

UCF RWC's Unjust Ban of Tank Tops

As presented by Mo Barhamje

There has been much controversy over the implementation of the UCF RWC's policy that bans string tank tops AS WELL AS sleeveless cutoff shirts that don't meet the isolated standards of each individual employee at the RWC. As there are no quantifiable restrictions that shirts need to abide by, it is literally up to the discretion of EACH AND EVERY EMPLOYEE, where one employee's opinion may differ from another and as such there is no consistency to this rule and nothing for the students to adhere to. Beside the point, this rule is sexist and defames students in a manner that students should never have to experience at a public university. Below are justifications to the above statement made.

Overview of Title IX of the Education Amendments of 1972

On June 23, 1972, the President signed Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., into law. Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. The Department of Education has issued regulations on the requirements of Title IX, 34 C.F.R. § 106.1 et seq. The Title IX common rule published on August 30, 2000 covers education program providers/recipients that are funded by other federal agencies.

-As UCF is a state University and receives federal funding, the above federal law applies to the University of Central Florida and all facilities within. Based on this, the limitation of "string tank tops" as well as sleeveless cutoff shirts is a direct violation of the above amendments.

-Photo, video, and testimonial evidence to gender discrimination occurring at the UCF RWC has been provided.

Violations to the Golden Rule

5.006 Student Rights and Responsibilities

1. Student Rights.

(c) Freedom of expression. The basic freedoms of students to hear, write, distribute, and act upon a variety of thoughts and beliefs are guaranteed. Freedom of expression carries with it the responsibility for seeing that the essential order of the University is preserved.

-It should be noted that the University has no ban on tank tops whatsoever so the wearing of which in the Wellness Center does still abide by the essential order of the University

(d) Freedom to hold public forums. The University desires to create a spirit of free inquiry and to promote the timely discussion of a wide variety of issues, provided the views expressed are stated openly and are subject to critical evaluation. Restraints on free inquiry are held to a minimum and are consistent with preserving an organized society in which peaceful, democratic means for change are available. Guest lecturers or off-campus speakers sponsored by student groups may appear on the UCF campus following arrangements with the designated University authority for such appearances.

3. Student Responsibilities.

(d) When University regulations are judged to no longer serve the best interests of all; the consideration for change should be introduced through appropriate channels.

UCF-5.012 Organizational Rules of Conduct

3. Disruptive Conduct

(a) An act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of other members of the University community.

-I have a right to my health, the gender discrimination imposed by the Wellness Center is preventing my ability to work out.

-It is nearly to the point of harassment that RWC employees are constantly on the prowl for anyone slightly violating the dress code currently being enforced.

4. Harmful Behavior

(b) Harassment: defined as conduct (including written or electronic communication) based on a protected category (such as race, color, religion, national origin, gender identity, et al.) which,

due to the severity and pervasiveness of the conduct and its targeted nature on the basis of a protected category, (i) has the purpose or effect of creating an objectively intimidating, hostile or offensive educational or work environment; and (ii) has the purpose or effect of unreasonably interfering with an individual's schooling or employment with the University. Harassment under this provision is conduct (verbal or physical behavior) that would constitute harassment under federal or state civil rights laws or under University Regulation UCF-3.001.

-I feel very intimidated to walk into the gym now because I'm under constant threat of being asked to leave based on my choice of clothing which I feel adheres to the policies set forth by the RWC.

-The shirt I was wearing during the incident was deemed to show "too much chest" whereas there were several pictures in the acceptable shirts diagram that exposed plenty of "chest". For some reason, my chest was different.

(c) Bullying: defined as behavior (including written, visual, electronic or oral means) that is intentional and repeated, or meant to be done in humor or in jest, that results in the intimidation, injury, or distress of another individual physically, mentally, or socially. Bullying, however, is not speech or conduct otherwise protected by the First Amendment of the United States Constitution and any other applicable law.

18. Violation of Local, State, and/or Federal Laws

Violation of any local, state and/or federal law that may result in a felony or misdemeanor

-Violates title 9

Office of Student Involvement

Student Activities and Organizations

5. Membership

Membership in any student organization is limited to any student who is paying activity and service fees and is currently or continuously enrolled with the University of Central Florida. Organizational membership requirements must also be satisfied. UCF employees may be non-voting members if the organization's national constitution and by-laws allow for it. In order to comply with the University's commitment to non-discrimination, all students who enroll at the University will be assured equal access to educational programs and related opportunities without regard to race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, gender expression, and veteran status

-Gender identity and gender expression are inhibited by this rule.

UCF Recreation and Wellness Policy

Assumption of Risk

Participation in Recreation and Wellness Center programs is completely voluntary. Individuals participate at their own risk and assume responsibility for their own health and safety. The University of Central Florida and the Recreation and Wellness Center are not liable for injuries sustained during participation in a Recreation and Wellness Center sponsored activity. It is strongly recommended that all participants consult a physician and/or have a physical exam prior to participation. The University of Central Florida does not provide personal accident/health insurance. Therefore, participants are urged to secure their own insurance. You may suffer physical and/or mental injury from participating in these activities.

-Participation at the Wellness Center may be voluntary, however the tuition hikes for students due to the Wellness Center ARE NOT.

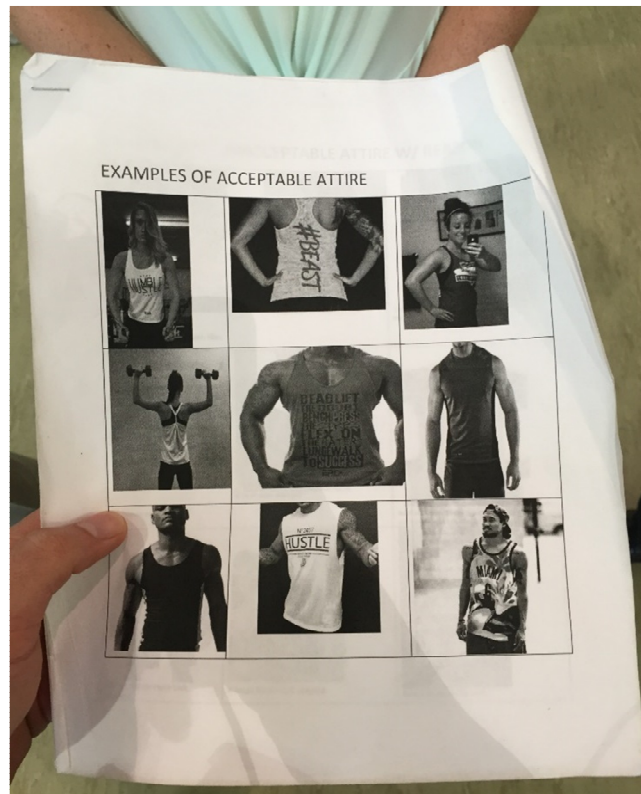
-As individuals participate at their own risk, it is redundant to attempt to increase safety measures via the restriction of a tank top, although it doesn't improve safety of a student at all.

Diversity Statement

The University of Central Florida (UCF) Recreation and Wellness Center (RWC) aspires to create an environment in which we celebrate the differences we share across the spectrum of human diversity. Diversity is vital to an individual's holistic development and the social fabric of the university. We are committed to creating an inclusive environment through hiring and developing culturally competent staff members, outreaching to under-served populations and providing facilities and programs that support all members of the UCF community. Our expectation of the RWC community is to embrace an open-minded and respectful attitude toward individual differences.

-One of the most basic expressions of diversity are what one wears. The restriction of this in the manner that the Wellness Center has gone about undermines the above policies of the Wellness Center.

Below are examples of what are appropriate to wear:



Notice the female on the left in the middle row wearing a y string tank top. Apparently it's acceptable for women, but not men. It should also be noted that if you walk in with a shirt resembling the photos in middle middle, bottom left, middle left, you will still likely be asked to leave as I was.

Below, you'll find stills from an interview done with Knightnews that was done DIRECTLY after my leaving the Wellness Center after being asked to leave because of the shirt I was wearing:



Preventing CA-MRSA

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CA-MRSA is Community MRSA as opposed to HA MRSA which is typically contracted through invasive procedures (hopefully being done in a controlled environment like a hospital).

- **Wash your hands.** Careful hand-washing remains your best defense against germs. Scrub hands briskly for at least 15 seconds, then dry them with a disposable towel and use another towel to turn off the faucet. Carry a small bottle of hand sanitizer containing at least 62 percent alcohol for times when you don't have access to soap and water.
- **Keep wounds covered.** Keep cuts and abrasions clean and covered with sterile, dry bandages until they heal. The pus from infected sores may contain MRSA, and keeping wounds covered will help keep the bacteria from spreading.
- **Keep personal items personal.** Avoid sharing personal items such as towels, sheets, razors, clothing and athletic equipment. MRSA spreads on contaminated objects as well as through direct contact.
- **Shower after athletic games or practices.** Shower immediately after each game or practice. Use soap and water. Don't share towels.
- **Sanitize linens.** If you have a cut or sore, wash towels and bed linens in a washing machine set to the hottest water setting (with added bleach, if possible) and dry them in a hot dryer. Wash gym and athletic clothes after each wearing.

-None of these preventative causes apply to the wearing of string tank tops.

Causes

By Mayo Clinic Staff

Different varieties of Staphylococcus aureus bacteria, commonly called "staph," exist. Staph bacteria are normally found on the skin or in the nose of about one-third of the population. The bacteria are generally harmless unless they enter the body through a cut or other wound, and even then they usually cause only minor skin problems in healthy people.

According to the Centers for Disease Control and Prevention, less than 2 percent of the population carries the type of staph bacteria known as MRSA.

How Students Pay for the RWC Privileges

It was brought to my attention that students “do not pay for a gym membership” by RWC director James Wilkening. This is false. Below is evidence detailing exactly how students pay for their right to use the RWC.

The UCF RWC is primarily funded by the UCF Student Government association. The Student Government Association funds the UCF RWC through the Activity and Service fee budget. My statement of tuition charges shows a charge of \$151.71 for the Activity and Service fee budget for the 13 credit hours I took last Spring Semester (2015), which I have attached for your convenience. According to the 2014-2015 Activity and Service fee budget, which can be found on the SGA website, \$ 5,520,802 of the Activity and Service fee budget went to the Recreation and Wellness Center, making the RWC the UCF facility/entity receiving the HIGHEST percentage of this budget. Below is an image pulled directly from the Activity and Service fee budget which is made public to all students on the UCF SGA website:

2014-2015 Activity and Service Fee Budget

Budget Line	SGA & DEPT / AGENCIES Name & Request Info	2012-2013 BUDGET	2013-2014 BUDGET	2014-2015 REQUESTED	A&S COMMITTEE	SENATE APPROVAL	PRESIDENT APPROVAL
109	RECREATION & WELLNESS CENTER						
110	Salaries & Benefits	2,146,123	2,124,186	2,182,470	2,182,470	2,182,470	2,182,470
111	New Staff / Position Upgrades	41,033	8,592				
112	OPS	1,493,059	1,603,576	1,530,946	1,466,491	1,466,491	1,466,491
113	OCO	204,030	108,442	30,291	0	0	0
114	Operations	2,238,415	2,313,127	2,221,164	2,174,664	2,174,664	2,174,664
115	Repair & Replacement	75,000	75,000	50,000	25,000	25,000	25,000
116	North End Grand Opening	1,200					
117	Subtotal	6,198,860	6,232,923	6,014,870	5,848,625	5,848,625	5,848,625
118	Estimated Revenue	-246,238	-314,260	-327,823	-327,823	-327,823	-327,823
119	TOTAL:	5,952,622	5,918,663	5,687,047	5,520,802	5,520,802	5,520,802
120							

Here is a link to the entire document (once again, available for the entire public to view on the UCF SGA website):

<http://ucfsga.com/wp-content/uploads/14-15-ASF-Budget-Bill.pdf>

Other Public University Recreation Center Policies

An argument was made that other public university recreation centers have the same rule that the UCF RWC is currently enforcing. This is false. Below are policies pulled from noteworthy Public Universities in the state of Florida.

UF

(All info pulled from the recreation center policies:
<http://www.recsports.ufl.edu/facilities/policies>)

General Policies of the Recreation and Fitness Centers

1. In accordance with the University's Tobacco-Free policy, the use of any tobacco products is prohibited in and around the recreation and fitness centers.
2. Food and drinks are not allowed beyond the access control point in the recreation and fitness centers, with the exception of non-glass bottles containing only water.
3. Non-marking athletic shoes must be worn in the activity areas. Examples of prohibited shoes include, but are not limited to, cleats, sandals, stocking feet and/or hard soled shoes.
4. Martial arts clubs and group fitness classes may obtain prior approval from an Associate Director, or designee, to have bare feet in activity areas.
5. Shirts must be worn at all times in all public areas.
6. Mopeds, bicycles, and electric scooters are not allowed inside the recreation and fitness centers.
7. Skateboards, roller-skates, rollerblades and non-electric scooters are not allowed to be operated in the recreation and fitness centers under any circumstances.
8. Chewing gum is not allowed in the activity areas.
9. Pets, with the exception of service animals, are not allowed.
10. Photographic devices may not be used in the locker rooms and restrooms.
11. Disorderly conduct, abuse of the facility, equipment, or staff and/or disregard for the recreation and fitness centers' policies will result in immediate dismissal from the facility. Additional sanctions may include: disciplinary action, reimbursement for damages, and/or potential suspension from the facilities and programs.
 - a. A user asked to leave by the staff will not be refunded any paid charges.

-The above highlighted portion is the only thing remotely resembling a dress code of any kind at the UF Recreation center. An in depth reading of the entire policy page revealed nothing else. The term "shirt" being used as a broad term.

USF

(All info pulled from the recreation center policies:
<http://usfweb2.usf.edu/CampusRec/facilities/policies.html>)

General Fitness Policies

1. Shirts or tank tops must be worn. Jeans, jean shorts, clothing with metal pieces and accessories, open-toe or slip-on shoes are not permitted.
2. Attire resulting in indecent exposure is not permitted.
3. Clean towels are highly encouraged for personal use.
4. Thoroughly clean equipment before and after each use.
5. Use of personal equipment is not permitted. A variety of equipment is available at Main Level Equipment Checkout. Equipment Checkout items promptly after use.
6. Cell phone use is not permitted while using equipment.
7. Bags of any kind (backpacks, equipment/workout bags, purses, etc.) are not permitted in the fitness areas.
 - o Single use lockers are available on the Main Level Cardio Floor and Lower Level Strength Areas.
 - o Campus Recreation is not responsible for lost or stolen personal items.
8. Only spill-proof water bottles permitted in fitness areas.
9. Chewing gum and tobacco use of any kind is not permitted in any fitness area.

-Rules 1 and 2 are the only thing on the USF recreation center policy that resembles a dress code. The only thing possibly similar in any manner to the UCF RWC policy is that “attire resulting in indecent exposure is not permitted”. Below is the Florida law defining indecent exposure and proving that the tank tops proposed to be worn at the RWC are not indecent:

The 2014 Florida Statutes

[Title XLVI](#)
CRIMES

[Chapter 800](#)
LEWDNESS; INDECENT EXPOSURE

[View Entire Chapter](#)

800.03 Exposure of sexual organs.—It is unlawful to expose or exhibit one’s sexual organs in public or on the private premises of another, or so near thereto as to be seen from such private premises, in a vulgar or indecent manner, or to be naked in public except in any place provided or set apart for that purpose. Violation of this section is a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#). A mother’s breastfeeding of her baby does not under any circumstance violate this section.

The above Florida Statute is available to all and can be found here:

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0800/Sections/0800.03.html

FSU

Dress Code

The following dress code applies while using the fitness floor, group exercise areas, the basketball court, and multipurpose court areas:

- All users must wear appropriate workout attire and closed-toe, non-marking, athletic shoes.
- Jeans and clothing with exposed buttons, zippers, or other hardware that could potentially damage equipment are not permitted.
- Sandals, boots, and heels are not permitted.

Additionally, the following are not permitted at the **Fitness & Movement Clinic**:

- Exposed midriffs or cleavage.
- "Muscle shirts" exposing the midriff area/ribcage.
- Shorts that are at an inappropriate length or that expose the buttocks.

It is imperative to note that the Fitness & Movement Clinic is geared towards yoga and cycling. There is a second Recreation center on FSU campus with the following guidelines:

Fitness Floor Policies

- All users must wear appropriate workout attire and closed-toe, non-marking, athletic shoes. Personal belongings must be kept in a locker and off the fitness floor.
- Only water and sports drinks are allowed on the fitness floor or near any fitness equipment. All beverages must be in a sealed container. Disposable cups are not permitted. No food or gum is permitted on the fitness floor.
- Users shall clean equipment after use. Complementary sanitizing wipes are available at cleaning stations and workout towels are available at the front desk.
- Cell phone use for talking or messaging is prohibited on the fitness floor. Photography and audio/video recording is prohibited in all areas of the facility without prior approval.
- Patrons lift at their own risk. If in doubt, please consult a Fitness staff member prior to using the equipment.

- No slamming or dropping of weights. Users must return bars/weights and fitness equipment to their proper locations immediately after use.
- Free weights must remain in spaces designated for free weight use and may not be transported to other areas of the facility.
- Olympic lifting is permitted in designated areas and at designated times only, under the supervision of Campus Recreation staff.
- Personal exercise equipment and the use of chalk are prohibited on the fitness floor.
- Unauthorized personal training is prohibited.
- Patrons are asked to adhere to a 30-minute time limit for all cardio equipment during peak times. Peak times are defined as those instances when all pieces of one equipment type are in use.

-This FSU Recreation center has a much more loose policy on the dress code