

University of Central Florida
Office of Institutional Equity
Discrimination: Descriptions, Prevention
DISCRIMINATION BASED ON SEXUAL ORIENTATION

The University of Central Florida promotes access to its educational programs and activities, including employment, consistent with UCF Regulation 3.001, *Non-Discrimination; Affirmative Action*. The University takes prompt action to investigate complaints of discrimination based on sexual orientation, providing corrective actions when appropriate.

Sexual orientation discrimination involves treating people unfavorably because of their real or perceived sexual orientation – whether gay, lesbian, bisexual, heterosexual, or other. Sexual orientation refers to the feelings of sexual attraction toward members of the same, opposite, or both sexes, or neither sex.

An individual might take an adverse action based on an inaccurate perception of sexual orientation: it is still discrimination based on sexual orientation. If an individual makes an assumption about a sexual orientation because of the sexual orientation of someone's friend, or their support of a group, an adverse action based on the assumption still is discrimination based on sexual orientation.

Just as with other protected classes, complaints still may be valid when an individual takes an adverse action based on another's same sexual orientation. "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 sexual orientation discrimination include:

- making offensive or derogatory remarks about someone's sexual orientation
- stereotyping individuals into or away from a chosen career path
- terminating without consideration of criteria used in similar circumstances (i.e., conduct issues; layoff)

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 sexual orientation 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 [a female] 'Butch' is getting old. Why don't we go back to when I was still Ann." If the pattern stops, there is no basis for a harassment claim.

If the nicknaming based on perceived or known sexual orientation continues, and colleagues join in despite requests to stop, and sexual aids designed to simulate another [perhaps more mainstream] orientation are left on the individual's desk, and her colleagues routinely ask if she finds certain celebrities or female colleagues in the workplace sexually attractive: the individual is responsible for reporting this pattern of harassment related to sexual orientation 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 act, 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.

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

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