RULES OF THE DEPARTMENT OF EDUCATION DIVISION OF UNIVERSITIES
FLORIDA INTERNATIONAL UNIVERSITY

6CB - 1.00 Non-discrimination Policy and Discrimination Complaint Procedures

Non-Discrimination

Definitions

(a) Florida International University affirms its commitment to exclude discrimination based upon race, color, religion, age, disability, national origin, marital status, sexual orientation and/or veteran status. It is the policy of the University to provide equal educational opportunity to each member of the University community to file a complaint alleging discrimination on the basis of race, color, religion, age, disability, national origin, marital status, sexual orientation and/or veteran status. (For further information see 6CB-4.016, and 6CB-4.018, Florida Administrative Code).

(b) Complaints. Any person who believes that he/she has been the victim of discrimination based upon race, color, religion, age, disability, national origin, marital status, sexual orientation and/or veteran status may file a complaint alleging discrimination on the basis of race, color, religion, age, disability, national origin, marital status, sexual orientation and/or veteran status. The complaint shall contain the name of the complainant and state the nature of the act(s) complained of, including such details as the name of the alleged offender(s) (if applicable) or approximate dates (on which the alleged act(s) occurred) and the date the complaint was filed. At least one witness, and the desired resolution(s).

(c) Conduct which falls into the definition of harassment includes, but is not limited to, harassment based on race, color, religion, age, sex, national origin, marital status, or veteran status. (For further information see 6CB-4.016). Within the context of this rule, harassment is defined as conduct which unreasonably interferes with an employee's, student's or applicant's status or performance by creating an intimidating, hostile, or offensive working or educational environment. It includes offensive or demeaning language or treatment of an individual, where such language or treatment is based upon a protected characteristic or a member of a group to which an individual may belong. It includes, but is not limited to: verbal, emotional, physical, sexual, or other intimidation or insulting conduct directed against the individual.

(d) Scope of prohibitions: Activities covered under this rule include non-discrimination in the course of an educational, athletic, cultural and social activities occurring on a campus of or sponsored by Florida International University, housing supplied by the University, and employment practices between the University and its employees, including Other Personnel Services ("OPS") employees.

(e) When referred to in this rule, days means calendar days.

Procedures for Reporting Violations and Conducting Investigations and Complaints

(a) Administration and Consultation. The Office of Equal Opportunity Programs shall administer the policies and procedures as outlined in this rule. The Office of Equal Opportunity Programs shall answer inquiries regarding the procedures outlined in this rule and may provide informal advice regarding issues of discrimination. Further, the potential complainant chooses not to file a formal complaint, action will be taken to inform the alleged offender of the concerns, suggesting that the individual monitor and modify (if necessary) his/her behavior.

(b) Complaints. 1. A complaint must be made in writing to the Office of Equal Opportunity Programs. The complaint shall contain the name of the complainant and state the nature of the act(s) complained of, including such details as the name of the alleged offender(s) (if applicable) or approximate dates (on which the alleged act(s) occurred) and the date the complaint was filed. At least one witness, and the desired resolution(s).

(c) A complaint must be filed within one hundred (100) days of the alleged act(s) of discrimination, or in the case of a student complaint against a faculty member, within ten (10) University business days of the beginning of class will be taken to be notice of alleged discrimination or harassment.

(d) The Office of Equal Opportunity Programs shall investigate the complaint. This investigation may include, but shall not be limited to interviewing the person complained about regarding the allegations, interviewing of other persons who may have information relevant to the allegations, preparation of witness statements for all persons interviewed, and review of any relevant documents. Upon completion of the investigation the accused (the party charged) shall be notified of the results of the investigation and the findings. It includes, but is not limited to: harassment based on race, color, religion, age, sex, national origin, marital status, and veteran status. The University recognizes its obligation to work towards a community in which diversity is valued and opportunity is equalized. It includes, but is not limited to, harassment based on race, color, religion, age, sex, national origin, marital status, and veteran status. (For further information see 6CB-4.016, and 6CB-4.018, Florida Administrative Code).

(e) Review. 1. Either party may seek review of the finding of the Office of Equal Opportunity Programs by filing a request for a review within twenty (20) calendar days of receipt of the findings of the Office of Equal Opportunity Programs. The complaint shall be in writing and indicate the specific elements of the finding of the Office of Equal Opportunity Programs that the party considers to be in error. The complaint shall be submitted to the Vice President for Human Resources or designee by filing a request for a review within twenty (20) calendar days of receipt of the appeal. 2. The request shall be in writing and shall set forth the issues to be considered in the appeal. Copies of the appeal shall be served by mailing a copy to the complainant, the alleged offender, and to the Director, Equal Opportunity Programs.

(2) Resolution. Upon final acceptance by the Vice President for Human Resources or designee of a finding on the complaint, the immediate supervisor of the alleged offender may provide a reasonable resolution to the complaint (e.g., that a student be allowed to change sections, that the employee report to a different supervisor) and may also recommend or take disciplinary action against the alleged offender; the proposed resolution shall be approved by the Office of Equal Opportunity Programs. Disciplinary action shall be taken in accordance with the rules and regulations affecting the class of employee and the terms of any applicable collective bargaining agreement.

(3) Prohibition of Retaliation. No employee shall retaliate against a complainant or any other employee for initiating a complaint through any form of retaliation that is treated as a separate allegation of discrimination.


Florida International University is an Equal Opportunity-Equal Access Employer and Institution.