

NOTICE OF AMENDED REGULATION

August 31, 2006

DEPARTMENT OF EDUCATION

Division of Universities
University of North Florida

REGULATION TITLE:

Equal Opportunity and Diversity Regulation

SUMMARY:

The Equal Opportunity and Diversity Regulation has been modified to separate the federal and State equal opportunity and affirmative action requirements, policies and procedures from the non-discrimination and harassment portion of the regulation, thus making it clear that affirmative action voluntary reporting requirements for applicants would only extend to race, ethnicity, and gender as required by law. Additionally, the new regulation specifically describes retaliation in the regulation statement in order to emphasize that individuals reporting, or assisting in investigations under this regulation would not be subjected to retaliatory conduct. Finally, we have separated the complaint and investigation procedures from the regulation as we previously detailed the complaint and investigation procedures for both the Equal Opportunity Regulation and Sexual Harassment Regulation. The new regulation refers to one complaint and investigation procedure.

FULL TEXT:

The full text of the proposed amended regulation is attached.

AUTHORITY:

Resolution of the Florida Board of Governors dated January 7, 2003 and Florida Statutes 760.01, 110.105, 287.093, 287.094, 1001.74 and 1001.75.

UNIVERSITY OFFICIAL INITIATING THE PROPOSED AMENDED REGULATION:

Malvelina P. Monell, Director of Equal Opportunity Programs

INDIVIDUAL TO BE CONTACTED REGARDING THE PROPOSED AMENDED REGULATION:

Stephanie Howell, Paralegal, Office of the General Counsel, showell@unf.edu, phone (904)620-2828; fax (904)620-1044; Building 1, Room 2400, 4567 St. Johns Bluff Road South, Jacksonville, FL 32224.

Any comments regarding the proposed amended regulation must be sent in writing to the contact person on or before Thursday, September 14, 2006 (14 days from the date of posting this Notice) to receive full consideration.

Regulation Number	Subject	Effective Date	Revised Date
	Equal Opportunity and Diversity Regulation		
Responsible Unit/Division: Director, Equal Opportunity Programs			
<input type="checkbox"/> New Regulation Proposal	<input checked="" type="checkbox"/> Major Revision of Existing Regulation	<input type="checkbox"/> Minor/Technical Revision of Existing Regulation	<input type="checkbox"/> Reaffirmation of Existing Regulation

I. OBJECTIVE & PURPOSE

The purpose of this regulation is to set forth the University’s expectations regarding creating and maintaining an environment of inclusiveness and equal opportunity for all members of our diverse University community.

II. STATEMENT OF REGULATION

The University of North Florida is committed to providing an inclusive and welcoming environment for all who interact in our community and strives to attract students, faculty and staff from a variety of cultures, backgrounds and life experiences. While embracing these concepts including its obligations under affirmative action regarding race, ethnicity and gender, the University is equally committed to ensuring that educational and employment decisions, including recruitment, admission, hiring, compensation and promotion, are based on the qualifications, skills and abilities of those desiring to work, study and participate in our University community.

To accomplish the intent of this regulation, the University shall not commit or permit discrimination or harassment on the basis of race, color, religion, age, disability, gender, sexual orientation, marital status, national origin or veteran status in any educational, employment, social or recreational program or activity offered by the University. Similarly, the University will not commit or permit retaliation against an individual who complains of discrimination or harassment or an individual who cooperates in an investigation of an alleged violation of this regulation.

The University recognizes that it is a unique learning environment in which its diverse community members have the right to exercise protected free speech in expressing their differing opinions as guaranteed by the First Amendment and in an environment in which its faculty has the academic freedom to provoke thought and debate and to engage in open discourse related to their individual areas of academic instruction. Thus, in exercising the standards put forth in this regulation, the University will not abridge either free speech or academic freedom.

Taking all the above into consideration, this regulation prohibits conduct that is severe, persistent or pervasive so as to limit or deny a student's ability to participate in or benefit from an academic program, event or activity or to otherwise participate in campus-life; or a faculty, staff or other community member's ability to interact or work in an environment free from discrimination, harassment or retaliation. Potential violations of this regulation will be evaluated from the perspective of a reasonable person in the alleged victim's position, considering the totality of the circumstances, such as the nature of the alleged conduct and the context in which the alleged conduct occurred.

The University understands that only by eliminating discrimination, harassment and retaliation can we ensure that all community members, especially our students, have the opportunity to work and achieve excellence. Accordingly, the University expects that all community members including students, faculty, staff, vendors, contractors, visitors or others who interact at the University will observe and comply with these equal opportunity and diversity principles.

The responsibility for communicating, interpreting and monitoring this equal opportunity and diversity regulation and the University's Affirmative Action compliance obligations rests with the Director, Office of Equal Opportunity Programs, University of North Florida, J. J. Daniel Hall, Portable 832, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224-2645, (904) 620-2507 Voice & TDD and (904) 620-1004 Fax.

III. STATEMENT OF REQUIREMENTS

A. Scope of Regulation.

The requirements of this regulation apply to all students, faculty, staff, vendors, contractors, visitors or others who interact at the University's campus or at any University sponsored or University related function or activity.

B. Required Reporting of Alleged Violations.

All supervisors are required to promptly report to the Director (either verbally or through written communications) allegations, reports or instances of alleged discrimination and/or harassment by or against any person covered by this regulation. Additionally, all faculty with instructional responsibilities are required to promptly report to the Director (either verbally or through written communications) allegations,

reports or instances of alleged discrimination and/or harassment by or against a student in violation of the University's Equal Opportunity and Diversity Regulation.

IV. STATEMENT OF PROCEDURES

A. Seeking Guidance Regarding This Regulation.

Any member of the University community who believes that he or she has been subjected to discrimination or harassment; any member of the community who believes that he or she has been subjected to retaliation related to an allegation of discrimination or harassment; or any member of the community who believes that others have been subjected to discrimination, harassment or retaliation in violation of this regulation, may seek guidance, counseling or file a complaint in accordance with this regulation by contacting the Director.

B. Complaint Procedure.

Allegations of violation of this regulation including the actual filing of a complaint of discrimination, harassment or retaliation of this regulation will be addressed by the Director in accordance with the EOP Complaint and Investigation Policy and Procedures. A copy of the EOP Complaint and Investigation Policy and Procedures can be obtained at the EOP Office, on the EOP website or as posted with the comprehensive listing of the University's regulations and policies.