

## NOTICE OF PROPOSED REGULATION AMENDMENT

Date: September 27, 2017

**REGULATION TITLE:**  
Grievances Alleging Discrimination

**REGULATION NO.:**  
UCF-3.0134

**SUMMARY OF REGULATION:** This regulation is amended to update the procedures of the Office of Institutional Equity for processing complaints and grievances alleging unlawful discrimination, discriminatory harassment, or retaliation. Additional amendments include updating the categories that are protected from discrimination to align with the university policy *Prohibition of Discrimination, Harassment, and Related Interpersonal Violence* and updating the name of the Office of Institutional Equity.

**AUTHORITY:** BOG Regulation 1.001

**NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:**  
Nancy Myers, Director, Office of Institutional Equity

**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:**

**UCF-3.0134 Complaints and Grievances Alleging Discrimination, Discriminatory Harassment or Retaliation.**

(1) This regulation outlines the procedures to be used for processing complaints/grievances alleging unlawful discrimination, discriminatory harassment, or retaliation. Federal and state laws protect employees, students, and other members of the University community invitees

against discrimination, discriminatory harassment and retaliation. University policies have been developed to explain that protection and to offer solutions when discrimination is alleged on the basis of an individual's race, color, ethnicity, sex, national origin, religion, non-religion, age, genetic information, sex (including pregnancy and parental status), gender identity or expression, sexual orientation, marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), political affiliations, age, veteran status (as protected under the Vietnam Era Veterans' Readjustment Assistance Act), marital status or parental status or membership in any other protected classes as set forth in state or federal law.

(2) The Office of Institutional Equity's Investigation Discrimination Grievance Procedures ~~are~~ is the university's procedures for addressing allegations that an employee or third party engaged in discrimination, discriminatory harassment, or retaliation against an individual for reporting, in good faith, any discrimination or discriminatory harassment or participating in or being a party to any investigation or proceeding related to the University's Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy, No. 2-004 based on sex, race, national origin, religion, disability, age, veteran status, sexual orientation, marital status, or parental status. Reports in which a student is alleged to have engaged in discrimination, discriminatory harassment or retaliation are governed by The Golden Rule. These procedures ~~It~~ responds to the University's obligations under various laws to provide equal opportunity in employment and educational programs, and to provide access. A list of statutory and regulatory authorities is maintained on the Office of Institutional Equity's ~~EO/AA Office's~~ homepage.

(3) Processing Complaints/Grievances Alleging Discrimination.

- (a) When an allegation of unlawful discrimination, discriminatory harassment or retaliation is involved, the individual may elect to submit a written complaint/grievance under this procedure. Unless specifically prohibited by the terms of an applicable collective bargaining agreement, the complainant/grievant may submit a complaint/grievance directly to the university's Office of Institutional Equity~~Equal Opportunity and Affirmative Action (EO/AA)~~. A representative of that office will communicate with those involved in the complaint/grievance.
- (b) An employee complaint/grievance submitted through other grievance procedures but which alleges discrimination, discriminatory harassment or retaliation will be submitted to the Office of Institutional Equity~~Director of EO/AA~~.
- (c) Where a complaint/grievance is submitted to the Office of Institutional Equity~~EO/AA~~, the complainant~~grievant~~ will be notified in writing of the findings of the investigation. Findings from this procedure may be considered in an employee grievance initiated under other procedures, but no grievance will be processed through more than one university administrative forum.
- ~~(d) Reports of discrimination or retaliation will be reviewed and resolved appropriately. Reports are differentiated from grievances alleging discrimination. Reports are defined as information conveyed directly to EO/AA, or to that office from another university representative receiving information. An individual using that format may forego an individual remedy in favor of a generalized corrective action or may describe a situation that does not meet the definition of discrimination or retaliation.~~

(4) Unlawful Retaliation. Federal and state laws protect every individual who makes a good faith report of discrimination or discriminatory harassment or participates in or is a party to any investigation or proceeding regarding discrimination or discriminatory harassment~~files a discrimination grievance, or assists in the investigation,~~ from acts of retaliation. Retaliation is defined as any adverse actions taken against a person for making a good faith report of discrimination or discriminatory harassment or participating in any proceeding related to such a report. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in the protected activity~~an individual who files or assists with a discrimination grievance.~~

(5) Substantiated discrimination, discriminatory harassment and retaliation complaints/~~grievances or retaliation grievances~~ will be addressed with appropriate corrective action. The Office of Institutional Equity~~EO/AA~~ will inform the President, Provost, or appropriate Vice President when an investigation concludes with findings of unlawful discrimination, discriminatory harassment, or retaliation. The President, Provost, or appropriate Vice President will take steps to implement actions that will correct the ~~conduct~~unlawful discrimination or retaliation. These include but are not limited to changes in regulations, policies, or procedures; discipline administered through standard procedures; changes in the complainant's/grievant's status to achieve a non-discriminatory environment; or other remedies deemed appropriate.

*Authority: BOG Regulation 1.001. History—New 12-27-83, Formerly 6C7-3.134, Amended 1-6-93, 4-23-03; Formerly 6C7-3.0134, Amended 5-18-09, \_\_\_\_\_-17.*