

University of Central Florida
Office of Institutional Equity
Discrimination: Descriptions, Prevention
DISCRIMINATION BASED ON MARITAL STATUS

The University of Central Florida promotes access to its educational programs and activities, including employment, consistent with 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 marital status, providing corrective actions when appropriate.

Marital status discrimination involves treating people unfavorably because they are married, single, divorced, widowed, or separated. This law does not encompass consideration of the spouse's identity.

An individual might take an adverse action against someone based on an inaccurate perception of marital status: it is still discrimination based on marital status. If an individual makes an assumption about marital status because of a symbol of marital status displayed by someone's friend or guest, an adverse action on that basis still is discrimination based on marital status.

Just as with other protected classes, complaints still may be valid when an individual with the same marital status practices discrimination on that basis. "Sharing the same protected class" is not a valid defense to the conduct.

That conduct includes decisions to hire, terminate, set a particular salary, assign certain tasks, promote, lay off, train, or any other term or condition of employment. Common examples of marital status discrimination include:

- making offensive or derogatory remarks about someone's marital status
- basing a negative employment or academic decision on a candidate's marital status
- limiting employee options based on marital status. Example: assigning priority to interviewees who indicate they are single based on a perception that they are free to travel on behalf of the employer; offering first choice of holiday leave to married employees
- limiting student options based on marital status.

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.

Harassment based on marital status 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, however, it is an area for the University to take action.

The following example may contain offensive material because it is provided as an example of a hostile or offensive environment.

If the “jokes” can be stopped by the target early in the pattern because it is a miscommunication about what is funny, the target may be able to tell the individual, “Nicknaming me ‘the footloose bachelor type’ is getting old. Why don’t we go back to when I was still Jerry and everyone remembered I was as serious about my career as anyone else.” If the pattern stops, there is no basis for a harassment claim.

If the nicknaming based on marital status continues, and colleagues join in despite requests to stop, and colleagues express resentment that he earns as much as they do when they have spouses to support, and his colleagues ask why he won’t give up the supervisory opportunity since he can always move on and find a job elsewhere: the individual is responsible for reporting this pattern of harassment related to marital status and the University is responsible for addressing it. It is unlawful when it is so severe or frequent that it creates a hostile or offensive working environment.

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.

The Florida statutes and regulations on this topic are available for review.

- **Chapter 760, Florida Statutes:**
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0760/SEC10.HTM&Title=->2000->Ch0760->Section%2010#0760.10
- **Florida Board of Governors regulation 2.003, Equity and Access:**
http://www.flbog.edu/documents_regulations/regulations/2_003final.pdf

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

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