FLORIDA BOARD OF GOVERNORS NOTICE OF PROPOSED AMENDED REGULATION

DATE: September 20, 2023

REGULATION NUMBER AND TITLE: 2.003, Equity and Access

SUMMARY:

Board of Governors Regulation 2.003, Equity and Access, outlines the State University System's antidiscrimination policy and describes the Board's expectations that each university implements policies, programs, and practices to promote and ensure equal access and opportunity for all students and current and prospective employees. Board staff propose an amendment to Regulation 2.003 to align with section 1000.05, Florida Statutes, Florida Equity in Education Act; section 1006.71, Florida Statutes, Gender Equity in Intercollegiate Athletics; section 110.112, Florida Statutes, Affirmative Action: Equal Opportunity Employment; and section 760.10, Florida Statutes, Unlawful Employment Practices.

The proposed amendment changes the name of the regulation from "Equity and Access" to "Equal Access and Opportunity." It also adds that discrimination based on pregnancy is prohibited on university campuses. The proposed amendment also reduces the number of items institutions must annually report, including information on specific initiatives and performance related to equity and access in academic services, programs, and student enrollment. It also removes the requirement to report the representation by race and sex in student enrollment, senior-level administrative positions, and faculty rank and tenure status. The proposed amendment also implements an annual assessment by the Chancellor on the progress of each university's plan in support of equal opportunity in intercollegiate athletics. Finally, the proposed amendment eliminates the Florida Equity Report Guidelines review by the Council on Equal Opportunity and Diversity.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION: Dr. Christy England, Vice Chancellor, Academic and Student Affairs

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines St., Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu.

2.003 Equity and Access Equal Access and Opportunity.

(1) Discrimination on the basis of race, color, national origin, sex, <u>pregnancy</u>, religion, age, disability, marital status, veteran status, or any other basis protected by applicable state and federal law against a covered individual at any university is prohibited. Covered individuals include prospective and enrolled students, properties and pregnancy and pregnancy are to basis of race, color, national origin, sex, pregnancy, religion, age, disability, marital status, veteran status, or any other

- (a) Offer equal opportunity and access in employment in-to all qualified individuals without regard to the protected status or category of the individual.
- (b) Establish policies, procedures, and reporting mechanisms that prohibit and address unlawful discrimination, including but not limited to harassment, of employees.
- (a) (c) Establish a designated office or person responsible for the development and implementation of the equal employment opportunity program at each university. Such person or office, or designee, shall receive, investigate, and address complaints related to unlawful discrimination, including harassment, and recommend necessary action to the president or other decision-making designee.
- Maintain an annual equity plan for remedying underutilization of women and minorities, as applicable, in senior-

- (a) At a minimum, the equity report must include information gic initiatives and performance related to equity and access as they pertain to academic services, programs, and student enrollment; equity in athletics; and employment.
- (b) Each equity report shall assess sex equity in athletics, as well as representation by race and sex in student enrollment, senior-level administrative positions and by faculty rank and/or tenure status.
 - 1. Annual goals shall be developed and included in the equity report to address each area of underutilization. For each year in which prior year goals were not achieved, each university shall provide a narrative explanation and a plan for achievement of equity.
- (c) Each equity report shall include a web citation of the discrimination policy adopted by its university board of trustees.

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