

University of Central Florida
Equal Opportunity and Affirmative Action Programs
Discrimination: Descriptions, Prevention
DISCRIMINATION (SEXUAL HARASSMENT)

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 sex, which includes sexual harassment, providing corrective actions when appropriate.

Sexual harassment includes unwelcome sexual advances or requests for sexual favors. It also can include verbal or physical conduct of a sexual nature when an individual must submit as a term or condition of employment, enrollment, or use of campus facilities or programs. Sexual harassment could include the creation of a hostile environment. The harassment is unlawful when it is so severe that it alters the conditions of employment, enrollment, or participation and creates an abusive environment based on sex. For the specific definition, see University Regulation 3.001: the description above is a summarized resource, for first reference.

The University of Central Florida prohibits sexual harassment. The University prohibits romantic and sexual relationships between employee and student or between supervisor and employee when that relationship constitutes a conflict of interest. That may occur even when such relationships appear, or are believed to be, consensual. The lines of power and authority that exist between the parties may undermine freedom of choice.

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.

The University endorses similar decision-making systems regarding students. This includes such factors as qualifications for University admission or course registration, and criteria for program admission. UCF incorporates those factors into student selection and progression decisions by, for example, using committee judgments for success in the performing arts classes or publishing guidelines for syllabi that encourage description of grading systems and other course policies.

Sexual harassment 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 or a student’s enrollment, however, it is an area for the University to take action.

The following examples may contain offensive material because they are provided as examples of a hostile or offensive environment.

- Showing or sending jokes, cartoons, emails with sexual content
- Making comments on physical appearance, including specific sexual comments or references to specific body parts, a female's pants displaying "camel toe," or a male's pants flattering his "package," as examples
- Touching a person's body, including hair or clothing; patting, kissing, or fondling. At the University of Central Florida, colleagues and classmates bring diverse cultural backgrounds. Each individual should respect those backgrounds when interacting.
- Repeating requests for dates or sexual encounters
- Making or transmitting sexually explicit sounds
- Coerced sexual intercourse, sexual battery, or other unlawful sexual misconduct

This is not a complete list – it only provides examples. Investigations will evaluate each case individually. The perception of the target determines the support for the allegations, not the intent of the person taking the action.

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 further details, please consult the following reference sources:

- **University Regulation 3.001, Non-Discrimination; Affirmative Action Programs:**
http://www.eeo.ucf.edu/documents/new/3_001Non-DiscrimAffirmActionsPrograms_Nov10.pdf
- **University Regulation 3.0134, Grievances Alleging Discrimination:**
http://www.regulations.ucf.edu/pdf/notices/3.0134GrievancesAllegingDiscrimination_finalMay09.pdf
- **President's Statement on EO/AA:**
<http://www.eeo.ucf.edu/documents/PresidentStatement.pdf>
- **UCF EO/AA Office, Discrimination Grievance Policy:**
<http://www.eeo.ucf.edu/dp1.html>
- **UCF EO/AA Office, Discrimination Investigation Procedures:**
<http://www.eeo.ucf.edu/di1.html>
- **UCF EO/AA office website, tab Forms: Discrimination Grievance Record:**
http://www.eeo.ucf.edu/documents/REVISED-DiscriminationGrievanceRecord1-11SAMPLEONLYseealsoPDFformatforFINAL_000.pdf
- **UCF EO/AA office website, tab Resources – Discrimination Complaints:**
<http://www.eeo.ucf.edu/>

- **University Regulation 5.008, Rules of Conduct for students** [defines and prohibits sexual misconduct in Section (5)]. Section (5)(b) defines and prohibits acts of sexual harassment:
http://regulations.ucf.edu/~regs/pdf/notices/5.008RulesofConductFINALJune2012_001.pdf
- **Student Organization rules of conduct, including prohibition of sexual misconduct:**
http://regulations.ucf.edu/~regs/pdf/notices/5.012OrgsRulesofConductFINALJune2012_000.pdf
- **University of Central Florida Board of Trustees and United Faculty of Florida Collective Bargaining Agreement**, Article VI, Non-discrimination (including sexual harassment): http://www.collectivebargaining.ucf.edu/CBA/2010-12_FINAL.pdf
- **University of Central Florida Board of Trustees and AFSCME Collective Bargaining Agreement for staff members**, Article 19, Non-discrimination (including sexual harassment):
http://www.hr.ucf.edu/web/forms/employeerelations/UCF-BOT_AFSCME_CBA_2010-13.pdf
- **University of Central Florida Board of Trustees and Police Benevolent Association Collective Bargaining Agreement for law enforcement**, Article 2, Non-discrimination (including sexual harassment):
http://www.hr.ucf.edu/web/forms/employeerelations/PBA_Final.pdf
- **Leave of absence for employees who are victims of domestic and sexual violence:** http://www.hr.ucf.edu/web/loa_wc/victims.shtml

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

EEO@ucf.edu

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Orlando, FL 32816-0030
(407) UCF-1EEO (823-1336)
<http://www.eeo.ucf.edu/>

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