

**NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: February 23, 2009

**REGULATION TITLE:**  
Non-Discrimination; Affirmative Action Programs

**REGULATION NO.:**  
UCF-3.001

**SUMMARY OF REGULATION:** This regulation is amended to specifically address unlawful discrimination. Paragraph (5) is amended to add clarity.

**AUTHORITY:** BOG Resolution dated January 7, 2003

**NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:**  
Janet Balanoff, Director, Equal Opportunity/Affirmative Action Programs

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:**

Regulations Administrator  
4000 Central Florida Blvd.  
Millican Hall, Suite 360  
Orlando, FL 32816-0015  
Phone: (407) 823-2482  
Fax: (407) 823-6155  
e-mail: [regulations@mail.ucf.edu](mailto:regulations@mail.ucf.edu)

**FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:**

**~~6C7~~UCF-3.001 Non-Discrimination; Affirmative Action Programs.**

(1) The University shall actively promote equal opportunity policies and practices conforming to federal and state laws against discrimination. The University shall not discriminate in offering access to its educational programs and activities or with respect to

employment terms and conditions on the basis of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, and veteran status (as protected under the Vietnam Era Veterans' Readjustment Assistance Act). This commitment applies to the University's relationships with outside organizations, including the federal government, the military, ROTC, and private employers, only to the extent of state and federal requirements.

(2) It is the policy of the University that each employee and student be allowed to work and study in an environment free from unlawful discrimination, including harassment, and retaliation.

(a) For purposes of this regulation, unlawful discrimination is defined as unlawfully treating an individual differently than similarly situated other individuals based on a protected status-category (such as race, color, religion, et al).

(b) Unlawful Harassment is a form of unlawful discrimination wherein an individual is subjected to verbal or physical conduct, based on a protected status-category (such as race, color, religion, et al), which, due to severity and pervasiveness of the conduct, (i) has the purpose or effect of creating an objectively intimidating, hostile or offensive work, educational or business environment; and (ii) has the purpose or effect of unreasonably interfering with an individual's employment, schooling, or business with the University.

(c) Retaliation is defined as taking an adverse action against an individual because that individual, in good faith: (i) reported or threatened to report discrimination or harassment; or (ii) participated in any capacity, including as a witness or complainant, in an employment discrimination investigation or proceeding.

(3) Sexual harassment is a form of sex discrimination. Sexual harassment is defined as unwelcome sexual advances, or requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement;

(b) Submission to or rejection of such conduct or request by an individual is used as the basis for employment or academic decisions affecting such individual; or

(c) Such conduct or request has the purpose or effect of both unreasonably interfering with an individual's employment or academic performance and ~~of~~ creating an intimidating, hostile, or offensive work or academic environment.

(4) Disciplinary Action.

(a) Any employee or student of the University who is found to have unlawfully discriminated against ~~another~~ employee, an applicant for employment, or a student will be subject to disciplinary action up to and including dismissal or expulsion. Any contractor or other visitor to the University who is found to have engaged in unlawful discriminatory or retaliatory conduct in violation of this regulation will be subject to removal from University facilities and may be denied reentry.

(b) Any employee ~~or student~~ in a supervisory capacity or student in a position of authorized influence who has actual knowledge by direct observation or by receipt of a complaint of discrimination involving any of those employees he or she supervises or over whom he or she has ~~managerial~~ authority, and who does not investigate or report the matter to an appropriate university official with authority to take action with regard to the matter, shall be subject to disciplinary action up to and including dismissal or expulsion.

(5) Complaints and ~~Appeal-Grievance~~ Procedures. Any employee, student, contractor or visitor who believes that he or she is a victim of unlawful discrimination, including harassment, or retaliation may take formal or informal action. The individual may report the conduct to his or her supervisor or a higher level for further action; pursue informal resolution of the complaint; ~~may report the conduct to his or her supervisor for further action; may report the conduct to a higher level supervisor in his or her chain of supervision;~~ or may file a formal written grievance in accordance with ~~University~~-Regulation ~~6C7UCF~~-3.0134. The Office of Equal Opportunity and Affirmative Action Programs is available to assist employees, students, contractors and visitors ~~alike~~ in reporting discriminatory conduct, trying to informally resolving ~~the a~~ complaint, or ~~in~~ filing a formal grievance.

(6) The University, in affirming equal opportunity practices, is committed to a continuing program of promotion and maintenance of an affirmative action program ~~that is directed to concerns in all areas with students and employees.~~ The University, as a federal contractor, is required by law to maintain a current affirmative action plan for the University. For further information about that plan, contact the Office of Equal Opportunity and Affirmative Action Programs, University of Central Florida, Orlando, Florida 32816.

*Authority: ~~BOG-Florida Board of Governors~~ Resolution dated January 7, 2003. History-New 10-8-75, Amended 1-10-82, 1-9-83, 12-27-83, 12-27-84, Formerly 6C7-3.01, Amended 3-27-86, 1-6-93, 3-16-03, 11-07-07, 07-10-08. Formerly 6C7-3.001, Amended -09.*