

University of Central Florida
Equal Opportunity and Affirmative Action Programs
Discrimination: Descriptions, Prevention
DISCRIMINATION BASED ON NATIONAL ORIGIN

The University of Central Florida promotes access to its educational programs and activities, including employment, consistent with federal and state statutes as well as UCF Regulation 3.001, *Non-Discrimination; Affirmative Action*. The University takes prompt action to investigate complaints of discrimination based on national origin, providing corrective actions when appropriate.

National origin discrimination involves treating people less favorably because they are from a particular country or part of the world. If an individual takes an adverse action based on national origin but is wrong about the ethnicity, accent, or appearance that led to that identification, it is still discrimination based on national origin. If an individual makes an assumption about a national origin because of the spouse's national origin, or a group with which someone is affiliated, it is still discrimination based on national origin.

Just as with other protected classes, complaints still may be valid when an individual with the same national origin practices discrimination based on that national origin. "Sharing the same protected class" is not a valid defense to the prohibited conduct.

That conduct includes decisions to hire, terminate, set a particular salary, assign certain tasks, promote, lay off, train, or any other term or condition of employment. Common examples of national origin discrimination include:

- making offensive or derogatory remarks about someone's national origin or ethnicity
- requiring employees to speak English in the workplace. An English-only policy is valid when it ensures the safe or efficient operation of business and the employer puts it in place for nondiscriminatory reasons.
- basing a negative employment decision on a candidate's non-U.S. accent. (Employers can make decisions on verbal communications skills: how well can the applicant communicate the employer's business setting?)
- advertising for U.S. citizens. This is permissible if it is required for the position (for example, in certain government contracts). Otherwise, the University follows the statutes that require verification of employment eligibility at time of hire, regardless of citizenship status.

The best systems for employment decisions consider job-related factors such as qualifications, experience, education, interview success, reference-check results, performance in current and previous positions, potential for success in higher-level or reorganized positions, abilities, and interest. UCF incorporates those factors into employment selection decisions (as an example), using the Faculty Hiring Guide, A&P Hiring Guide, Search and Screen Guidelines, pre- and post-hire monitoring of rationale, and training programs for hiring officials, search committee members, and interviewers.

Harassment based on national origin is more of a pattern than specific acts of discrimination. It may take the form of “joking around” or “teasing.” If it substantially interferes with an employee’s performance, however, it is an area for the University to take action.

The following example may contain offensive material because it is provided as an example of a hostile or offensive environment.

If the “jokes” can be stopped by the target early in the pattern because it is a miscommunication about what is funny, the target may be able to tell the individual, “Nicknaming me ‘The Ayatollah’ is getting old. Why don’t we go back to when I was still Amir. And you guys are way off, geographically.” If the pattern stops, there is no basis for a harassment claim.

If the nicknaming based on national origin or ethnicity continues, and colleagues join in despite requests to stop, and souvenirs from that culture are left on the individual’s desk, and his colleagues ask where he parks his camel at the jobsite: the individual is responsible for reporting this pattern of harassment related to ethnicity or national origin and the University is responsible for addressing it. It is unlawful when it is so severe or frequent that it creates a hostile or offensive working environment.

The University’s non-discrimination regulation prohibits acts of retaliation, as well as harassment, within the definition of discrimination. Retaliation consists of an adverse action, taken against an individual who complained or threatened to complain or who served as a witness in a discrimination complaint, based on that individual’s involvement.

For additional questions and resources for filing a report, complaint, or discrimination grievance, utilize the following contact information:

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(407) UCF-1EEO (823-1336)
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