

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

Date: July 6, 2012

REGULATION TITLE AND NUMBER: Equal Employment Opportunity Affirmative Action (7.001).

SUMMARY: The Administration is requesting approval to amend FAU Regulation 7.001, Equal Employment Opportunity – Affirmative Action. These amendments will remove outdated language referring to the Board of Regents and to employment classifications and University processes that no longer exist. The amendments also align Regulation 7.001 with recently amended FAU Regulation 5.010, Anti-Discrimination and Anti-Harassment. This regulation amendment shall be effective August 6, 2012.

FULL TEXT OF THE AMENDED REGULATION: The full text of the proposed amended 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. In addition, the full text of the proposed amended 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.

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: David Kian, General Counsel.

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 REGULATION AMENDMENT IS: David Kian, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

Florida Atlantic University

Regulation 7.001 Equal Employment Opportunity - Affirmative Action.

(1) The University shall promote equal opportunity policies and practices conforming to federal and state laws against discrimination. The University shall not discriminate in offering access to its educational programs and activities, or with respect to employment terms and conditions, on the basis of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, veteran status, or any legally protected class or basis. This commitment applies to the University's relationships with outside organizations, including the federal government, the military, ROTC, and private employers, only to the extent of state and federal requirements. Disparate treatment on the basis of a class not protected by federal or state law shall not constitute discrimination if such disparate treatment is required by federal or state law.

(2) The University, in affirming equal opportunity practices, is committed to maintaining an affirmative action plan as required of all federal contractors. For further information about that plan, contact the University's Office of Equal Opportunity Programs.

~~(1) The following policy for the State University System was adopted by the Board of Regents on December 8, 1974: "The State University System believes in equal opportunity practices which conform to both the spirit and the letter of all laws against discrimination and is committed to non-discrimination because of race, creed, color, sex or national origin. This commitment applies in all areas with students, faculty and other personnel. It is also relevant to those aspects of the University System concerned with the choice of contractors, suppliers of goods and services, and to the use of facilities. The State University System through its education and precept, strives for a society in which opportunity is equalized and supports the development of skills and opportunities of the members of all groups so they may plan responsible and productive roles in society." Florida Atlantic University is totally committed to the implementation of both the direction and spirit of this policy. That commitment applies to all personnel actions effected at this institution. Affirmative Actions will be taken, as appropriate in order to implement this policy.~~

~~(2) The President, as chief administrative officer of the University, the University Provost and the Vice Presidents, as principal administrators in each major organizational element of the University, are primarily responsible for carrying out this policy. Every member of the faculty and the staff of this University who has recommending authority with respect to any personnel action, will be guided by the terms of this policy. The Assistant to the President and Director of Equal Opportunity Programs, through the President is responsible for the development of the University Affirmative Action Plan, for the coordination and implementation of affirmative action programs, for assisting unit and division heads in the development of affirmative action programs, which includes providing information and assistance in recruiting efforts, and for monitoring and evaluating the University wide affirmative action programs to assure overall effectiveness.~~

~~(3) Faculty and administrative and professional personnel actions will be based on merit, qualification, and demonstrated performance and ability, and will evidence no negative impact based on considerations of race, creed, color, sex, age, marital status or national origin, political affiliations, veteran status, or physical or mental handicap— provided such handicap, with reasonable accommodation, does not prevent satisfactory work performance. Affirmative action in the attainment of established goals with respect to appointment, the equalization of salaries, and promotion will be a consideration in each personnel action. When a position becomes vacant in Faculty, or Administrative and Professional, and selected University Support Personnel System classifications, these positions will be open to outside recruitment. Recruitment efforts will be directed at securing applications from qualified minority and female applicants. Qualified internal candidates are encouraged to apply for these positions, however, appointments will not be made to instructional or professional positions until a good faith effort has been made to secure applications from women and persons of minority identification. Public announcements and advertisements of position vacancies will be placed in local, regional, or national media, journals or professional publications, or communications to professional societies, and all will clearly and plainly indicate that “Florida Atlantic University is an Equal Opportunity Affirmative Action Employer.” Each Administrator involved in recruitment will maintain adequate records and keep them available for review by appropriate authority.~~

Specific Authority ~~240.227(1), (5) FS. Law Implemented 6C 4.001, FAC~~[Article IX of the Florida Constitution](#); [BOG Regulation 1.001](#). History—New 10-1-75, Amended 5-24-76, Formerly 6C5-7.01, Amended 11-11-87. Formerly 6C5-7.001, [Amended ___ - -12](#).