

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.~~

~~6.8.1.2. 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, race or color, religion, sex (including pregnancy and/or parental status), sexual orientation, active military service, and/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) The University shall not tolerate sexual and/ or gender-based harassment, including sexual discrimination, discriminatory harassment, retaliation, requests for sexual favors, sexual assault, relationship violence, stalking, and sexual exploitation.

(b) Sexual Harassment

(1) Sexual harassment, as defined by federal law, is a prohibited form of sex discrimination. ~~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:~~ is any unwelcome sexual advance, requests for sexual favors, verbal or physical conduct of a sexual nature, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, otherwise, that creates a hostile work environment. It may include inappropriate touching, acts of sexual violence, suggestive comments, stalking (online or in person), or public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of sexual assault may be sufficiently severe to constitute a hostile environment. It may also include:

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.

(2) 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

51 are supervised or evaluated by the employee (see Section 5.3). These relationships may also involve a
52 conflict of interest (see Article 19). The parties discourage romantic or sexual relationships between
53 employees and students.

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55 (c) Harassment. The University shall not harass or discriminate against employees also
56 strictly prohibits other forms of illegal harassment, including but not limited to harassment based on,
57 but not limited to, on the basis of race, age, or disability, or sex, as specified by in accordance with
58 federal and state laws. Illegal harassment occurs when discriminatory intimidation, ridicule, and or
59 insult are so severe and pervasive as to alter the conditions of employment and create an abusive
60 working environment. Workplace conduct is not measured in isolation – simple teasing, incivility, off-
61 hand comments, and isolated incidents (unless extremely serious) will not amount to discriminatory
62 changes in the terms and conditions of employment.

63 (d) The University shall not engage in discriminatory harassment, consisting of verbal,
64 physical, electronic, or other conduct based on an individual's age, disability, gender identity or
65 gender expression, genetic information, marital status, national origin, political affiliation, race or
66 color, religion, sex (including pregnancy and/or parental status), sexual orientation, active military
67 service, and/or veteran status.

68 (3)(1) As specified by UCF Policy 2-004.1 dated November 30, 2017,
69 discriminatory harassment occurs with verbal acts, physical
70 intimidation, ridicule, micro aggressions, graphic or written statements
71 (including the use of cell phones or the internet), or other conduct
72 intended to humiliate; hence, alter the conditions of employment and
73 creating an abusive, hostile working environment.

74
75 (e)(e) Retaliation. Retaliation for exercising civil rights is prohibited by federal and state
76 law. Employees shall not be subjected to harassment, intimidation, threats, coercion, or discrimination
77 for filing a complaint, assisting in an investigation or other procedure related to the federal or state
78 civil rights laws, or opposing a practice made illegal by those laws. Retaliation shall be regarded as
79 seriously as discrimination itself and may justify discipline pursuant to the procedures established in
80 Article 167.

81
82 (d)(f) Investigation of Charges. The University shall promptly investigate, according to
83 established University procedures in Policy 2-004.1, all cCharges of discrimination or harassment,
84 including those filed by employees against students alleging unwelcome sexual advances, requests for
85 sexual favors, or other verbal, or physical conduct, of a sexual nature that constitutes sexual
86 harassment, shall be promptly investigated according to established University procedures.

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88 (e)(g) No employee investigated under such procedures shall be disciplined until such
89 investigation is complete and a finding of discrimination has been issued. The University reserves the
90 right to reassign or to provide an alternative worksite to an employee during an investigation as it
91 deems necessary to mitigate the situation and provide protections to the accuser in addition to the
92 accused.

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

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101 **6.28.2 Access to Documents.** No employee shall be refused a request to inspect and copy
102 documents relating to the employee's claim of discrimination, except for records that are
103 exempt from the provisions of the Public Records Act, Chapter 119, Florida Statutes,
104 provided, however, that the University may charge for copies of documents in accordance
105 with law, rule, University procedures, and this Agreement.

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107 ~~**6.3 Consultation.** As part of the consultation process described in Article 2, the parties agree to~~
108 ~~discuss efforts made to appoint and retain women and minority employees.~~

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111 **6.48.3 Grievance Procedures.** Employees complaining of violations of this Article by the
112 University may present such claims as grievances pursuant to Article 20, Grievance Procedure. The
113 parties intend that matters that may be presented as grievances under Article 21~~0~~, Grievance
114 Procedure, be so presented and resolved thereunder instead of using other procedures. The UFF agrees
115 not to process cases arising under this Article when alternate procedures to Article 20 are initiated by
116 the grievant, except as specifically provided for in Section 20.2.

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