
- (g) Information concerning an employee grievance is to be held in confidence. Supervisors, department heads, and other members of the council who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
- (h) Time spent by employees in grievance discussions with management during their normal working hours will be considered hours worked for pay purposes.
- (i) Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless grievances. Implementation of the grievance procedure by an employee does not limit the right of the University to proceed with any disciplinary action which is not in retaliation for the use of the grievance procedure.
- (j) The council may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy. Further, this policy does not alter the employment-at-will relationship in any way.

