

ARTICLE 6 NONDISCRIMINATION

6.1 Statement of Intent. The University of Central Florida is an equal opportunity employer. The University and the 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. 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/or harassment. This statement of intent is not intended to be subject to Article 20, Grievance Procedure.

6.2 Policy

(a) Neither the University nor the UFF shall discriminate against or harass any employee based upon race, color, sex, religious creed, national origin, age, veteran status, disability, political affiliation, sexual orientation, or marital status, nor shall the University or the UFF abridge any rights of employees related to union activity granted under Chapter 447, Florida Statutes, including but not limited to the right to assist or to refrain from assisting the 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 University 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 5.3). These relationships may also involve a conflict of interest (see Article 19). The parties discourage romantic or sexual relationships between employees and students.

(c) Harassment. The University also strictly prohibits other forms of illegal harassment, including but not limited to harassment on the basis of race, age, or disability, in accordance with federal and state law. Illegal harassment occurs when discriminatory

intimidation, ridicule, and insult are so severe and pervasive as to alter the conditions of employment and create an abusive working environment. Workplace conduct is not measured in isolation – simple teasing, incivility, off-hand comments, and isolated incidents (unless extremely serious) will not amount to discriminatory changes in the terms and conditions of employment.

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

(e) **Investigation of Charges.** Charges of discrimination or harassment, including those filed by employees against students alleging unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that constitutes sexual harassment, shall be promptly investigated according to established University procedures. No employee investigated under such procedures shall be disciplined until such investigation is complete and a finding of discrimination has been issued. The University reserves the right to reassign or to provide an alternative worksite to an employee during an investigation as it deems necessary to mitigate the situation and provide protections to the accuser in addition to the accused.

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

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

6.4 **Consultation.** As part of the consultation process described in Article 2, the parties agree to discuss efforts made to appoint and retain women and minority employees.

6.5 **Grievance Procedures.** Employees complaining of violations of this Article by the University may present such claims as grievances pursuant to Article 20, Grievance Procedure. The parties intend that matters that may be presented as grievances under Article 20, Grievance Procedure, be so presented and resolved thereunder instead of using other procedures. The UFF agrees not to process cases arising under this Article when alternate procedures to Article 20 are initiated by the grievant, except as specifically provided for in Section 20.2.