

Office of the President

SUBJECT: Nondiscrimination Policy	Effective Date: { s x t r t t	Policy Number 2-004.3
	Supersedes: 2-004.2	Page Of 1 12
	Responsible Authority: Director, Institutional Equity	

APPLICABILITY/ACCOUNTABILITY

This policy applies to the university community and acts committed by or against students, university and DSO employees and volunteers, registered student organizations, and third parties when:

- x the conduct occurs on campus or other property owned by, controlled by, or affiliated with the university;
- x the conduct occurs in the context of a university employment or education program or activity, including, but not limited to, university-sponsored study abroad, research, online, or internship programs; or
- x the conduct occurs outside the context of a university employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for the university community while on campus or other property owned by, controlled by or affiliated with the university or in any university

community is assured an atmosphere of safety and mutual respect. All members of the university community are responsible for the maintenance of an environment in which people are free to learn and work without fear of unlawful discrimination, harassment, or interpersonal violence. The University can take corrective action only when it becomes

aware of problems.

DEFINITIONS

Coercion. An unreasonable pressure for sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. Conduct does not constitute coercion unless it impairs an individual's freedom of will to choose whether to participate in the sexual activity.

Complainant. An individual who discloses having been subjected to any prohibited conduct under this policy or the (No. 2012), regardless of whether that person makes a report or seeks action under these policies. The university recognizes that an individual may choose to self-identify as a victim or a survivor. For consistency in these policies, the university uses the term complainant to maintain the neutrality of the policies and procedures.

Consent. An understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be

Being impaired by alcohol or other drugs is no defense to any violation of this policy.

_____ : A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known as a sober, reasonable person. Being impaired by alcohol or other drugs does not relieve an initiator of a sexual act from obtaining consent.

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veteran's status (as protected under the Vietnam Era Veterans' Readjustment Assistant Act), or membership in any other protected classes as set forth in state or federal law

Quid Pro Quo Harassment: Unlawful harassment where submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing).

Respondent. Any individual or group who has been accused of violating this policy or the (No. 2012).

Sexual Contact. Sexual contact includes but is not limited to the following behaviors: (1) touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; (2) contact, however slight, between the mouth, anus, or sex organ of one individual with either the anus or sex organ of another individual; and/or (3) contact, however slight, between the anus or sex organ of one individual and any other object.

Student. Any individual defined as a student in the University of Central Florida's Regulation UCF 5.006(3) and

Substantial Emotional Distress. Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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Religious discrimination includes failing to reasonably accommodate an employee's or student's religious practices where the accommodation does not impose an undue hardship nor fundamentally alter a course or academic program. Disability discrimination includes failing to reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability where the accommodation does not impose an undue hardship nor fundamentally alter a course or academic program. Pregnancy discrimination includes failing to reasonably accommodate an employee's or student's pregnancy or pregnancy-related condition where the accommodation does not impose an undue hardship and does not fundamentally alter a course or academic program. For more information regarding discrimination or to seek assistance in obtaining a reasonable accommodation, please visit www.oie.ucf.edu. For students with disabilities seeking an accommodation, please visit www.sas.ucf.edu

B. UNLAWFUL HARASSMENT

Unlawful harassment consists of conduct based upon an individual's Protected Class(es) meeting the description of either _____ or _____, as defined above.

C. SEXUAL, GENDER-BASED, OR TITLE IX SEXUAL HARASSMENT

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted verbal, graphic or physical conduct of a sexual nature when the conditions for _____ or _____ are present.

Gender-based harassment includes unlawful harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, graphic, or physical, even if the acts do not involve conduct of a sexual nature, when the conditions for _____ or _____ are present.

Title IX Sexual Harassment is any conduct which occurs within the university's education program or activity against a person located in the United States on or after August 14, 2020, that satisfies one or more of the following: (1) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e., Quid Pro Quo) (2) Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment); or (3) Sexual assault, dating violence, domestic violence, or stalking (as defined by the Jeanne Clery Act). University investigations of incidents that meet the Title IX Sexual Harassment

Harmful behavior that includes, but is not limited to, the true threat of or actual physical assault or abuse, is prohibited pursuant to . Harmful behavior will be addressed under this policy if it involves sexual, gender-based, or Title IX sexual harassment, relationship violence, or is part of a course of conduct under the stalking definition.

G. STALKING

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress. Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact.

H. RETALIATION

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in or being a party to any proceeding under this policy, including requesting supportive measures (remedial and/or protective) for the purpose of interfering with any right or privilege secured by this policy. Retaliation includes threatening, intimidating, discriminating, harassing, coercing and any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Also, an individual may be found to have engaged in retaliation when they were not a party to the initial report of discrimination. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct. In determining whether an act constitutes retaliation, the full context of the conduct will be considered, including the individual right to freedom of speech.

Retaliation can include, but is not limited to, actions taken by the university, actions taken by one student against another student, actions taken by an employee against another employee or student, or actions taken by a third party against a student or employee. See UCF Policy 200

for additional information on prohibited retaliation.

I. AIDING AND ABETTING

Aiding and abetting is any act taken with the purpose of aiding or facilitating the commission of an act of Prohibited Conduct by another person.

OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All university community members are expected to provide truthful information in any report, investigation, or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under _____ (for students or student organizations), and any other applicable and appropriate university policy and regulations (for employees). This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

PROCEDURE AND ENFORCEMENT

The specific procedures for reporting, investigating, and resolving allegations of Prohibited Conduct are based upon the nature of the respondent's relationship to the university (student, employee, registered student organization, DSO, or third party). Each set of procedures referenced below is guided by the same principles of fairness and respect for complainants and respondents. The procedures referenced below provide for a prompt and

C. WHERE THE RESPONDENT IS BOTH A STUDENT AND AN EMPLOYEE

- x The student-respondent procedures will apply if the respondent's primary status is as a student.
- x The employee-respondent procedures will apply if the respondent's primary status is as an employee.
- x If there is a question as to the predominant role of the respondent, the university will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the Title IX Sexual Harassment or Prohibited Conduct). ~~Where~~ a respondent is both a student and an employee, the respondent may be subject to any of the sanctions applicable to students or employees.

D. WHERE THE RESPONDENT IS A ~~THIRD~~ PARTY

Regulation UCF3.0134 Grievances Aging Discrimination

Age Discrimination in Employment Act of 1967