

This Emergency Regulation temporarily amends an existing regulation. These emergency amendments are being done to comply with Title IX rules recently adopted by the U.S. Department of Education and which take effect August 14, 2020. The emergency regulation procedure must be utilized to ensure the University is in compliance with federal law in a timely manner. The Board of Governors Regulation Development Procedure does not require a public notice and comment period prior to approval of emergency regulations/regulation amendments. The emergency amendments below will be effective for a period not to exceed ninety (90) days - during this time, the University will propose regulation amendments through the normal public notice and comment process. Therefore, please follow the UCF Regulations page for future notice of regulation development.

NOTICE OF EMERGENCY REGULATION AMENDMENT

Date: August 14, 2020

REGULATION TITLE:

Complaints and Grievances Alleging Discrimination,
Discriminatory Harassment or Retaliation

REGULATION NO.:

UCF-3.0134

SUMMARY OF REGULATION AMENDMENT: This regulation is amended on an emergency basis to include changes necessary to comply with new Title IX regulations recently adopted by the U.S. Department of Education and which take effect on August 14, 2020.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSONS WHO INITIATED PROPOSED REGULATION AMENDMENT: Regulations Administrator

COMMENTS CONCERNING THE PROPOSED EMERGENCY 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
4365 Andromeda Loop N.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
e-mail: regulations@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, sexual harassment, Title IX Sexual Harassment, or retaliation. Federal and state laws protect employees, students, and other members of the University community against discrimination, discriminatory harassment, sexual harassment, Title IX Sexual 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, national origin, religion, non-religion, age, genetic information, sex (including pregnancy ~~and~~ parental status), gender identity or expression, and sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), political affiliations, veteran status (as protected under the Vietnam Era Veterans' Readjustment Assistance Act), or membership in any other protected classes as set forth in state or federal law.

(2) The Office of Institutional Equity's Investigation Procedures are the university's procedures for addressing allegations that an employee or third party engaged in discrimination, discriminatory harassment, sexual 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. The University's Title IX Grievance Policy, UCF Policy 2-012, sets forth the university's procedures for addressing allegations that an employee or third party engaged in Title IX Sexual Harassment. Reports in

which a student is alleged to have engaged in discrimination, discriminatory harassment, sexual harassment, Title IX Sexual Harassment or retaliation are governed by Student Conduct rules and procedures set out in the Golden Rule Student Handbook and the University's Title IX Grievance Policy, UCF Policy 2-012. These procedures respond 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 homepage.

(3) Processing Complaints/Grievances Alleging Discrimination.

- (a) When an allegation of unlawful discrimination, discriminatory harassment, sexual harassment, Title IX Sexual 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. 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, sexual harassment, Title IX Sexual Harassment, or retaliation will be submitted to the Office of Institutional Equity.
- (c) Where a complaint/grievance is submitted to the Office of Institutional Equity alleging discrimination, discriminatory harassment, or sexual harassment, the complainant will be notified in writing of the findings of the investigation. Where a complaint/grievance is submitted to the Office of Institutional Equity alleging

Title IX Sexual Harassment, the grievance will be handled through the procedures described in the University's Title IX Grievance Policy, UCF Policy 2-012.

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.

(4) Unlawful Retaliation. Federal and state laws protect every individual who makes a good faith report of discrimination, ~~or~~ discriminatory harassment, sexual harassment, or Title IX Sexual Harassment, or participates in or is a party to any investigation or proceeding regarding discrimination or discriminatory harassment from acts of retaliation. Retaliation is defined as any adverse action taken against a person for making a good faith report of discrimination ~~or~~, discriminatory harassment, sexual harassment, or Title IX Sexual 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.

(5) Substantiated discrimination, discriminatory harassment, sexual harassment, Title IX Sexual Harassment, and retaliation complaints/ grievances will be addressed with appropriate corrective action. The Office of Institutional Equity will inform the President, Provost, or appropriate Vice President when an investigation concludes with findings of unlawful discrimination, discriminatory harassment, sexual harassment or retaliation, and in the case of substantiated Title IX Sexual Harassment, when the decision-maker finds, following the live hearing, that Title IX Sexual Harassment has occurred. The President, Provost, or appropriate Vice President will take steps to implement actions that will correct the conduct. These include but are not limited to changes in regulations, policies, or procedures; discipline administered through standard

procedures; changes in the complainant'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, 10-27-17.