

ARTICLE 6  
NONDISCRIMINATION

6.1 Statement of Intent. The University of Central Florida is an equal opportunity employer. The Board and the UCF-UFF fully support all laws intended to protect and safeguard the rights and opportunities of each employee to work in an environment free from any form of discrimination or harassment. The parties recognize their obligations under Federal and State laws, rules, and regulations prohibiting discrimination, and have made clear their support for the concepts of affirmative action and equal employment opportunity and diversity. The parties affirm their commitment to create a diverse faculty, which brings new perspectives and new talent to the University. The parties have, in this Agreement, undertaken programs to ensure equitable opportunities for employees to receive salary adjustments, tenure, appointments, promotion, sabbaticals, and other benefits of employment, free from discrimination and harassment. This statement of intent is not intended to be subject to Article 20, Grievance Procedure.

6.2 Policy.

(a) Neither the Board nor the UCF-UFF shall discriminate against or harass any employee based upon race, color, sex, religious creed, national origin, age, veteran status, disability, political affiliation, or marital status, nor shall the Board or the UCF-UFF abridge any rights of employees related to Union or collective activity granted under Chapter 447, Florida Statutes, including but not limited to the right to assist or to refrain from assisting the UCF-UFF. Personnel decisions shall be based on job-related criteria and performance.

(b) Sexual Harassment.

(1) Sexual harassment, as defined by federal law, is a prohibited form of sex discrimination.

(2) The Board strictly prohibits sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when:

a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

c. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

~~(3)~~ The parties also recognize the potential for this form of illegal discrimination against students. Relationships between employees and students, even if consensual, may become exploitative, and especially so when a student's academic work, residential life, or athletic endeavors are supervised or evaluated by the employee (see Section 5.2). These relationships may also involve a conflict of interest (see Article 19). The parties discourage romantic or sexual relationships between employees and students.

1 (c) Harassment. The Board also strictly prohibits other forms of illegal  
2 harassment, including but not limited to harassment on the basis of race, age, or  
3 disability, in accordance with federal and state law. Illegal harassment occurs when  
4 discriminatory intimidation, ridicule, and insult is so severe and pervasive as to alter the  
5 conditions of employment and create an abusive working environment. Workplace  
6 conduct is not measured in isolation – simple teasing, incivility, off-hand comments, and  
7 isolated incidents (unless extremely serious) will not amount to discriminatory charges in  
8 the terms and conditions of employment.

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10 (d) Retaliation. Retaliation for exercising civil rights is prohibited by federal  
11 and state law. Employees shall not be subjected to harassment, intimidation, threats,  
12 coercion, or discrimination for filing a complaint, assisting in an investigation or other  
13 procedure related to the federal or state civil rights laws, or opposing a practice made  
14 illegal by those laws. Retaliation shall be regarded as seriously as discrimination itself  
15 and may justify discipline pursuant to the procedures established in Article 16.

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17 (ee) Charges of discrimination, shall be promptly investigated according to  
18 established University procedures. No employee investigated under such procedures  
19 shall be disciplined until such investigation is complete and a finding of discrimination  
20 has been issued.

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22 (f) Results of Investigation. In cases alleging discrimination or harassment  
23 by an employee, and in which no finding of discrimination or harassment is made, no  
24 record of the complaint shall be placed in the employee's evaluation file, unless the  
25 employee requests otherwise. The employee may request that a copy of the complete  
26 review/investigation file be placed in the employee's evaluation file. Where a finding of  
27 discrimination or harassment is made, a record of the complete findings shall be placed in  
28 the employee's evaluation file.

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30 (gd) Employees complaining of violation of this section by the University may  
31 not use the Grievance Procedure of this Agreement, but rather may use the  
32 Discrimination Grievance Procedure established by the University. See Rule 6C7-3.034,  
33 Florida Administrative Code. Further information may be obtained from the Office of  
34 Equal Opportunity and Affirmative Action Programs, which is charged with investigating  
35 claims of discrimination.

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37 6.3 Access to Documents. No employee shall be refused a request to inspect and  
38 copy documents relating directly relevant to the employee's claim of discrimination,  
39 except for records that are exempt from the provisions of the Public Records Act, Chapter  
40 119, Florida Statutes. The University may charge for copies of documents in accordance  
41 with law, rule, University procedures, and this Agreement. Access to and/or copies of  
42 requested documents shall be provided within a reasonable timeframe, based upon the  
43 nature and extent of the request and other pertinent circumstances.