Regulations of
Florida A&M University

10.103 Non-Discrimination Policy and Discrimination and Harassment Complaint Procedures.

(1) Florida A&M University is committed to providing an educational and work environment free from discrimination and harassment on the basis of sex, race, color, religion, national origin, disability, age, marital status, sexual orientation, gender identity, gender expression, military veteran status, as provided by law. This commitment applies to all educational and work environments affecting students, faculty, Administrative and Professional (A&P) employees, Executive Service employees, University Support Personnel System (USPS) employees, and Other Personal Services (OPS) employees and any employment conditions and practices. Vendors, independent contractors, visitors, and others who conduct business with the University or on University policy are also expected to comply with this Regulation.

(2) This Regulation is designed to comply with multiple laws prohibiting discrimination including: Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; the Americans with Disabilities Act Amendments Act; the Rehabilitation Act of 1973; the Age Discrimination in Employment Act of 1967; Title IX of the Education Amendments Act of 1972; the Pregnancy Discrimination Act of 1978; the Uniformed Services Employment and Re-employment Act; the Veteran's Readjustment Act of 1974; and the Genetic Information Non-discrimination Act of 2008.

(a) *Discrimination* shall include, but not be limited to:

1. Limiting, segregating or classifying students, employees, applicants for admission, or applicants for employment, in such a way as to deprive individuals of educational or employment opportunities or otherwise adversely affect individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin, sexual

expression, or handicapping condition which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment; has the purpose or effect of unreasonably interfering with the individual's work or school performance or participation; or otherwise adversely affects an individual's employment or educational opportunities.

2. The denial of or the provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.

3. Sexual harassment such as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational career; submission to or rejection of such conduct is used as a basis for educational or employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work or edu4(r)3(f)3(e)4(r)3(i)-2(n

b. Inducing incapacitation for sexual purposes includes drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent to sexual consent.

c. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples include, but are not limited to:
   i. Prostitution of another person;
   ii. Non-consensual visual or audio-recording of sexual activity; or
   iii. Non-consensual distribution of photos, other images, or information of an individual's sexual activity.

d. Relationship or domestic violence is abuse or violence between partners or former partners involving one or more of the following elements:
   i. Battering that causes bodily injury;
   ii. Purposely or knowingly causing reasonable apprehension of bodily injury;
   iii. Emotional abuse creating apprehension of bodily injury or property damage; or
   iv. Repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass, or threaten.

e. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

(4) **Dissemination and Implementation of the Regulation**.

(a) The Office of Equal Opportunity Programs shall disseminate this Regulation or portions of it to the University community which shall comply and adhere to its provisions. All units shall also take appropriate action to implement the provisions set forth in this Regulation.

(b) All questions or concerns about this Regulation or conduct that may violate this Regulation should be directed to the Director of Equal Opportunity Programs/Title IX Office:

Dr. Letrecha Scott
Director of Equal Employment Opportunity Programs/Title IX Office
Florida A&M University
1700 Lee Hall Drive
Suite 304 Foote-Hilyer Administration Center
Tallahassee, Florida 32307
(850) 599-3076
letrecha.scott@famu.edu

(5) **Procedures for Filing a Complaint**.

(a) Any individual who believes that he/she is a victim of discrimination or harassment may seek guidance from the Equal Opportunity Programs (EOP) Officer who has been delegated authority by the President to receive and investigate EEO and other protected class discrimination and harassment complaints based on a protected class issue. The EOP Officer shall inform prospective complainants of the formal and informal options by which his/her concern can be addressed and resolved. Issues handled informally will not normally invoke the investigatory procedures set forth in this Regulation. Issues handled formally, shall include the full range of processes and reviews that are necessary to ascertain the facts.

1. Complaints and reports against students may also be reported to the Office of Judicial Affairs. Students referred to the Office of Judicial Affairs for alleged

harassed a student, an employee or an applicant for admission or employment will be subject to counseling or disciplinary action. Disciplinary action may include a written reprimand, probation, suspension, expulsion, or termination. The nature of the counseling or disciplinary action shall be guided by the seriousness of the offense.

(b) Any employee in a supervisory capacity who has knowledge of a complaint involving another supervisor, subordinate, employee(s) supervised by another supervisor, or student(s) in the class(es) of another supervisor and who does not take appropriate corrective action or report the matter directly to the President or University EOP Officer will be subject to counseling or disciplinary action. Disciplinary action may include a written reprimand, suspension, or termination. The nature of the counseling or disciplinary action shall be guided by the seriousness of the offense.

(c) All University employees must, within twenty-four (24) hours of receiving information, report information they have about alleged or possible sex-based discrimination, sexual harassment, and sexual misconduct discrimination involving students to the Director of EOP, the Office of Judicial Affairs, or the Department of Public Safety. Employees who are statutorily prohibited from reporting such information are exempt from this reporting requirement.

1. This subsection does not exempt the statutory obligation for any person who knows or has reasonable cause to suspect child abuse, abandonment, or neglect to report such information t]TJ 0 Tc 0 Tw ( )3 chil2-1(pe)4(c)4(t)e3 tAo 1(uc)C-2(e)4(nF.094 (, a(c)4(r)3(i1(c)4(i)

procedures set forth above in Section 5 of this Regulation.

(8) **Election of Remedies**.

(a) The doctrine of election of remedies shall apply to complaints filed pursuant to this Regulation. Should a Complainant elect to pursue an available alternative remedy, including the filing of a grievance pursuant to the collective bargaining agreement, the filing of any such grievance shall operate as a waiver of the Complainant's right to file a complaint and avail the Complainant of the procedures available under this Regulation. Should a grievance be filed pursuant to an alternative remedy and subsequent to the filing of a complaint under this Regulation but before proceedings under this Regulation have been completed, the filing of any such grievance nonetheless will act as a waiver, and proceedings pursuant to this Regulation shall be terminated.

(b) The doctrine of election of remedies shall also apply to appeals filed by persons against whom a complaint has been filed. The filing of an appeal pursuant to an alternative remedy by a person against whom a complaint has been filed, including the filing of a grievance under the collective bargaining agreement or the filing of a petition for a hearing pursuant to Section 120.569, F.S., shall operate as a waiver of the right to appeal to the President or President's designee pursuant to this Regulation.

Specific Authority Article IX, Section 7(c), Florida Constitution and Board of Governors' Regulation 1.001 and 2.003. History – New May 6, 1982, Amended July 15, 1987, Amended June 27, 1996, Amended December 1, 2005, Amended May 2, 2014; April 8, 2022-Technical Change (Director Name Change).