

1 **ARTICLE 6**

2 **NONDISCRIMINATION**

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4 **6.1 Non-discrimination.**

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

10 (b) Neither the University nor the UFF shall tolerate incidents of sex/gender-based discrimination, sexual ~~or~~ harassment, or
11 Title IX sexual harassment ~~sexual assault, exploitation, relationship violence, or stalking~~. Employees shall fulfill their obligations
12 as “responsible employees,” as defined in UCF’s ~~Policy on~~, Prohibition of Discrimination, Harassment and Related
13 Interpersonal Violence and UCF’s Title IX Grievance Policy, to report such incidents to the Office of Institutional Equity
14 (“OIE”).

15 (c) Retaliation. Retaliation for exercising civil rights is prohibited by federal and state law. Employees shall not be
16 subjected to harassment, intimidation, threats, coercion, ~~or~~ discrimination, or other conduct that would discourage a reasonable
17 person from engaging in protected activity for filing a complaint, assisting in an investigation or other procedure related to the
18 federal or state civil rights laws, or opposing a practice made illegal by those laws. Retaliation shall be regarded as seriously as
19 discrimination itself and may justify discipline pursuant to the procedures established in the Discipline Article 16.

20 (d) Investigation of Charges. Charges of discrimination, retaliation, or discriminatory harassment, or any other violation of
21 UCF Policy, Prohibition of Discrimination, Harassment and Related Interpersonal Violence, shall be investigated by the Office
22 of Institutional Equity (“OIE”). Charges of Title IX sexual harassment or any other violation of UCF’s Title IX Grievance Policy,
23 shall also be investigated by OIE. Employees investigated under such procedures shall not be disciplined for such offenses
24 until the investigation is complete and a finding of a violation has been issued. The University reserves the right to reassign or
25 to provide an alternative worksite to an employee during an investigation as it deems necessary to mitigate the situation and
26 provide protections to the accuser/Complainant in addition to the accused/Respondent.

27 (e) Results of Investigation. In cases alleging discrimination, retaliation, ~~or~~ discriminatory harassment, or Title IX sexual
28 harassment by an employee, and in which no finding of discrimination, retaliation, ~~or~~ discriminatory harassment, or Title IX
29 sexual harassment is made, no record of the complaint shall be placed in the employee’s evaluation file, unless the employee
30 requests otherwise. When no finding of discrimination, retaliation, discriminatory harassment, or Title IX sexual harassment is
31 made, an employee may still be disciplined for violation of UCF’s Employee Code of Conduct and/or university policies or
32 regulations. The employee may request that a copy of the complete investigation file be placed in the employee’s evaluation

33 file. Where a finding of discrimination, retaliation, discriminatory or harassment, or Title IX sexual harassment is made, a record
34 of the complete findings shall be placed in the employee's evaluation file.
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36 **6.2 Access to Documents.** No employee shall be refused a request to inspect and copy documents relating to the
37 employee's claim of discrimination, except for records that are exempt from the provisions of the Public Records Act, Chapter
38 119, Florida Statutes, provided, however, that the University may charge for copies of documents in accordance with law, rule,
39 University procedures, and this Agreement.
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41 **6.3 Grievance Procedures.** Employees complaining of violations of this Article by the University may present such claims
42 to the Office of Institutional Equity ("OIE"). Employees may grieve violations of this Article, but all such grievances shall be
43 handled by ~~the Office of Institutional Equity ("OIE")~~ OIE- under the appropriate University policies and/or regulations, and will not
44 be subject to the normal timelines in the ~~Grievance p~~Procedures ~~found in and Arbitrations~~ Article 9 or Article Article-20.
45 Grievances alleging discrimination, discriminatory harassment, or retaliation will be handled by OIE under UCF Policy,
46 Prohibition of Discrimination, Harassment and Related Interpersonal Violence and related regulations. Grievances alleging Title
47 IX sexual harassment will be handled by OIE under UCF's Title IX Grievance Policy and related regulations. Academic Affairs
48 shall determine whether it is possible to separate an alleged violation of this Article from alleged violations of other Articles. If
49 this is possible, the alleged violation of this Article shall be investigated by OIE and the other alleged violations will be subject to
50 the grievance procedures in ~~the Assignment of Responsibilities or Grievance Procedures~~ Articles 9 or Article 20, as
51 appropriate. If it is not possible to separate the alleged violations of this Article from alleged violations of another Article, the
52 alleged violations of this Article shall be investigated by OIE first, before any remaining alleged violations are heard under the
53 grievance procedures in ~~the Assignment of Responsibilities or Grievance Procedures~~ Articles Article 9 or Article 20. The
54 timeline for the grievance process begins one business day after the employee receives the OIE finding.

55 (a) Grievances must indicate on the filing form to which protected class(es) the grievant belongs for purposes of the ,if any,
56 are alleged to be discriminated against- discrimination claim.