



## FAQs ON HOUSE BILL 7 (HB 7) AND TRAINING

Background on the change in law:

In brief, HB 7 amends a particular non-discrimination statute (Fla. Stat. 1000.05: Florida Educational Equity Act) to provide that an educational institution, including UCF, may not subject any student or employee to training or instruction that “espouses, promotes, advances, inculcates, or compels such student or employee to believe” any of eight “specified concepts” (listed below, each based on race, color, sex, or national origin) because such action would be *per se* discriminatory under the amended statute.

The eight specified concepts are:

1. Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
2. A person, by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
3. A person’s moral character or status as either privileged or oppressed is necessarily defined by his or her race, color, national origin, or sex.
4. 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.
5. 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.
6. 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.
7. A person, by virtue of his or her race, color, sex, or national origin, bears 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 members of the same race, color, national origin, or sex.
8. 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.

Importantly, the statute provides that the specified concepts can be discussed as part of a larger course of training or instruction, so long as the training or instruction is “given in an objective manner without endorsement of the concepts.”

The BOG provides the following definition of “**training**”: a planned and organized activity conducted by the university as a mandatory condition of employment, enrollment, or participation in a university program for the purpose of imparting knowledge, developing skills or competencies, or becoming proficient in a particular job or role. Training could occur as part of employee onboarding, orientation,



specialized skills training as part of a volunteer or employed role, or other required activities that qualify as training for a role. However, where individuals seek out activities on a voluntary basis, e.g., for reasons of personal interest or enrichment, that would not constitute training for purposes of this law.

## HB 7 “SPECIFIED CONCEPTS” FAQs

### ***Can I discuss topics or teach concepts in my training that may make people feel uncomfortable?***

Yes. The bill does not prevent discussion of topics that may be controversial or make some people feel uncomfortable. However, you may not tell individuals in training they should or must feel guilty because they belong to a particular race, color, national origin or sex. And you should not tell individuals in training how to feel or that they need to admit to feeling a certain way about these topics. The legislature’s stated purpose in adopting this law was to prohibit coercing students and employees to particular beliefs.

### ***What about trainings that discuss the “specified concepts”?***

The University may not subject employees or students to a mandatory training that “espouses, promotes, advances, inculcates, or compels [the individual] to believe” any of the eight “specified concepts.” The concepts may be discussed as part of a larger course of training as long as they are delivered in an “objective manner without endorsement of the concepts.” If your training involves the specified concepts, we recommend that you consider how to present and lead discussion of the specified concepts during training.

### ***Can I teach or train about advantages enjoyed by some members of our society?***

Yes. An individual’s background and experience may have given that individual advantages or disadvantages different from those experienced by others with different backgrounds and experiences. It is okay to discuss these kinds of differences as part of instruction or training as long as nobody is told (1) that they should feel guilty or superior about their respective advantages and disadvantages or (2) that they are responsible for, or the beneficiary of, others not having the same advantages or disadvantages

### ***What about historical events that are racist or sexist, is it ok to talk about them in my training?***

Yes. Discussion about historical events, even events that are difficult to talk about, are important to include as appropriate to the subject(s) of your trainings. However, you may not tell individuals in your training that they are responsible for those events, or that they should feel guilty because they belong to a particular group that was responsible for the events.

### ***I have experienced racism or sexism. Is it okay for me to talk about this in my training?***

Yes, it is okay to tell your story. However, you may not tell individuals in the training that they must feel guilty because they belong to a group that committed racist or sexist acts toward you.



***How do we teach on the concepts described as “unlawful discrimination” when there is so much scientific evidence to support them?***

We recognize that this change in law presents a challenge when addressing certain topics. Teaching objectively about any, or all, of the concepts specified in the bill is acceptable and allowed. What the law prohibits is the university (through its trainers or instructors of record) training or instructing employees or students that they are personally responsible for events that occurred in the past or telling them they should feel guilty for these events. This change in law was described by the bill sponsors as one that seeks to ensure that universities does not place of guilt or blame on the basis of an individual’s race, sex, national origin, or color.

***Can training on cultural competency be required as a condition of employment?***

Yes; however, individuals who take cultural competency training must not be told they should feel guilty because they belong to a particular group (such as a particular race or national origin or sex or color), and they cannot be required to admit to guilt as a condition of their employment.

***What does “in an objective manner without endorsement” mean?***

This language is not defined by Florida law, and the Florida Legislature did not provide any guidance on what this language means to them. However, the University interprets this phrase according to its plain meaning and consistently with faculty members’ existing obligations to teach their academic subjects in an objective and skillful manner. See UFF UCF Collective Bargaining Agreement (“CBA”), specifically Section 5.2 (Academic Freedom):

Consistent with the exercise of academic responsibility, employees shall have freedom to present and discuss their own academic subjects, frankly and forthrightly, without fear of censorship...[o]bjective and skillful disposition of such subject matter, including the acknowledgement of a variety of scholarly opinions, is the duty of every employee.

***What are the consequences for including the “specified concepts” in my training?***

Individuals who feel they have been subject to mandatory training on one or more of the “specified concepts” in a way that was not objective, or in a way that involved promotion of the concepts, can take one of three routes to complain: file a lawsuit, file a complaint with the Board of Governors, or file a complaint with a standing committee of the Florida Legislature. If one of these three bodies makes a “substantiated finding” of a violation, the University will be ineligible for all performance-based funding for the fiscal year following the year in which a violation is found. Additionally, violation of these provisions by a university employee could result in disciplinary action from the University, if you instruct students or train on the “specified concepts” in a manner that violates your responsibility to the institution.