DISCRIMINATION GRIEVANCE POLICY

Policy

Federal and state laws prohibit discrimination by UCF in employment, enrollment, and programs of the university. University policies have been developed to explain that protection, add another basis, and offer solutions quickly when discrimination is alleged on the basis of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, gender expression, and veteran status (as protected under the Vietnam Era Veterans Readjustment Assistance Act).

The University prohibits discrimination in employment and student enrollment on the basis of:

- Race/ethnic group identification
- Color
- Religion
- Sex (includes unlawful sexual harassment, which interferes with the working or learning environment. Discrimination on the basis of pregnancy is prohibited also.)
- National origin
- Age (over 40 under federal law, but there are no age limits specified in the state laws)
- Disability (a physical or mental condition that substantially limits one or more major life activities)
- Marital status
- Sexual orientation
- Gender identity (an individual's self-perception of being male, female, or both)
- Gender expression (the manifestation of an individual's self-perception of being male, female, or both)
- Veteran status as a Vietnam-era veteran, under specific definitions

Additional prohibitions exist to protect the rights of individuals with a disability who seek to access University programs or services in addition to employment and enrollment. UCF must follow certain relevant laws which include, but are not limited to:

- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act Amendments Act, 2008
- Civil Rights Act of 1991
- Equal Pay Act of 1963
- Executive Order 11246, as amended
- Florida Civil Rights Act, 1992
- Florida Educational Equity Act, 1984
- Genetic Information Nondiscrimination Act, 2008
- Sections 503, 504 of the Rehabilitation Act, 1973
- Title VII of the 1964 Civil Rights Act
- Title VI of the 1964 Civil Rights Act

- Title IX of the Educational Amendments Act of 1972 (amending the Higher Education Act of 1965)

The University also must observe certain regulations, guidelines, and interpretations. These include Executive Order 11246, as amended; strategies drawn from current case law provided as guidance from General Counsel; and university procedures for responsibilities delegated to the university from the Florida Board of Governors.

Authority

The Office of Equal Opportunity and Affirmative Action Programs is responsible for investigating allegations of discrimination. The University President delegates this authority, following the obligation to ensure that discriminatory practices and/or policies are prohibited at the University of Central Florida.

When EO/AA identifies such practices or policies, recommendations to the President, Provost or appropriate Vice President will suggest corrective strategies. The President, Provost or appropriate Vice President, or designee, will determine what corrective action will be taken and assign implementation of the corrective action.

These actions may include a specific remedy for the person filing the grievance; policy changes; disciplinary action against the alleged discriminating official; reconsideration of an action; or other remedies. A monitoring schedule also may be prescribed. This list is not exhaustive.

Students, employees, applicants for employment or admission, or individuals with a disability who sought to use a University program or service are encouraged to consider utilizing the UCF Discrimination Grievance Procedure when a concern is identified. While there are agencies at the federal and state levels which also investigate discrimination, the use of UCF's procedure allows the University move quickly to review the problem and to decide how to solve it. However, federal and state agency discrimination complaint processes have time limits for filing a complaint, and utilizing the university process will not alter those time limits.

When a discrimination grievance is filed, the Office of Equal Opportunity and Affirmative Action Programs (EO/AA) will determine jurisdiction. An EO/AA representative will discuss the accepted issues with the grievant. Options for filing with external agencies will be outlined, as will on-campus options for Faculty, Administrative & Professional, University Support Personnel System employees, students, applicants for employment or enrollment, and invitees. When a complaint is filed with an external agency (eg. OCR or EEOC), EOAA will cease processing a grievance on the same subject.

Complainants may choose to submit a formal discrimination grievance, which entails formal investigatory interviews and other evidence gathering techniques, and a formal investigative report. Complainants may alternatively request EO/AA to look into a matter of concern informally when the complaint is not requesting personal relief. An

informal discrimination grievance may or may not result in formal interviews and a formal investigative report. Complainants may begin with an informal grievance, and then chose the formal discrimination grievance route at a later time.

Rights of the Grievant

Federal and state laws protect every person who files a discrimination grievance, or who assists in the investigation in any way, from acts of retaliation. Confidentiality of files and information will be maintained in accordance with federal and state law. EO/AA follows the philosophy that the most effective resolutions depend on informal contacts with the individuals involved. Highly formalized hearings and depositions may be necessary, but development of evidence and attempts at resolution will precede such steps.

All discrimination grievances which request an individual remedy must carry the signature of the grievant authorizing investigation of the issue(s). Those which anonymously allege discrimination will be attended to as time permits or during the investigation of alleged patterns of unlawful practices. Signed authorizations to investigate will be dealt with as described in the section titled "The Investigation Process."

The grievant, witnesses, and other participating parties are protected from retaliation with the same vigor as is applied to the prohibition against discrimination itself.

Grievants who activate another forum before or during this process shall notify the EO/AA office promptly.

Rights of Individual Respondents

Since the purpose of the investigation is to determine the facts surrounding the grievance and develop possible solutions, communication with those named in the grievance is essential. Complete statements of facts and response to concerns outlined in the grievance will be sought from all individuals with relevant information. No reports or recommendations will be made to the President, Provost or appropriate Vice President from the Director of Equal Opportunity and Affirmative Action Programs or designee without a thorough investigation and opportunity for all involved parties to be heard.

When EO/AA has determined that an employee has engaged in unlawful discrimination or retaliation or in conduct which, if left uncorrected may escalate to discriminatory harassment, it may recommend appropriate discipline, but EO/AA does not determine discipline. The President, Provost, appropriate Vice President, or designee determines appropriate discipline. Respondent employee will have all of the rights provided by existing disciplinary action procedures.

See DISCRIMINATION GRIEVANCE INVESTIGATION PROCESS for more detailed information about EOAA's Discrimination Grievance Process

Forms for filing are available in Equal Opportunity and Affirmative Action Programs, Millican Hall 330, University of Central Florida. On-line forms may be found at this office's website. See contact information below.

The receipt of a signed complaint by the grievant will be followed within 14 days by determination of jurisdiction. If the complaint is appropriate for investigation under this process, the investigation will endeavor to conclude an investigation within 60 days from the date jurisdiction is determined.

The investigation process includes determination of issues, determination of jurisdiction over the issues, interviews, document collection, gathering of facts, and analysis. Grievant may elect legal counsel, but it is not required at any stage. If counsel is involved in the investigation, appropriate adjustments to the time frames at each step may be required. The University's General Counsel will normally be involved whenever private counsel for a respondent or witness is involved.

EO/AA will inform the Complainant and Respondent of the outcome of its investigation in writing.

State or federal civil rights agencies may be contacted by a grievant as appropriate.

Contact information regarding discrimination grievances:

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