

**FLORIDA ATLANTIC UNIVERSITY  
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: April 10, 2006

**REGULATION TITLE AND NUMBER:** Anti-Discrimination and Anti-Harassment (5.010).

**SUMMARY:** This regulation amendment adds anti-discrimination to the existing anti-harassment regulation, sets forth the University's policy statement and definitions related to the Equal Opportunity Programs Office, and streamlines and improves the procedures for complaint filing and investigation.

**FULL TEXT OF THE REGULATION:** The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at [www.fau.edu/regulations](http://www.fau.edu/regulations). In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

**AUTHORITY TO AMEND THE REGULATION:** Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

**UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT:** Paula Behul, Director, Equal Opportunity Programs

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting:

**THE PERSON TO BE CONTACTED REGARDING THE AMENDMENT/REPEAL OF REGULATIONS IS:** Valerie Laine, Coordinator, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

# **PROPOSED**

## **Florida Atlantic University**

### **Regulation 5.010    Anti-Discrimination and Anti-Harassment Regulation**

#### **1.    POLICY**

- (a) Florida Atlantic University affirms its commitment to ensure that each member of the University community shall be permitted to work or study in an environment free from any form of unlawful discrimination or harassment that is based on a legally protected class, including race, color, religion, age, disability, sex, national origin, marital status, veteran status or any other basis protected by law. The University recognizes its obligation to work towards a community in which diversity is valued and opportunity is equalized. This rule establishes procedures for an applicant or a member of the University community to file a complaint of alleged discrimination or harassment.
- (b) It shall be a violation of this Regulation for any officer, employee or agent to discriminate against or harass, as defined in this Regulation, any other officer, employee, student, agent, or applicant. Discrimination and harassment are forms of conduct which shall result in disciplinary or other action as provided by the Regulations and Policies of the University.
- (c) Activities covered under this rule include, but are not limited to, all educational, athletic, cultural and social activities occurring on a campus of or sponsored by Florida Atlantic University, housing supplied by the University, and employment practices between the University and its employees, including Other Personnel Services (“OPS”) employees.
- (d) The Office of Equal Opportunity Programs (“EOP”) shall administer the policies and procedures outlined in this Regulation. EOP shall answer inquiries regarding the procedures contained in this Regulation and may provide informal advice regarding issues of discrimination.
- (e) Retaliation, or otherwise taking adverse employment or educational action, against a member of the University community because he/she in good faith reported discrimination or harassment, or participated in an investigation or review regarding a complaint, is strictly prohibited. Those found to have violated this prohibition against retaliation will be subject to disciplinary action up to and including termination.

(f)



### **3. PROCEDURE FOR REPORTING VIOLATIONS**

- (a) The Office of Equal Opportunity Programs is responsible for administering the complaint and investigation process set forth in this Regulation. In cases where the potential complainant chooses not to file a formal complaint, EOP will take action to inform the alleged offender of the concerns, suggesting that the individual monitor and modify (if necessary) his/her behavior. All complaints, formal or informal, must be reported to EOP.
- (b) Any University employee who believes he/she has been harassed or discriminated against in violation of this Regulation must report the facts and circumstances thereof to the Director of Equal Opportunity Programs, the University Ombudsman, the University Provost, the Director of Personnel Services, or to his/her College Dean or Vice President, who in turn must notify the Director of Equal Opportunity Programs.
- (c) Any student who believes he/she has been harassed or discriminated against in violation of this Regulation must report the facts and circumstances thereof to the Director of Equal Opportunity Programs, the University Ombudsman, the University Provost, the Dean of Students, or to his/her Department Head/Director or College Dean, who in turn must notify the Director of Equal Opportunity Programs.
- (d) Reports or allegations of an alleged violation of this Regulation will be processed upon the filing of a written complaint with EOP. The Director of EOP may process an alleged violation without a written complaint if deemed necessary by the Director and enough information is available to conduct a responsible investigation.
- (e) A complaint must be filed with EOP within one-hundred eighty (180) days of the alleged act(s) of discrimination/harassment. The Director of EOP may process an alleged violation outside of this time limitation if deemed necessary by the Director. The filing of a complaint under this Regulation is independent and does not preclude the complainant from also filing a complaint with federal, state or local enforcement agencies. The filing of a complaint with EOP does not constitute a filing with, or have any effect on the filing time limitations of those external agencies. All complainants are urged to contact these external agencies directly to learn the filing deadlines and procedures for each agency. Contact information for these agencies is available from the EOP office.
- (f) All complaints shall contain the name of the complainant and state the nature of the act(s) complained of, including such details as the name of the alleged offender and the date(s) or approximate date(s) on which the offending act(s) occurred, the name(s) of any witnesses, and the desired resolution(s). Any portion of a complaint file that is exempt from public disclosure under the



- (c) The request for reconsideration must be in writing and shall specify the basis of the request. Typically, reconsideration will be granted only in cases where relevant evidence was not reviewed and/or new evidence is available.
- (d) Any disciplinary action imposed as a result of an EOP investigation may be reviewed subject to University Regulation 5.009 (Grievance Procedure), University Regulation 4.007 (Student Disciplinary Procedures), or an applicable collective bargaining agreement.

*Specific Authority: Florida Board of Governors Resolution dated January 7, 2003; Formerly 6C5-5.012, Amended 11-11-87, 7-5-99, 11-9-05, 5-10-06.*