

Campus Administration
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Miami, Florida 33167-3418
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**Miami Dade
College**

North Campus

MEMORANDUM

Date: March 6, 2017

To: Randel Carr
Director, Campus Support Services,
Campus Services, North Campus

From: Fermin Vazquez *FV*
Senior Director, Campus Administration
North Campus

Subject: Notice of Final Action of Termination

This correspondence serves to advise you of the College's intent to terminate your employment from the position of Director, Campus Support Services, North Campus. The College's actions are based on the following evidence.

I counseled you on February 11, 2016, with an Employee Relations Officer present, for allegedly touching a female employee, in a non-sexual manner, and directing foul language towards that employee on February 2, 2016; you told that employee, "I don't give a F**k about Media Services. I have more people to feed." This counseling was documented in a memorandum, dated February 29, 2016, that I delivered to you on February 29, 2016. (See Attached.) Workplace expectations advising you to "Conduct yourself in a professional manner at all times with all employees" and "Set the example and provide guidance to the staff regarding a respectful work environment" were listed in that document.

The Office of Equal Opportunity Programs/ADA/Title IX (EOP/ADA/Title IX) received a charge of sexual harassment filed by [REDACTED] (Complainant) regarding alleged actions on your part during the month of November, 2016. Sexual harassment is "unwelcome conduct, based upon sex... that impacts either a condition of working or learning (quid pro quo) or creates a hostile environment". These actions are potential violations of College Policy I-21 Equal Access/Equal Opportunity and Title VII of the Civil Rights Act of 1964, as amended. The Office of EOP/ADA/Title IX completed its investigation of the charge and developed findings based on the preponderance of evidence in the form of Complainant's written and verbal accounts, your responses, witness interviews and review of pertinent relevant documentation. The Office of EOP/ADA/Title IX finds that the preponderance of evidence supports Complainant's allegation of sexual harassment related to your actions. Investigative Findings, dated March 3, 2017, are attached and incorporated herein.

Specifically, on November 10, 2016, you held Complainant by part of her neck and stated that if you "squeezed",

you could leave a "hickey-like mark" and she would have a "hard time explaining that" to her husband. She sent an email to you November 11, 2016 stating that your behavior of November 10, 2016 made her uncomfortable and you responded, "No worries will not happen again". On November 14, 2016, you asked Complainant to come to your office; when she came to your office, you asked her why she had "put it in writing." Your previous actions of February 2, 2016 and the Office of EOP/ADA/Title IX's investigative findings of sexual harassment represent violations of College Policy and Procedure. Your continued behavior demonstrates poor judgement not within the best interests of the College and warrant termination of employment for violations of including, but not limited to, the following:

- College Policy I-21 Equal Access/Equal Opportunity
 - H.2.b. Hostile Environment Harassment unwelcome conduct which has the effect of creating an intimidating, hostile or offensive work or learning environment
- College Procedure 2410 Performance and Disciplinary Standards, Disciplinary Appeal Process, and Complaint Process for Full-Time Employees
 - IV.1.j. Conduct unbecoming a College employee, which includes behavior that reflects adversely on the College; and,
 - IV.2.c. Threats, pressure or physical action against another employee or group of employees

You may voluntarily resign from your position. Should you choose to voluntarily resign your position, you may utilize the enclosed resignation form for that purpose. Please submit your resignation to the attention Cindy Lau Evans by email at clauvevan@mdc.edu or fax at 305-237-2831 by 4:30 p.m. on *March 7, 2017*. Please follow-up by mailing your original resignation. Should you elect this option, the mailing address is Miami Dade College, Division of Human Resources, Kendall Campus, 11011 S.W. 104th Street, Room 1111, Miami, Florida 33176-3393.

If you elect not to resign from your position, the College will proceed with termination of your employment, effective March 7, 2017. You will not be expected to report for work after today's meeting.

Please note the following information:

Your paycheck for the pay period of March 6, 2017 through March 19, 2017, will be issued on pay date, March 17, 2017 and will be directly deposited with your banking institution.

Your final paycheck for March 20, 2017, which is your termination date, will be issued on pay date, March 31, 2017 and will be directly deposited with your banking institution.

Questions you have regarding retirement or insurance should be directed to the Office of Compensation and Benefits at 305-237-2010.

You will receive a separate paycheck, paid within 60 days of final pay, which will contain the payment for any vacation leave balance you currently have remaining. The total amount of this payment cannot exceed thirty (30) work days or 225 hours. If the amount of this payment is \$1,000.00 or more, the College will place this money in an account for you under the College's Terminal Leave Payment program, administered through BENCOR, Incorporated. BENCOR's contact information is 1-888-258-3422 or www.bencor.com.

Please make arrangements with me, Fermin Vazquez, Senior Director Campus Administration, Administrative Services to return any College-issued property in your possession or to secure your personal items by

Wednesday the 8th at 1PM, he may be contacted at fermin.vazquez@mdc.edu.

Advisory Regarding Retaliation

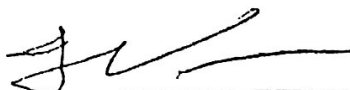
Please note that Federal law and College Policy I-21 Equal Access/Equal Opportunity, prohibit retaliation -- conduct causing any interference, coercion, restraint or reprisal against a person complaining of discrimination or harassment or participating in the resolution of a complaint of discrimination, harassment or whistleblowing. This protection applies to all parties related to a complaint (i.e., complainants, respondents, witnesses). Report allegations of retaliation to the Office of EOP/ADA for review and resolution.

You may also address questions you have regarding this process to Cindy Lau Evans, Assistant Director, EOP/ADA/Title IX at claeuan@mdc.edu or at 305-237-0288.

cc: Human Resources Employee File
Malou Harrison, Campus President, North Campus
Cindy Lau Evans, Assistant Director, EOP/ADA/Title IX

Attachments:

- College Procedure 2410 Performance and Disciplinary Standards, Disciplinary Appeal Process, and Complaint Process for Full-Time Employees
- College Policy I-21 Equal Access/Equal Opportunity
- College Procedure 1665 Discrimination and Harassment Grievance Process
- Investigative Findings memorandum, dated March 3, 2017, from the Office of EOP/ADA/Title IX
- Memorandum, dated February 29, 2016, Subject line "Verbal Counseling"

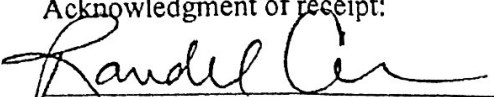


Signature of Manager

3/6/17

Date

Acknowledgment of receipt:



Signature of Employee

3/6/17

Date