

Florida Atlantic University

Regulation 7.008

Anti-Discrimination and Anti-Harassment

I. VALUES

Florida Atlantic University (“FAU” or “University”) is committed to providing a workplace and educational environment that is free from discrimination and harassment. To facilitate compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of equal access and opportunity in all aspects of the educational enterprise, FAU has developed internal policies and procedures that prohibit and address discrimination or harassment. FAU values the dignity of all members of its community.

II. PURPOSE

The University shall comply with applicable federal, state and local discrimination/harassment laws to provide an educational, employment, and business environment free of prohibited discrimination or harassment. Unlawful discrimination or harassment based upon an individual’s race, color, religion, sex, national origin, age, disability, military or veteran status, marital status, pregnancy or parental status, sexual orientation, gender identity or expression, or other protected status is prohibited. Discriminatory conduct in the form of sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking, is also prohibited. Federal laws covered by this Regulation include Title II of the Civil Rights Act of 1964 (“Title II”), Title VI of the Civil Rights Act of 1964 (“Title VI”), and Title VII of the Civil Rights Act of 1964 (“Title VII”), along with all applicable implementing regulations. This Regulation also covers the Florida Civil Rights Act, the Florida Educational Equity Act, and any other applicable local, state or federal laws.

III. SCOPE

Regulation 7.008 (“Regulation”) applies to all FAU students, registered student organizations, applicants for employment, faculty, volunteers and staff, as well as third parties providing services to FAU (hereinafter collectively referred to as “University Community Members”). It shall be a violation of this Regulation for any University Community Member to deny, deprive, or limit the educational or employment access, benefits, or opportunities of any member of the FAU community, guest, or visitor on the basis of that person’s actual or perceived membership in a protected status as defined by law or University regulations and policies. Activities covered under this Regulation include, but are not limited to, all educational, athletic, cultural, and social activities occurring on campus or sponsored by FAU, University housing, and employment practices. This Regulation shall not be implemented in a manner that restricts or prohibits speech that is protected by the First Amendment or the principles of academic freedom. The University

may not shield students or employees from ideas or opinions that they may find uncomfortable, unwelcome, disagreeable, or offensive.

IV. ADMINISTRATION

The University's Office of Civil Rights and Title IX ("OCR9") shall administer this Regulation. The Executive Director of OCR9 is the University's Title IX Coordinator. Inquiries regarding the procedures contained in this Regulation should be forwarded to OCR9. The OCR9 and Title IX Coordinator contact information is provided below.

Office of Civil Rights and Title IX
Florida Atlantic University
Administration Building
777 Glades Road, Room 265
Boca Raton, Florida 33431-0991
compliance@fau.edu
<http://www.fau.edu/ocr9/>
(561) 297-3004

V. REPORTING

Any supervisory employee or other official who has the authority to institute corrective measures on behalf of the University who receives a report, observes or learns of an alleged violation of this Regulation has an absolute and unqualified duty to promptly report the conduct to OCR9. Failure to report an alleged violation as required by this Regulation may result in disciplinary action up to and including separation or termination from employment. All employees in the University's K-12 programs are considered officials with authority to institute corrective measures on behalf of the University for K-12 students and must report any claims of harassment, discrimination, or sexual misconduct to OCR9. Any person may report allegations of harassment, discrimination, or sexual misconduct to OCR9 in person, via telephone, or online at <https://www.fau.edu/report/>.

VI. COMPLAINTS

University Community Members who believe they have been harassed, discriminated or retaliated against in violation of this Regulation should report the facts and circumstances thereof to OCR9, or in the alternative, may report to an official who has authority to institute corrective measures on behalf of the University. 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 OCR9 does not constitute a filing with, or have any effect on the filing time limitations of those external agencies. All Complainants are advised 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 OCR9 office, upon request. A complaint of discrimination or harassment not related to Title IX must be filed with OCR9 within one-hundred eighty (180) calendar days of the alleged act(s) of discrimination or harassment. OCR9 may process an alleged violation outside of this time limitation in the discretion of the Executive Director of OCR9.

VII. INVESTIGATION

OCR9 shall investigate all complaints, as permitted or required by law, which contain enough information to substantiate investigation and allege prohibited discrimination or harassment. All University employees have a duty to cooperate fully and unconditionally in a University investigation. This duty includes, among other things, speaking truthfully with OCR9 and voluntarily providing all documentation and information that relates to the claim being investigated. Upon completion of the investigation, a final investigation report shall be prepared which includes a summary of the complaint, a description of the investigation, and analysis of the facts and evidence presented based on a preponderance of the evidence standard. OCR9 may attempt conciliation or informal resolution before or during an investigation of a complaint. If conciliation or informal resolution is not achieved, OCR9 shall continue to investigate the complaint, and shall issue a final investigation report. The final investigative report by OCR9 shall be submitted to the appropriate Vice President, Provost or designee if an employee is involved, and/or to the Dean of Students or designee if a student is involved. The Respondent and Complainant will each be notified in writing of the outcome of the complaint.

VIII. CORRECTIVE OR DISCIPLINARY ACTION

Those found to have violated any term, condition or provision of this Regulation will be subject to disciplinary action, up to and including suspension, expulsion, termination, or separation. Corrective or disciplinary action up to and including dismissal or expulsion will be considered and implemented, if warranted, by the appropriate Vice President, Provost or Dean of Students in consultation with the Executive Director of OCR9. Corrective or disciplinary action may also be considered and implemented if OCR9 determined the complaint was unfounded and made maliciously or recklessly. All disciplinary action shall be subject to applicable University Regulations and Policies and applicable collective bargaining agreements.

Specific Authority: Article IX of the Florida Constitution; Florida Board of Governors Regulation 1.001 and 2.003; Formerly 6C5-5.012, Amended 11-11-87, 7-5-99, 11-9-05, 6-28-06, 11-16-11, 07-01-15, 6-4-19, 8-14-20, 11-15-22, 02-14-23, 09-09-25.