

**STATE UNIVERSITY SYSTEM OF FLORIDA
BOARD OF GOVERNORS**
August 26, 2022

SUBJECT: Public Notice to Adopt New Board of Governors Regulation 10.005, Prohibition of Discrimination in University Training or Instruction

PROPOSED BOARD ACTION

Consider adoption of New Board of Governors Regulation 10.005, Prohibition of Discrimination in University Training or Instruction.

AUTHORITY FOR BOARD OF GOVERNORS ACTION

Article IX, Section 7, Florida Constitution, Section 1000.05 and 1001.92, Florida Statutes

BACKGROUND INFORMATION

During the 2022 legislative session, section 1000.05(4)(a), Florida Statutes, was amended to include certain enumerated concepts that would constitute discrimination on the basis of race, color, national origin or sex if such concepts were presented in university training or instruction in such a manner that would cause a person to believe the university was endorsing the concepts. The law also provides a “safe harbor” that permits the concepts to be discussed as part of a larger course of training or instruction if done in an objective manner without endorsement. In addition to the private cause of action in section 1000.05(8), section 1001.92, Florida Statutes, was amended to render a university ineligible for performance-based funding in the event the Board of Governors, a court of law, or a standing committee of the legislature determines that a university committed a substantiated violation of the new provisions in section 1000.05(4)(a).

In order to implement these new requirements, a regulation was developed to provide a framework for addressing complaints arising out of alleged violations of the new provisions both at the university level and at the Board of Governors. The framework aligns with the processes in place for addressing similar complaints that arise at universities and respects the State University System’s two-tiered governance structure.

The proposed regulation was posted for public comment for thirty days and the regulation is now ready for final approval by the Board.

Supporting Documentation Included: None.