10.005 Prohibition of Discrimination in University Training or Instruction

(1) 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)

(f) “Administrator” means the following high level 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, associate/vice provosts, deans,
equal opportunity programs director, chief audit executive, and chief
compliance officer.

(2) University Regulation and Content Review
(a) Each university shall have a university regulation that prohibits
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 as defined in paragraph (1)(a). Such university regulation shall
contain a method for submitting complaints of alleged violations of the
university regulation and the title and contact information of the office(s)
designated by the university to receive and maintain such complaints.
(b) The university regulation shall include that the prohibition in section (2)(a)
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.
(c) Each university shall post the university regulation on a public website where
the university commonly publishes regulations.
(d) Each university shall periodically review its regulations, policies and
institutional training materials to ensure that the content does not violate the
university regulation.

(3) University Investigation and Corrective Action
(a) Each administrator who receives a complaint of an alleged violation of the
university regulation shall timely forward such complaint to the office(s)
designated to receive such complaints.
(b) After reviewing the complaint and obtaining any additional information to
aid in the review, the designated office shall direct, supervise, or coordinate
the investigation of credible complaints that identify a training or instruction
that espouses, promotes, advances, inculcates, or compels a student or
employee to believe any of the concepts.
(c) In the event the investigation finds that an instruction or training is
inconsistent with the university regulation, the university shall inform the
Board of Governors through the Office of Inspector General and take prompt
action to correct the violation by mandating that the employee(s) responsible
for the instruction or training modify it to be consistent with the university
regulation, issuing disciplinary measures where appropriate and remove, by

termination if appropriate, the employee(s) if there is a failure or refusal to
comply with the mandate.
(d) If the Board of Governors receives a complaint about which it has not been
previously informed pursuant paragraph 3(c), it shall refer the complaint to
the subject university’s Chief Audit Executive to be addressed pursuant
paragraphs 3(a)-(c).
(4)

performance funding for the next fiscal year following the year in which the
Board of Governors made the determination.
(5) Additional Proceedings.
A university or the complainant may seek judicial review by filing a petition for writ
of certiorari review with the appropriate circuit court within thirty (30) days of the
date of the Board’s final decision pursuant to Florida Rule of Appellate Procedure
9.190(b)(3).
Authority: Section 7(d), art. IX, Fla. Const.; Section 1000.05, Florida Statutes; Section
1001.92, Florida Statutes; History: New 08-26-22.