

296 regulations prohibiting discrimination or harassment, including required implementation of affirmative
297 action and equal opportunity programs.

298 B. The University and the UFF affirm their commitment to equal employment opportunities,
299 diversity and affirmative action. The implementation of affirmative action programs will require positive
300 actions that will affect terms and conditions of employment and to this end the parties have, in this
301 Agreement and elsewhere, undertaken programs to ensure equitable opportunities for employees to
302 receive salary adjustments, tenure, promotion, sabbaticals, and other benefits. This statement of intent
303 is not subject to Article 20, Grievance Procedure and Arbitration.

304

305 6.2 Policy.

306

307 A. Nondiscrimination. Neither the University nor the UFF shall discriminate against any
308 employee based upon race, color, sex, gender identity and expression, sexual orientation, religion,
309 national origin, age, military status, veteran status, disability, political affiliation, or marital status, nor shall
310 the University or the UFF abridge any rights of employees related to union activity granted under
311 Chapter 447, Florida Statutes, including but not limited to the right to assist or to refrain from assisting
312 the UFF. Personnel decisions shall be based on job-related criteria and performance.

313 B. Sexual Harassment.

314 (1). Sexual harassment is a prohibited form of sex discrimination. In Meritor Savings
315 Bank v. Vinson, 106 S.Ct. 2399 (1986), the United States Supreme Court defined sexual
316 harassment in the employment context as including the following:

317 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical
318 conduct of a sexual nature constitute sexual harassment when (1) submission to
319 such conduct is made either explicitly or implicitly a term or condition of an individual's
320 employment, (2) submission to or rejection of such conduct by an individual is used
321 as the basis for employment decisions affecting such individual, or
322 (3) such conduct has the purpose or effect of unreasonably interfering with an
323 individual's work performance or creating an intimidating, hostile, or offensive
324 working environment.

325 (2). In addition to the parties' concern with respect to sexual harassment in the
326 employment context, the parties also recognize the potential for this form of illegal discrimination
327 against students. Relationships between employees and students, even if consensual, may
328 become exploitative, and especially so when a student's academic work, residential life,
329 or athletic endeavors are supervised or evaluated by the employee. These relationships may involve
330 a conflict of interest.

331 C. Prohibited Conduct Under Title IX of the Education Amendments of 1972. Neither the
332 University nor the UFF shall tolerate any person, on the basis of sex, to be excluded from participation in,
333 to be denied the benefits of, or to be subjected to discrimination under any academic, extracurricular,
334 research, training, or other education program or activity operated by the University, as set forth in
335 University Policy 0-004.

336 G.D. Investigation of Charges of Discrimination. Charges of discrimination alleging unwelcome
337 sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that
338 constitutes sexual harassment, including those filed by employees against students, shall be promptly
339 reviewed/investigated according to established university procedures. No employee
340 reviewed/investigated under such procedures shall be disciplined until such review is complete and a
341 finding of discrimination has been issued.

342 If after the completion of the review/investigation, any finding of discrimination is made, a record of the
343 complete findings will be placed in the employee's evaluation file. If no finding of discrimination on any
344 charge or complaint is made, no record of the charge or complaint will be placed in the employee's
345 evaluation file unless the employee requests in writing that a record of the complete review/investigation
346 be placed in the evaluation file.

347

348 6.3 Access to Documents. No employee shall be refused a request to inspect and copy documents
349 relating to the employee's claim of discrimination, except for records which are exempt from the provisions

350 of the Public Records Act, Chapter 119, Florida Statutes, provided, however, the University may charge
351 for copies of documents in accordance with law, rule, university procedures, and this Agreement.

352
353 6.4 Consultation. As part of the consultation process described in Article 2, Consultation the parties
354 agree to discuss efforts made to appoint and retain women and minority employees.

355
356 Grievance Procedures. Except with respect to alleged violations of Title IX claims of
357 such-discrimination by the University may be presented as grievances pursuant to Article 20, Grievance
358 Procedure and Arbitration. It is the intent of the parties that matters which may be presented as
359 grievances under the Grievance Procedure, be so presented and resolved thereunder instead of using
360 other procedures. However, the UFF agrees not to process cases arising under this Article when
361 alternate procedures to the Grievance Procedure are initiated by the grievant, except as specifically
362 provided for in Article 20.3. With respect to alleged violations falling within the scope of Title IX, all such
363 claims must be exclusively processed pursuant to the reporting requirements of Policy 0-004, and will be
364 exclusively processed and resolved pursuant to said Policy. Such alleged violations shall not be subject to
365 Article 20.

366 367 368 369 **Article 7 - Minutes, Rules, and Budgets**

370
371 7.1 University Documents.

372 A. The University shall provide the UFF with a copy of the following:

- 373 (1.) the agenda and minutes of the meetings of the University Board;
- 374 (2.) the agenda and minutes of the meetings of campus boards;
- 375 (3.) new University rules published under the Administrative Procedures Act; and
- 376 (4.) the USF/UFF Agreement and all supplements to the Agreement.

377 If the documents referenced in 7.1 (A) (1) and (2) are maintained on the web by the University they shall
378 be deemed provided.

379 The University shall also provide the UFF a computer account for purposes of accessing the GEMS USF
380 personnel system file reflecting the annual salary increases provided to employees covered by this
381 agreement. Costs associated with the UFF's use of such file shall be borne by the UFF consistent with
382 the costs charged others.

383
384 B. The University shall ensure that a copy of the following documents is made available in
385 an easily accessible location in its libraries or by links on the university web site:

- 386 (1). the minutes of the meetings of the University Board of Trustees;
- 387 (2). the University's rules published under the Administrative Procedures Act;
- 388 (3). the University's operating budget, including the previous year's expenditure analysis; and
- 389 (4). a copy of all official University Policies and Procedures.

390 391 **Article 8 - Appointment**

392 8.1 Policy.

393 The University shall exercise its authority to determine the standards, qualifications, and criteria so as to
394 fill appointment vacancies in the bargaining unit with the best possible candidates. In furtherance of this
395 aim, the University shall, (a) advertise such appointment vacancies, receive applications and screen
396 candidates therefore, and make such appointments as it deems appropriate under such standards,
397 qualifications, and criteria, and (b) commit to an effort to identify and seek qualified women and minority