Two Florida Civil Rights Laws Updated

Florida Civil Rights Act
Chapter 760, Florida Statutes, sets out Florida’s baseline civil rights protections.

Florida Educational Equity Act
Section 1000.05, Florida Statutes, sets out Florida’s protections for K-20 students’ and employees’ civil rights.
It is still an unlawful employment practice to:

(a) To discharge, fail, refuse to hire, or otherwise discriminate regarding compensation, terms, conditions, or privileges,

(b) To limit, segregate, or classify employees or applicants in any way which would deprive any individual of employment opportunities, or adversely affect any individual's status as an employee,

(2) To fail or refuse to refer, or otherwise to discriminate against, any individual

*Because of such individual's race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.*
FCRA - Update

- It is now an unlawful employment practice to:
  - Subject any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination,
  - To training, instruction, or any other required activity that
  - Espouses, promotes, advances, inculcates, or compels such individual to believe
  - Any of the following concepts constitutes discrimination based on race, color, sex, or national origin:
Any of the following concepts constitutes discrimination based on race, color, sex, or national origin:

- Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.
- An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.
- Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.
FCRA - Update

Any of the following concepts constitutes discrimination based on race, color, sex, or national origin:

- An individual, by virtue of his or her race, color, sex, or national origin, 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, sex, or national origin.

- An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.

- An individual, 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 individual played no part, committed in the past by other members of the same race, color, sex, or national origin.

- 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, sex, or national origin to oppress members of another race, color, sex, or national origin.
FCRA - Update

- Remember the final section:

The above “may not be construed to prohibit discussion of the concepts listed as part of a course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.”
Baseline Civil Rights Remain, Terminology Shifting:

- Discrimination based on race, ethnicity, color, national origin, gender, sex, disability, religion, or marital status against a student or an employee in the state system of public K-20 education is prohibited. No person in this state shall, based on race, ethnicity, color, national origin, gender, sex, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.

- The criteria for admission to a program or course shall not have the effect of restricting access by persons of a particular race, ethnicity, color, national origin, gender, sex, disability, religion, or marital status.

- All public K-20 education classes shall be available to all students without regard to race, ethnicity, color, national origin, gender, sex, disability, religion, or marital status; however, this is not intended to eliminate the provision of programs designed to meet the needs of students with limited proficiency in English, gifted students, or students with disabilities or programs tailored to students with specialized talents or skills.
FEEA – Classroom-Focused

- It shall constitute discrimination based on race, color, national origin, or sex under this section to
- Subject any student or employee to training or instruction that
- Espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts:
  - Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
  - A person, by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
  - 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.
  - 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.
It shall constitute discrimination based on race, color, national origin, or sex under this section to subject any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts:

- 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.

- 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.

- 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.

- 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.
FEEA – Classroom-Focused

- Remember the final section:

“The above may not be construed to prohibit discussion of the concepts listed therein 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.”
FCRA and FEEA – Action Items

- **HR Practices:**
  - *Hiring:* Continue to meet our commitments to the state regarding diverse, College-wide representation to support the hiring process
  - *Hiring:* Tailor our language to ensure clear communication
  - *Equity Report:* Update our goals next year to better reflect our community and the state’s goals
  - *Mandatory Annual Training:* Overall compliant but will tweak to ensure clarity of communication. Any additional training on this topic will be voluntary and optional.

- **Academic Affairs Practices:**
  - Be aware
  - Be flexible
  - Another law that is more complaint-focused than substantive.

- **Diversity, Equity, and Inclusion Initiatives (i.e., definitions, trainings, inclusive in classroom):** *Purposeful.*