Welcome to FSU New Employee Orientation Equal Opportunity and Compliance training. The Equal Opportunity and Compliance office is located in Human Resources. In this training you will learn the basics of equal opportunity law and the University’s equal opportunity policies and how they impact you as an FSU employee.
In this training, we will address federal and state Equal Employment Opportunity (EEO) laws and FSU policies and practices. We will also discuss the role of the University's Human Resources' Office of Equal Opportunity and Compliance in addressing discrimination and advise you of both the protections afforded to you, as well as the expectations the University has of you, as an employee.

As an employer, FSU is subject to federal and state Equal Employment Opportunity (referred to as "EEO") laws.

In addition to federal and state EEO laws, FSU has adopted its own non-discrimination policies which work to optimize the federal and state EEO laws. Please be aware that the equal opportunity protections at FSU apply to employees, students, volunteers, visitors, and contractors.

It is not expected that you commit to memory the EEO-related laws, but it is important for you to understand that the protections we have at FSU are derived from these laws because these laws are those that inform FSU policy.
Also, in this training, the term “discrimination” refers to actions taken against employees or students because of their membership in a protected class (which we will talk about shortly).

So, while it may be *inappropriate and unfair* to treat someone differently for a multitude of reasons (for example because of their political beliefs, the color of their hair, or their personality), it is *unlawful* to treat someone differently because of their membership in a protected class - that is *discrimination*.

Let’s briefly review the federal and state laws listed on the slide:

- Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex, race, color, national origin and religion;

- Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in schools that receive federal funding. It covers gender discrimination, sexual assault, sexual harassment, domestic/dating violence, and stalking;

- The Genetic Information Nondiscrimination Act prohibits discrimination on the basis of health information;

- The Age Discrimination in Employment Act prohibits discrimination on the basis of age;

- The Americans with Disabilities Act prohibits discrimination on the basis of disability;

- The Pregnancy Discrimination Act prohibits discrimination on the basis of pregnancy;
• The Rehabilitation Act, Section 504, prohibits discrimination on the basis of
disability and it applies to any program or activity receiving federal financial
assistance;

• The Equal Pay Act requires equal pay for equal work on the basis of gender; and

• The Florida Civil Rights Act of 1992 is a state law which is similar to Title VII, the
federal law, and also includes protections for an individual’s “marital status.”
Marital status discrimination is the treatment of individuals differently based on
whether they are single, married, widowed or divorced.
Protected Groups at FSU

FSU prohibits discrimination based on: race, creed, color, sex, religion, national origin, age, disability, genetic information, veterans’ status, marital status, sexual orientation, gender identity, gender expression, and other legally protected groups.

There are specific, protected classes at FSU for which our policies provide non-discrimination protections. A “protected class” refers to a characteristic of a person that cannot be targeted for differential treatment. FSU is committed to providing employment and academic protections to employees and students based on their race, creed, color, sex, religion, national origin, age, disability, genetic information, veterans’ status, marital status, sexual orientation, gender identity, gender expression, and any other legally protected group.
As previously mentioned, the University has several policies that both mirror and expand federal and state law EEO protections.

- First, FSU's Equal Employment Opportunity statement is signed by the University's president and underscores the University's commitment to equal opportunity and non-discrimination in both employment and education;

- Second, FSU's Non-Discrimination Policy prohibits discrimination and retaliation in employment and academics. This policy identifies the protected groups at FSU and provides complaint procedures for those who choose to file discrimination complaints;

- Third, FSU's Americans with Disabilities Act Policy provides information regarding the University's reasonable accommodation process for individuals
with disabilities who are seeking disability-related accommodations; and

- Fourth, FSU’s Sex Discrimination and Sexual Misconduct Policy outlines the types of behavior that violate the policy, it describes how to make a complaint if sexual misconduct occurs, it explains our duty to report sexual misconduct of which we become aware, it discusses safe options to intervene to prevent sexual violence, and it underscores the University’s commitment to prevent retaliation against individuals who report sex discrimination or sexual misconduct.

Information regarding FSU’s Sex Discrimination and Sexual Misconduct Policy and FSU’s Americans with Disabilities Act Policy are both available through separate trainings offered at FSU. Please contact the FSU Office of Training and Organizational Development for more information regarding available trainings.
FSU’s Non-Discrimination and Sexual Misconduct Policies

Prohibit:

- Denying employment/educational opportunities;
- Taking negative employment/academic action;
- Creating a hostile work/academic environment;
  or
- Quid pro quo harassment

because of an individual’s membership in a protected group.

As you are now aware, FSU’s non-discrimination and sexual misconduct policies prohibit adverse treatment against employees and students due to their membership in a protected group such as:

Denying employment/educational opportunities;

Taking any type of negative employment action against an employee or taking any type of negative academic action against a student;

Creating a hostile work or academic environment; or

Engaging in quid pro quo harassment. Quid pro quo translates to “something for something.” Quid pro quo workplace or academic harassment refers to situations where authority figures suggest that they will give employees or students something favorable (for example a raise or a good grade) or will refrain from doing something unfavorable (for example firing an employee or failing a student on a test) in exchange for a sexual demand.
Zero Tolerance Policy

FSU has a duty to:
- Investigate
- Eliminate
- Address effects
- Prevent recurrence

Applies to all students, faculty, staff, visitors, and contractors (24/7).
Applies to all programs and activities, both on and off campus (24/7).

The University has a zero tolerance policy for any acts of discrimination or sexual misconduct. FSU has a duty to investigate, as appropriate, any complaints or concerns regarding violations of its policies, to eliminate the inappropriate behavior, to address the effects of the behavior, and to prevent its recurrence.

The University’s policies are in effect 24/7. The policies are applicable in all programs and activities, both on and off campus, including, but not limited to: business/academic trips, study abroad programs, office/department parties, and business dinner/lunches. The policies also include non-University activities that have consequences that carry over to the workplace.

Therefore, it is imperative to understand that, just because we are off-campus and we are not interacting during traditional work or academic hours, there is still an expectation that we do not engage in discriminatory conduct that can impact our work or academic environments.
Examples of Inappropriate Behavior

- Mocking the clothes, food, or physical appearance of people from different cultures or who have different religious beliefs or sexual orientations.

- Engaging in "humor" based on stereotyping/denigrating members of protected groups. In-group joking is also inappropriate.

- Making fun of accents or names.

- Refusing to use an employee's or student's preferred gender pronoun.

- Using hate speech.

Some examples of inappropriate behavior which violate University policy include:

Mocking the clothes, food, or physical appearance of people from different cultures or those who have different religious beliefs or sexual orientations;

"Joking" based on stereotyping/denigrating members of protected groups. In-group joking is also inappropriate. Just because someone may be of the same protected class, this does not allow that person to make jokes about that protected class;

Making fun of accents or names;

Refusing to use an employee's or a student's preferred gender pronoun; and

Engaging in any form of hate speech.
In addition to prohibitions against discrimination, the University also prohibits retaliation against those who have engaged in a protected activity. Protected activities include:

- Making a discrimination complaint internally with the University or externally to the Equal Employment Opportunity Commission, the Florida Commission on Human Relations, the Office of Civil Rights or any other entity, or filing a lawsuit against the University in state or federal court;

- Helping someone else report discrimination;

- Participating in a discrimination or retaliation investigation (for example, as a witness);

- Opposing discrimination; and

- Making a request for a reasonable accommodation
Retaliation

Retaliation occurs when an adverse action is taken against an employee or a student because the employee or student engaged in a protected activity.

Retaliation occurs when an adverse action is taken against an employee or a student because the employee or student engaged in protected activity. Examples of adverse actions include:

Terminating an employee;
Denying an employee a promotion;
Threatening or issuing a poor performance review;
Providing negative references;
Issuing a poor grade; or
Changing the employee’s duties to those that are less favorable.
Retaliating against an individual simply for making a discrimination or sexual misconduct complaint, or engaging in any other protected activity, violates University policy. Committing acts of retaliation is a separate and distinct cause for discipline.

Additionally, if you are a supervisor, you must not only make sure that nothing you do could be construed as retaliation against an individual who has made a complaint or engaged in other protected activity, but it is also critically important that you actively monitor the work environment during and after an investigation to ensure that no one else is retaliating against an employee or student either.
Reporting Requirements: What to Do If Someone Discloses to You

Any student, applicant, faculty member, or staff employee who has witnessed or is aware of what is perceived to be a violation of the non-discrimination policy is strongly encouraged to promptly report that conduct to EOC.

***Concerns may also be brought to any supervisor or administrator who will make a referral to the EOC as appropriate.***

Any supervisor who has witnessed, becomes aware of, or receives a complaint of discrimination and/or retaliation involving a person within that supervisor’s purview must promptly report the matter to EOC.

Failure to promptly report can result in disciplinary action.

It is important for you, as an FSU employee, to understand what your reporting requirements are in the event that a student or employee reports a concern of discrimination to you.

The FSU reporting requirements state that any student, applicant, faculty member, or staff persons who has witnessed or is aware of what is perceived to be violation of the non-discrimination policy is strongly encouraged to promptly report that conduct to the Office of Equal Opportunity and Compliance.

Any supervisor who has witnessed, becomes aware of, or receives a complaint of discrimination and/or retaliation, involving a person within that supervisor’s purview, must promptly report the matter (within two business days) to the Office of Equal Opportunity and Compliance.
How to Report Complaints Against Employees

In person/by telephone
Human Resources, Equal Opportunity & Compliance (EOC)
Main number: 850-645-6519
Amber Wagner amwagner@fsu.edu (850) 645-1458
Marcy Valenzuela mvalenzuela@fsu.edu (850) 645-9469

Title IX Office:
Mandy Hambleton mhambleton@fsu.edu (850) 644-6271

In writing
Letter
Email
EOC's complaint form: [http://compliance.hr.fsu.edu/forms/DiscriminationComplaintForm.pdf]

FSU Hotline
www.fsu.ethicspoint.com or 855-231-7511

Online
(including anonymously) at report.fsu.edu

There are several methods that employees and students may use to report concerns of sexual misconduct or discrimination to the University against faculty, staff, or third parties.

The report may be submitted by telephone, in writing (by letter, email or on a formal complaint form), through the University’s hotline, also referred to as EthicsPoint or online at report.fsu.edu. Non-supervisory employees also have the additional option to report concerns to any supervisor or administrator, who should then make a referral as appropriate.

As a reminder, supervisors must report the concern to the EOC within two business days.
How to Report Complaints Against Students

- Online: https://report.fsu.edu

- Sexual Misconduct: Title IX Director
  Mandy Hambleton: mhambleton@fsu.edu or (850) 644-6271

- Other Discrimination: Dean of Students Department

Several University offices are available to receive complaints against students. If the complaint involves a sexual misconduct complaint against a student, please report the issue online or directly to the University’s Title IX Director. All other discrimination complaints against students may be reported online or directly to the Dean of Students Office.
Reasonable Accommodations

A reasonable accommodation is any change to a job, the work or academic environment, or the way work is usually done so that an individual may apply for, perform, and enjoy equal access to job or academic benefits:

- Disability
- Religion
- Pregnancy

At FSU, in compliance with federal and state laws, reasonable accommodations may be provided to qualified employees or students on the basis of religion, disability, and pregnancy. A reasonable accommodation is any change to a job, the work or academic environment, or the way work is typically done so that an individual may apply for, perform the essential functions of the job, and enjoy equal access to job or academic benefits. In other words, Equal Opportunity in employment is not just about non-discrimination. We also have an affirmative obligation (under the law and our University policies) to provide reasonable accommodations for employees and students.

Please note that there are no “magic words” that a student or employee must use to request an accommodation. A mere mention of a disability, pregnancy, or religious consideration is sufficient to initiate a referral to the University’s ADA Coordinator for disability-related requests or other EOC staff for pregnancy or religious accommodation requests.
Disability Accommodations

Disability accommodations are adjustments/modifications that allow an employee to complete the essential functions of the job or ensure a student has equal access to University programs and activities.

Employees should contact their supervisor or EOC to initiate a request for a reasonable accommodation and students should contact their instructors and/or the Student Disability Resource Center.

Each disability accommodation request is assessed on a case by case basis through what is referred to as the “interactive process.” An accommodation may be denied if it causes an undue hardship.

Supervisors must report employee requests for disability accommodations to the EOC within two business days of learning of the need.

In order for a disability accommodation to be considered, employees must make their supervisor or the EOC office aware of the need, either verbally or in writing. The supervisor must contact the Office of Equal Opportunity and Compliance’s ADA Coordinator within two business days of the request. The Equal Opportunity and Compliance Office will assist in determining what is and what is not a reasonable disability-related accommodation request.

If you are a supervisor, it is critically important that you do NOT refuse any accommodation request before contacting the EOC office.

Students who require accommodations should contact their instructors and/or the University’s Student Disability Resource Center for assistance.

There is a great deal of important and useful information on the subject of the Americans with Disability Act and we encourage you to attend University trainings on this topic so that you are well informed of your rights and responsibilities as employees and/or students. You may also refer to the University’s Americans with Disabilities Act
policy located through the University's Office of Human Resources EOC website.
Disability Accommodation Examples

- Modification of a work schedule
- Purchase of specialized software
- Provision of readers, scribes, or note takers
- Modifying the layout of a workspace or classroom
- Window coverings
- Air cleaners/purifiers
- Service animals or emotional support animals

Accommodations will vary depending on the need of the employee or student. Some examples of reasonable disability-related accommodations include:

Modifying an employee’s work schedule;
Buying specialized software for the employee or student’s use;
Providing readers, scribes, or note-takers;
Modifying the layout of a workspace or classroom;
Providing window coverings, air cleaners, or purifiers; or
Allowing service animals or emotional support animals in the workspace or classroom.
Religious Accommodations

Adjustments/modifications that allow an employee to complete the essential functions of the job or ensure a student has equal access to University programs and activities.

Employees should contact their supervisor or EOC to initiate a request for a reasonable accommodation and students should contact their instructors.

Each religious accommodation request is assessed on a case by case basis. An accommodation may be denied if it causes an undue hardship.

Contact EOC with any employee-related accommodation questions.

Contact the Dean of Students Office with any student-related religious accommodation questions.

In addition to disability-related accommodations, employees and students also have a right to request a religious accommodation. Religious accommodations are adjustments to the work or academic environments that allow employees or students to practice their religion. The term “religion” includes all aspects of religious observance and practice as well as belief. In order for a religious accommodation to be considered, the employee must make the supervisor or EOC aware of the need, and students must make their instructors aware, either verbally or in writing. If you are presented with a request for a religious accommodation, it is important to discuss the needs of the employee or student and the options available to them in a respectful way. If, as a supervisor, you are not familiar with the religion the employee or student observes, a limited inquiry is appropriate to gather additional information, but you must have a reasonable basis to begin a line of questioning.

If, as a supervisor, you are presented with a request for a religious accommodation and you are able to grant the accommodation, please do so. However, as a supervisor, whether or not you are able to grant an employee the accommodation, please contact the Office of Equal Opportunity and Compliance if you have any questions or concerns about the accommodation and its impact on workflow or the individual making the request. If you are not able to grant the accommodation,
please call the EOC office to discuss the determination before advising the employee. You may contact the Dean of Students Office regarding student requests.
Although the accommodations will vary based on the individual’s religion and need, some examples of religious accommodations include:

Schedule changes to accommodate the employee’s arrival or departure time, use of the employee’s annual leave, or allowing flexible breaks to engage in religious observances.

Other examples include providing a space for worship, allowing voluntary shift swaps with co-workers, accommodating dress code variances (which may include head coverings or other religious garb), accommodating facial hair, or allowing for an alternative test date for students.
In addition to disability and religious accommodations, employees and students may request pregnancy accommodations. Pregnancy accommodations are adjustments at work that allow employees to complete the essential functions of their jobs or allow students equal access to University programs and activities. Pregnancy accommodations apply both during the pregnancy and during the post-pregnancy and lactation period. Employees should contact their supervisor or EOC to initiate an accommodation request and students should contact their instructors or the Title IX Office.

If, as a supervisor, you are presented with a request for a pregnancy accommodation and you are able to grant the accommodation, please do so. However, whether you are able to grant the accommodation or not, please contact the Office of Equal Opportunity and Compliance if you have any questions or concerns about the accommodation and its impact on workflow or the individual making the request. If you are not able to grant the accommodation, please call the EOC office to discuss the determination before advising the employee. If you are presented with a pregnancy accommodation request from a student and need assistance, please contact the University’s Title IX Office.
Pregnancy Accommodation Examples:

- Requesting a footstool or other furniture at a work station to enable the employee to elevate her legs.
- Requesting to flex work hours to make up time missed for doctor’s appointments.
- Asking to be allowed to have a beverage/snack in spaces in which it is otherwise prohibited or requesting frequent breaks to allow for consumption outside of the space.

Although pregnancy accommodations vary based on the needs of the employee or student, some examples of pregnancy accommodation requests include:

- A footstool to use during a shift or class so pregnant employees or students can elevate their legs, as needed, throughout the day;

- Employees or students can request flex time to make up time missed during the work day/class day for doctor’s appointments related to their-pregnancy; or

- Allowing snacks or drinks in the pregnant employees, or students’ work or classroom spaces.

- Please note that alterations to an employee’s schedule on a regular basis as an accommodation should be properly vetted through the EOC office unless it was previously approved through FMLA.
Break Time for Nursing Mothers

Reasonable break time
1 year after child's birth
Private, non-bathroom location

In addition to disability, religious, and pregnancy accommodations, break times for employees who are nursing mothers to breastfeed or express milk are supported by FSU policy. This right applies to all nursing mothers regardless of whether they are exempt or non-exempt employees. Our FSU policy regarding nursing mothers is located on the EOC website and the policy outlines all of the employee's and supervisor's respective obligations.

The University also has lactation rooms located throughout campus which are available for student use. The rooms are located in the College of Medicine, the Dean of Students Office, and the Health and Wellness Building. At the Panama City campus, a lactation room is available in the Holley Building. Employees may work with their supervisor to determine an appropriate space for lactation purposes.
Commitment to Affirmative Action

Florida State University is committed to the practice of equal opportunity and affirmative action in all aspects of employment for qualified minorities, women, protected veterans, and individuals with disabilities. Efforts should be made to attract and retain underrepresented groups in the available labor market.

FSU’s Equal Opportunity Statement can be viewed at:
https://www.hr.fsu.edu/PDF/Publications/diversity/EEO_Statement.pdf

In addition to the University’s commitment to non-discrimination and non-retaliation, FSU is also committed to the practice of equal opportunity and affirmative action in all aspects of employment for qualified minorities, women, protected veterans and individuals with disabilities.

The University’s Affirmative Action Plan is available for inspection Monday through Friday from 8:00 a.m. to 5:00 p.m. at the Office of Human Resources, in the Office of Equal Opportunity and Compliance (EOC). Copies of the Affirmative Action Plan are also filed with the University Library System and FSU’s Equal Opportunity Statement can be viewed at the website listed on the slide.
EEO Clause

An Equal Opportunity/Access/Affirmative Action/Pro Disabled and Veteran Employer.

Equal Employment Opportunity/Affirmative Action information is available on the University’s EOC webpage (https://hr.fsu.edu/?page=eoc/eoc_affirmative_action).

As part of FSU’s commitment to diversity, FSU’s EEO Clause, which is attached to all job postings, states that FSU is an Equal Opportunity/Access/Affirmative Action/Pro Disabled and Veteran Employer.

Further information regarding Equal Opportunity and Affirmative Action is located on the University’s Human Resources webpage at the address listed on the slide.
In conclusion, let’s make the connection:

- The federal laws are the controlling authorities which directly influence state laws;
- The federal and state laws together guide the University policies;
- And the University policies impact you as the employee or student.

This training has underscored the important role that we all play at the University to ensure that the EEO laws and policies are upheld for our employees and students.

If you have any questions regarding Equal Opportunity and Compliance, please do not hesitate to contact our office.
Thank you for your participation.

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This concludes EOC’s new employee orientation. We thank you for your participation and welcome you to FSU.