

1 **ARTICLE 6**

2 *NONDISCRIMINATION*

3 **6.1 Non-discrimination.**

4 (a) Neither the University nor the UFF shall discriminate against or harass any
5 employee based upon age, disability, gender identity or gender expression,
6 genetic information, marital status, national origin, political affiliation, pregnancy,
7 race or color, religion, sex, sexual orientation, or veteran status, nor shall the
8 University or the UFF abridge any rights of employees related to union activity
9 granted under Chapter 447, Florida Statutes, including but not limited to the right
10 to assist or to refrain from assisting the UFF. Personnel decisions shall be based
11 on job-related criteria and performance.

12 (b) Neither the University nor the UFF shall tolerate incidents of sex/gender-
13 based discrimination or harassment, sexual assault, exploitation, relationship
14 violence, or stalking. Employees shall fulfill their obligations as “responsible
15 employees,” as defined in UCF’s policy on discrimination, harassment and
16 interpersonal violence, to report such incidents to the Office of Institutional
17 Equity (“OIE”).

18 (c) Retaliation. Retaliation for exercising civil rights is prohibited by federal
19 and state law. Employees shall not be subjected to harassment, intimidation,
20 threats, coercion, or discrimination for filing a complaint, assisting in an
21 investigation or other procedure related to the federal or state civil rights laws, or
22 opposing a practice made illegal by those laws. Retaliation shall be regarded as
23 seriously as discrimination itself and may justify discipline pursuant to the
24 procedures established in the Discipline Article 16.

25 (d) Investigation of Charges. Charges of discrimination, retaliation, or
26 harassment, or any other violation of UCF Policy, Prohibition of Discrimination,
27 Harassment and Related Interpersonal Violence, shall be investigated by the
28 Office of Institutional Equity (“OIE”). Employees investigated under such
29 procedures shall not be disciplined for such offenses until the investigation is
30 complete and a finding of a violation has been issued. The University reserves the
31 right to reassign or to provide an alternative worksite to an employee during an
32 investigation as it deems necessary to mitigate the situation and provide
33 protections to the accuser in addition to the accused.

34 (e) Results of Investigation. In cases alleging discrimination, retaliation, or
35 harassment by an employee, and in which no finding of discrimination, retaliation,
36 or harassment is made, no record of the complaint shall be placed in the
37 employee's evaluation file, unless the employee requests otherwise. The
38 employee may request that a copy of the complete investigation file be placed in
39 the employee's evaluation file. Where a finding of discrimination, retaliation, or
40 harassment is made, a record of the complete findings shall be placed in the
41 employee's evaluation file.

42 **6.2 Access to Documents.** No employee shall be refused a request to inspect
43 and copy documents relating to the employee's claim of discrimination, except for
44 records that are exempt from the provisions of the Public Records Act, Chapter
45 119, Florida Statutes, provided, however, that the University may charge for
46 copies of documents in accordance with law, rule, University procedures, and this
47 Agreement.

48 **6.3 Grievance Procedures.** Employees complaining of violations of this Article
49 by the University may present such claims to the Office of Institutional Equity
50 (OIE). Employees may grieve violations of this Article, but all such grievances shall
51 be handled by the Office of Institutional Equity ("OIE") and will not be subject to
52 the normal timelines in the Grievance **Procedures and Arbitrations Article 20**.
53 Academic Affairs shall determine whether it is possible to separate an alleged
54 violation of this Article from alleged violations of other Articles. If this is possible,
55 the alleged violation of this Article shall be investigated by OIE and the other
56 alleged violations will be subject to the dispute or grievance procedures in
57 Assignment of Responsibilities (Article 9), Conflict of Interest or
58 Commitment/Outside Activity (Article 19), or Grievance Procedures (Article 20). If
59 it is not possible to separate the alleged violations of this Article from alleged
60 violations of another Article, the alleged violations of this Article shall be
61 investigated by OIE first, before any remaining alleged violations are heard under
62 the dispute or grievance procedures in the Assignment of Responsibilities, Conflict
63 of Interest or Commitment/Outside Activity, or Grievance Procedures Articles.
64 The timeline for the grievance process begins one business day after the
65 employee receives the OIE finding.

66 (a) Disputes or grievances must indicate on the filing form which protected
67 class(es), if any, are alleged to be discriminated against.