ARTICLE 6

NONDISCRIMINATION

6.1 ~~Non-discrimination~~Obligation to Report. Instances of discrimination and/or retaliation are to be promptly reported to the Office of Non-Discrimination & Accommodations Compliance ("ONAC").

(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, race ~~or~~, color, ethnicity, 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 harassment, Title IX sexual harassment, sexual assault, sexual 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 ("~~ONAC~~IE")~~.

(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 the Discipline Article 16.

6.2~~(d)~~ 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 ("~~ONAC~~IE")~~. 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.

(~~e~~a) 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, no record of the complaint shall be placed in the employee's

Commented [CP1]: Overarching message needs to also cover 6.1(c), retaliation. Also introduces "ONAC" rather than OIE. Non-discrimination is the name of the Article already.

Commented [CP2]: Superfluous language.

Commented [CR3]: Additions based on current info on Letsbeclear site.

Commented [CP4]: This makes better sense as its own section.

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.~~32~~ 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.~~43~~ Grievance Procedures. Employees alleging~~complaining of~~ violations of this Article by the University may present such claims to the Office of Non-Discrimination & Accommodations Compliance~~Institutional Equity~~ ("ONAC"~~IE~~). Employees may grieve violations of this Article, but all such grievances shall be handled by ~~the Office of Institutional Equity ("OIE")~~ONAC and will not be subject to the normal timelines in the Grievance Procedures and Arbitrations Article 20. Academic Affairs shall determine whether it is possible to separate an alleged violation of this Article from alleged violations of other Articles. If this is possible, the alleged violation of this Article shall be investigated by ONAC~~IE~~ and the other alleged violations will be subject to the dispute or grievance procedures in Assignment of Responsibilities (Article 9), Conflict of Interest or Commitment/Outside Activity (Article 19), or Grievance Procedures and Arbitration (Article 20). If it is not possible to separate the alleged violations of this Article from alleged violations of another Article, the alleged violations of this Article shall be investigated by ONAC~~IE~~ first, before any remaining alleged violations are heard under the dispute or grievance procedures ~~in the~~ listed above, as appropriate. ~~Assignment of Responsibilities, Conflict of Interest or Commitment/Outside Activity, or Grievance Procedures Articles.~~ The timeline for the dispute or grievance process begins immediately~~one business day~~ after the employee receives the ONAC~~IE~~ finding.

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

Commented [CP5]: List of Articles is repetitive from previous sentence

Commented [CP6]: "dispute" is the right word for ADRs.