

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED REGULATION**

REGULATION NUMBER AND TITLE: FPU-1.0041 Prohibition of Discrimination in University Training or Instruction

SUMMARY OF THE REGULATION: The proposed regulation will implement recent amendments to section 1000.05(4), Florida Statutes, that expands the definition of discrimination based on race, color, national origin or sex to include certain enumerated concepts and prohibits the University from endorsing such concepts through mandatory training or instruction. The regulation provides information on addressing complaints of such discrimination.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <https://floridapoly.edu/university-notices.php>. If you would like a copy of the Proposed Regulation, please contact Sherri Pavlik, Executive Assistant to VP and General Counsel, (863) 874-8412.

AUTHORITY: Board of Governors Regulations 10.005, Prohibition of Discrimination in University Training or Instruction

NAME OF PERSON INITIATING PROPOSED REGULATION: Melaine Schmiz, Associate General Counsel

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Sherri Pavlik, Executive Assistant to VP and General Counsel, spavlik@floridapoly.edu, (863) 874-8412, 4700 Research Way, Lakeland, Florida 33805, and Fax: (863) 874-8716.

DATE OF PUBLICATION: August 26, 2022

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-1.0041 Prohibition of Discrimination in University Training or Instruction

(1) **Purpose.** The University is committed to providing and maintaining a dignified environment in which all members of the University Community appreciate and respect one another by collectively sustaining a welcoming environment to work, study, and interact with one another free from any form of unlawful discrimination. Discrimination on the basis of race, color, national origin, or sex by subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the Concepts defined below is prohibited. This does not prohibit discussion of the Concepts as part of a larger course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the Concepts.

(2) **Definitions.** For purposes of this regulation, the enumerated terms are defined as follows:

(a) “Concepts” are the following:

- 1) Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- 2) A person, by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- 3) A person's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- 4) Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- 5) A person, by virtue of his or her race, color, national origin, or sex bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- 6) A person, by virtue of his or her race, color, national origin, or sex should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- 7) A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.
- 8) Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.

(b) “Training” is defined as a planned and organized activity conducted by the University as a mandatory condition of employment, enrollment, or participation in a University program for the purpose of imparting knowledge, developing skills or competencies, or becoming proficient in a particular job or role.

- (c) “Instruction” is defined as the process of teaching or engaging students with content about a particular subject by a University employee or a person authorized to provide instruction by the University within a course.
- (d) “Substantiate” is defined as establishing the existence or truth of a particular fact through the use of competent evidence.
- (e) “Administrator” means the following high level University personnel who have been assigned the responsibilities of University-wide academic or administrative functions: University president, provost, senior/executive vice presidents, vice presidents, associate vice presidents, assistant vice presidents, associate/vice provosts, deans, equal opportunity compliance officer, chief audit executive, and chief compliance officer.

(2) **Reporting Violations.** Any member of the University Community may report alleged violations of this Regulation to the University’s Chief Compliance Officer using the process described in University Regulation FPU-1.005 Discrimination and Harassment Complaint and Investigation Procedures.

(3) **Chief Compliance Officer Contact Information.**

Location: University Audit and Compliance
3425 Winter Lake Rd, LTB 1146
Lakeland, Florida 33803

Fax: 863-874-8509

Phone: 863-874-8441

Mail: P.O. Box 1808

2615 Ellis Ave.

Eaton Park, Florida 33840

Website: <https://floridapoly.edu/university-audit-compliance.php>

Authority: BOG regulation 10.005

History: New: