

ARTICLE 6
NONDISCRIMINATION

6.1 Policy.

(a) Neither the University nor the UFF shall discriminate against or harass any employee based upon age, disability, gender identity or gender expression, genetic information, marital status, national origin, political affiliation, pregnancy and/or parental status, race or color, religion, sex, sexual orientation, or veteran 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) Neither the University nor the UFF shall tolerate incidents of sex/gender-based discrimination or harassment, sexual assault, exploitation, relationship violence, or stalking. Employees shall fulfill their obligations as “responsible employees,” as defined in UCF’s policy on discrimination, harassment and interpersonal violence, to report such incidents to the Office of Institutional Equity (“OIE”).

(c) 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, retaliation, or harassment, or any other violation of UCF Policy, Prohibition of Discrimination, Harassment and Related Interpersonal Violence, shall be investigated by the Office of Institutional Equity (“OIE”). Employees investigated under such procedures shall not be disciplined for such offenses until the investigation is complete and a finding of a violation 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.

(d) Results of Investigation. In cases alleging discrimination, retaliation, or harassment by an employee, and in which no finding of discrimination, retaliation or harassment is made, the complaint shall not 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, retaliation, or harassment is made, a record of the complete findings shall be placed in the employee’s evaluation file.

6.2 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.

6.3

46 ——— **Reporting Procedures.** Employees complaining of violations of this Article by the
47 University may present such claims to the Office of Institutional Equity (OIE). Employees may
48 grieve violations of this Article, but all such grievances shall be handled by OIE and will not be
49 subject to the normal timelines in Article 20. ~~When Academic Affairs determines that it is~~
50 ~~feasible to bifurcate alleged violations of this Article from alleged violations of other Articles,~~
51 ~~the alleged violations of this Article shall be investigated by OIE and the other alleged violations~~
52 ~~will be subject to the grievance procedures in Articles 9 or 20. If it is not feasible to separate the~~
53 ~~alleged violations of this Article from alleged violations of other Articles, the violations of this~~
54 ~~Article shall be investigated by OIE first, before the remaining alleged violations are heard under~~
55 ~~the grievance procedures in Articles 9 and/or 20. Academic Affairs shall determine whether it is~~
56 ~~possible to separate an alleged violation of this Article from alleged violations of other Articles. If this is~~
57 ~~possible, the alleged violation of this Article shall be investigated by OIE, and the other alleged violations~~
58 ~~will be subject to the grievance procedures in Articles 9 or 20. If it is not possible to separate the alleged~~
59 ~~violations of this Article from alleged violations of another Article, the alleged violations of this Article~~
60 ~~shall be investigated by OIE first, before any remaining alleged violations are heard under the grievance~~
61 ~~procedures in Articles 9 and 20. The timeline for the grievance process begins one day after the employee~~
62 ~~receives the OIE finding.~~