

ARTICLE ____
NON-DISCRIMINATION IN EMPLOYMENT

A. NON-DISCRIMINATION

Within the limits imposed by law or University regulations, the University shall not discriminate or harass any Academic Researcher on the basis of race, color, religion, marital status, national origin, ancestry, sex, (including gender, pregnancy, childbirth, medical conditions related to pregnancy and childbirth, breastfeeding, and medical conditions related to breastfeeding), sexual orientation, gender expression, gender identity, physical or mental disability, medical condition, ~~(cancer-related condition or genetic characteristics)~~, genetic information (including family medical history), HIV status, ~~status as a covered veteran (special disabled veteran, recently separated veteran, Vietnam era veteran, or any other veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized), service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Act of 1994, state military and naval service,~~ age, citizenship, political affiliation, or union activity.

1. **“Gender expression” means a person’s gender-related appearance or behavior, or the perception of such appearance or behavior, whether or not stereotypically associated with the person’s sex assigned at birth.**
2. **“Gender identity” means each person’s internal understanding of their gender, or the perception of a person’s gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person’s sex assigned at birth, or transgender.**

B. SEXUAL HARASSMENT

1. **The University of California is committed to creating and maintaining a community dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. The University prohibits sexual**

harassment and retaliation that violates law, this Article, and/or University policy (herein referred to as prohibited behavior). The University shall respond promptly and effectively to reports of prohibited behavior and shall take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates the law, this Article, and the SVSH Policy.

2. Sexual Harassment is defined as unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical contact of a sexual nature when:
 - a. Quid Pro Quo: A person's submission to or rejection of such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, or advancement, or other decisions affecting participation in a University program; or
 - b. Hostile Environment: such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.

3. Sexual harassment may include incidents between any members of the University community, including: administrators, faculty and other academic appointees (including academic researchers), staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients); in hierarchical relationships and between peers, and; between individuals of any gender or gender identity.

4. The University prohibits retaliation against or by academic researchers based on their report of prohibited behavior or participation in the investigation, report, remedial, or disciplinary processes provided for in the SVSH Policy. Retaliation includes threats, intimidation, reprisals, and/or adverse employment and/or academic actions against a person

based on their report of prohibited behavior or participation in the investigation, report, remedial, or disciplinary processes provided for in the SVSH Policy or this Article.

C. **Complaint procedures are covered by the University's Sexual Violence Sexual Harassment Policy ("SVSH")**

(<https://policy.ucop.edu/doc/4000385/SVSH>)

and the Discrimination, Harassment, and Affirmative Action in the Workplace Policy ("Nondiscrimination")

(<https://policy.ucop.edu/doc/4000376/DiscHarassAffirmAction>).

Where there is no conflict with this Agreement, the University's SVSH Policy and the Nondiscrimination Policy shall continue to apply to

Academic Researchers. If the definitions in the ~~Sexual Violence Sexual Harassment Policy ("SVSH")~~ **Policy** or ~~University's Discrimination, Harassment, and Affirmative Action in the Workplace~~ **Nondiscrimination** Policy change, the new definitions will apply to this Article.

D. **RESOLUTION PROCEDURES**

1. If an academic researcher files a timely grievance that includes an alleged violation of this article, the University shall forward such a complaint to the campus office responsible for formally investigating allegations of discrimination and/or sexual harassment. The grievance shall be held in abeyance during the time the allegations are under review in accordance with the University's SVSH Policy and/or the University's **Nondiscrimination** ~~Discrimination, Harassment, and Affirmative Action in the Workplace~~ Policy.
2. At the conclusion of the review, the abeyance shall automatically terminate and the grievance procedure shall resume within fifteen (15) calendar days from the date from the conclusion of the review.

E. **REMEDIES**

1. **Remedies available to academic researchers may include, but are not limited to: change to a different workstation, schedule, work location, unit, department, or position for which the academic researcher is qualified provided that, in the case of the complainant/grievant, the**

change is voluntary and equitable; training and education of the respondent; no contact remedies.

2. The University shall implement appropriate remedies if a complaint and/or grievance is sustained, or as an alternative measure. Such remedies, shall ensure that the academic researcher continue research in an environment free from harassment and/or discrimination based on a protected category.

F. Representation

The academic researcher (as a complainant, Grievant, respondent, or witness) shall have the right to be represented by one representative of their choice, including a union representative, in the grievance, arbitration, and/or complaint process.

G. The Title IX Offices and the Offices of Equal Employment Opportunity responsible for investigations are listed in Appendix ___.

H. LACTATION SUPPORT

1. Where spaces exist for faculty or staff for the primary purpose of expressing breast milk, academic researchers shall have access to those spaces for the purpose of expressing and storing breast milk.
2. If no such space exists in reasonable proximity to an academic researcher's work location, the department will designate an appropriate temporary space, which is not open to the general public, for the purpose of expressing and storing breast milk.
3. The University will allow adequate time for an academic researcher to express breast milk.

I. ALL-GENDER RESTROOMS

1. The University and the Union recognize the importance of having safe and accessible campus restroom facilities.
2. Upon request, the University will provide the academic researcher with the location of the nearest all-gender restroom.