

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 or genetic characteristics), genetic information (including family medical history), HIV status, service in the uniformed services, 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 such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program, activity, or service;
or

2. If the Union and the University agree in writing to put the grievance in abeyance per Section D.,1., the abeyance shall automatically terminate at the conclusion of the review, and the grievance procedure shall resume within fifteen (15) calendar days from the date from the conclusion of the review.
3. If the grievance alleges violation(s) of the SVSH Policy, and the Title IX Office initiates a formal investigation, the local Labor Relations Office shall notify the UAW when the Title IX Office has extended the timeline for the SVSH investigation.
4. **The parties recognize that proceeding to an arbitration hearing on the merits with a completed investigation report is optimal. However, if the completed investigation report is not issued at least 90 calendar days prior to the scheduled hearing date, the parties agree to reschedule the hearing for a later date.**
5. Interim Measures for Complainant(s)
 - a. The appropriate University Officer, in consultation with the Complainant when possible, will determine and oversee interim measures that are immediately necessary.
 - b. Interim measures are the services, accommodations, or other measures put in place temporarily after the appropriate University Officer receives a report of prohibited conduct to assist or protect the Complainant, the Respondent, or the University community. If such interim measures are implemented, they shall allow the Academic Researcher to continue research in an environment free from harassment and/or discrimination based on a protected category.
 - c. Interim measures available to Academic Researchers may include, but are not limited to:
 - 1) training and education of the Respondent;
 - 2) 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 a Complainant, the change is voluntary and equitable; and/or
 - 3) no-contact remedies.
6. For sexual harassment cases only: The specific procedures for reporting, investigating, and resolving Prohibited Conduct as defined by the Sexual Violence and Sexual Harassment Policy are in the Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel:
<https://sexualviolence.universityofcalifornia.edu/files/documents/staff-nfap-svsh-investigation-and-adjudication-framework.pdf>

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 a 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. EDUCATIONAL AND TRAINING RESOURCES

1. The link at: <https://sexualviolence.universityofcalifornia.edu/education-training/> provides educational and training resources at each campus.
2. **Upon written request from the UAW,** ~~the~~ The University and the UAW agree to discuss effective training methodology for the prevention of sexual harassment and other forms of discrimination at a systemwide joint labor management committee. **The committee shall commence its discussions during Academic Year 2020-21.**

I. 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.

J. 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.