SUBJECT
Prohibition of Discrimination in University Training and Instruction

Effective Date
11/3/2022

Policy Number
2-017

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Responsible Authority
Director, Office of Institutional Equity

APPLICABILITY/ACCOUNTABILITY

This policy applies to the university community and third parties who are responsible for developing or implementing instruction or mandatory training for members of the university community. The requirements and protections of this policy apply equally regardless of race, color, national origin, or sex.

BACKGROUND INFORMATION

Florida BOG Regulation 10.005 states that each university shall have a university regulation that prohibits discrimination on the basis of race, color, national origin, or sex by subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the concepts as defined in Prohibited Conduct (a) below. Such university regulation must contain a method for submitting reports of alleged violations of the university regulation and the title and contact information of the office(s) designated by the university to receive and maintain such reports. This policy and UCF Regulation 3.002 were adopted to meet this directive.

The University of Central Florida remains steadfast in its commitment to excellence, access, and equity. This requires faculty and staff to foster thoughtful discussions among students about a range of sometimes conflicting ideas. This marketplace of ideas allows employees and students not only to develop the ability to evaluate and weigh evidence and arguments from a variety of perspectives, but also encourage civic virtues of respecting and engaging with those who hold different viewpoints than their own. In the development of knowledge, research endeavors, programming, and creative activities, faculty and staff
must be free to cultivate a spirit of inquiry and scholarly criticism and to examine ideas in an atmosphere of freedom and confidence.

The University supports the professional judgment of its faculty and staff in their right to select topics for instruction and training, including issues related to race, sex, national origin, and color. While discussions of contentious topics may at times make some people feel uncomfortable, this is part of a rigorous education that provides the tools necessary for responsible and engaged citizenship.

**POLICY STATEMENT**

**Prohibited Conduct**

The University of Central Florida prohibits discrimination on the basis of race, color, national origin, or sex by subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts (hereinafter referred to as “Prohibited Conduct”):

(a) Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex;

(b) A person, by virtue of their race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(c) A person's moral character or status as either privileged or oppressed is necessarily determined by their race, color, national origin, or sex;

(d) Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex;

(e) A person, by virtue of their race, color, national origin, or sex bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex;

(f) A person, by virtue of their race, color, national origin, or sex should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;

(g) A person, by virtue of their race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex; and/or
(h) Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex;

This prohibition does not prohibit discussion of the concepts as part of a larger course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.

The university and its employees are prohibited from shielding a student or employee from ideas and opinions that they may find uncomfortable, unwelcome, disagreeable, or offensive.

**Mandatory Reporting**

If an Administrator as defined herein receives a report of an alleged violation of this policy, they must timely forward the report to the Office of Institutional Equity for review.

Nothing in this policy precludes an individual from seeking to discuss concerns independently with the University’s Ombudsperson. The Ombuds Office serves as a confidential and neutral resource that provides informal assistance to employees and students. Reports to the Ombuds Office do not constitute notice to the university of an alleged violation of this policy. [http://www.ombuds.ucf.edu/](http://www.ombuds.ucf.edu/)

**Obligation to Provide Truthful Information**

All university community members are expected to provide truthful information in any report, investigation, or proceeding. 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 The Golden Rule Student Handbook (for students or student organizations) and UCF Policy 2.700.1 Reporting Misconduct and Protection from Retaliation 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.

**REVOCATION**

Should any portion of this policy, UCF Regulation 3.002, Board of Governors Regulation 10.005, and/or the underlying Florida state statutes be stayed or held invalid by a court of law, or should the underlying Florida state statutes be withdrawn or modified to not require the elements of this policy, this policy or the invalidated portions of this policy will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication.
DEFINITIONS

Administrator. For the purpose of this policy, the following high-level personnel who have been assigned the responsibilities of university-wide academic or administrative functions: university president, provost, senior/executive vice presidents, vice presidents, associate vice presidents, associate/vice provosts, deans, equal opportunity programs director, chief audit executive, and chief compliance and ethics officer.

Instruction. The process of teaching or engaging students with content about a particular subject by a university employee or a person authorized to provide instruction by the university within a course (including but not limited to guest speakers).

Reporting Party. An individual who reports any Prohibited Conduct under this policy.

Responding Party. Any individual or group who has been accused of violating this policy.

Substantiate. Establishing the existence or truth of a particular fact through the use of competent evidence; to verify. UCF makes such findings based upon the preponderance of the evidence standard, which is that degree of relevant evidence which a reasonable mind, considering the record as a whole, might accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true.

Training. A planned and organized activity (including but not limited to presentations by outside trainers or speakers when contracted by university employees or departments) conducted by the university as a mandatory condition of employment, enrollment, or participation in a university program for the purpose of imparting knowledge, developing skills or competencies, or becoming proficient in a particular job or role.

PROCEDURES

Options for Reporting Prohibited Conduct

Any individual who believes that this policy has been violated may file a report with the Office of Institutional Equity by telephone, email, or in person during regular office hours (8am-5pm, M-F):

Office of Institutional Equity
12701 Scholarship Drive, Suite 101
Orlando, FL 32816-0030
(407) 823-1336
oie@ucf.edu
https://oie.ucf.edu

OIE will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or
Allegations Falling Under Two or More Policies

If an allegation of prohibited conduct is made which may violate this policy and conduct which may violate a separate university policy, the procedures herein shall be applied only to the investigation of allegations of misconduct under this policy. If the Responding Party is accused of allegations beyond the scope of this policy, those allegations may be investigated and/or addressed by an appropriate university office(s) before, during, or after the investigation under this policy.

Investigation Procedures

These procedures govern investigations of allegations under this policy only.

1. The university's Office of Institutional Equity (OIE) shall direct, supervise, or coordinate the investigation of prohibited conduct under this policy.
2. Upon receipt of a report of prohibited conduct, OIE will initiate an inquiry and contact the Reporting Party to invite them to participate in a substantive interview with OIE, provide any evidence, information, or witnesses they believe support the report, and request an investigation.
3. If OIE determines that the conduct would not violate this policy even if all the allegations are credited as true, OIE will advise the Reporting Party of its determination and will not undertake further investigation. If, based on the allegations, OIE determines that the alleged conduct may violate this policy, the investigation will proceed as described below.
4. If further investigation is warranted, the Responding Party will have the opportunity to participate in a substantive interview with OIE, to provide any evidence, information, or witnesses they believe refute the Reporting Party's allegations.
5. Upon conclusion of OIE's fact finding investigation, OIE will refer the evidence and interviews to the Provost (in cases involving classroom instruction) or the Vice President for Compliance, Ethics, and Risk (in cases involving mandatory training) for further review and to convene a panel of appropriate employees to review.
6. Upon conclusion of the review, the panel will summarize in a brief memo whether a violation of the policy is substantiated and include recommendations for action, if applicable.

In determining appropriate action, the university will consider whether the Responding Party's actions were inadvertent or willful and knowing, the Responding Party's cooperation with the university's efforts to remediate the violation, and the Responding Party's relevant disciplinary history. Actions may include, but are not limited to, educating...
the Responding Party on the requirements of this policy, requiring that the Responding Party modify the instruction or training to comply with this policy, or taking other remedial or disciplinary action up to and including separation from the university, when appropriate.

Third parties who commit acts of prohibited conduct may have their relationships with the university terminated and/or their privileges of being on university premises withdrawn.

Consistent with the Campus Free Expression Act (Fla. Stat. § 1004.097), a university investigation will focus on the alleged statements and actions that are inconsistent with the BOG regulations. That the Reporting Party found the instruction or training to be uncomfortable, unwelcome, disagreeable, or offensive would not establish a violation of this policy.

**External Referral of Substantiated Findings**

As required by Florida BOG Regulation 10.005, substantiated findings under this policy will be reported to the Board of Governors by the university's chief audit executive or designee through the Office of Inspector General.

**RELATED INFORMATION**

- Florida BOG Regulation 10.005
- UCF Regulation 3.002 Nondiscrimination in University Training and Instruction
- The Golden Rule Student Handbook
- Florida Educational Equity Act, Fla. Stat. § 1000.05
- State University System Free Expression Statement
- UCF FAQ on House Bill 7 and Instruction and Training
- Campus Free Expression Act, Fla. Stat. § 1004.097

**CONTACTS**

Office of Institutional Equity  
12701 Scholarship Drive, Suite 101, Orlando, FL 32816-0030  
Phone: 407-823-1336  
Email: oie@ucf.edu  
Website: www.oie.ucf.edu
INITIATING AUTHORITY

Vice President, University Compliance, Ethics, and Risk

POLICY APPROVAL  
(For use by the Office of the President)

Policy Number: 2-017

Initiating Authority and University Policies and Procedures Committee Chair: [Signature]  Date: [Date]

President or Designee: [Signature]  Date: 11/3/2022