

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

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

Discrimination based on sex involves treating an individual less favorably because of his or her sex. Under federal law, the protected class includes men and women. Just as with other protected classes, complaints still may be valid even though the alleged discriminating official is the same sex as the target. “Sharing the same protected class” is not a valid defense to the prohibited conduct. The individual’s sexual orientation is not a factor if the conduct was based on the sex of the target.

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 discrimination based on sex include:

- Excluding an individual from a program or service based on sex
- Excluding a female from a program or service based on pregnancy or childbirth
- Limiting or classifying employment based on sex
- Compensating males and females at different rates for comparable positions (with consideration of duties, work history, performance, and other job-related factors)

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.

Sexual harassment 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. See “Sexual Harassment” section of this website for specific details.

**The following example may contain offensive material
because it is provided as an example of sex discrimination.**

- Printing employment notices that specify or indicate a prohibited preference or refusal to hire. Wording that EEOC might rule as discriminatory includes: “Wanted:

Girl Friday.” EEOC also found an unlawful employment practice when employers posted certain jobs only in the “Help Wanted – Male” or “Help Wanted – Female” classified sections.

- Requiring pregnant employees to take a leave of absence without a medical indication that they are restricted from performing the essential functions of their position
- Posting “Partner track and Mommy track opportunities available” when describing arduous or time-consuming employment goals compared with opportunities with less structure, leading to lower pay and opportunities
- Maintaining separate employment titles such as Janitor and Maid with exclusive hiring of males and females respectively, with higher compensation for Janitor positions when minimum requirements and work assignments are identical

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.

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

oiie@ucf.edu
12701 Scholarship Drive
Suite 101
University of Central Florida Orlando, FL
32816-0030
(407) 823-1336
<http://www.oiie.ucf.edu/>

UCF OIE 6/11, 11/12, 5/17