ARTICLE 4. **Nondiscrimination in Employment**

A. **Nondiscrimination**

It is the policy of the University not to engage in discrimination against or harassment of any person employed by or seeking employment with the University of California on the basis of race, color, national origin, religion, sex\(^1\), physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), HIV status, ancestry, marital status, age, sexual orientation, gender identity, gender expression, citizenship, union affiliation, 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 or, service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994).\(^2\) This Article is intended to be consistent with the provisions of applicable State and Federal law regarding non-discrimination and University Policies regarding non-discrimination, but does not incorporate those laws and policies. Instead of, or in addition to filing a grievance, an employee may report an allegation of discrimination or harassment to the Office of Equal Opportunity & Sexual Harassment/Title IX Compliance.

B. **Sexual Harassment**

Sexual Harassment- Instead of, or in addition to filing a grievance, an employee may report an allegation of sexual harassment to the campus’ Title IX Officer pursuant to the University of California’s Sexual Violence and Sexual Harassment Policy. If an employee files a grievance that includes an allegation of sexual harassment, the University shall forward the allegations to the Title IX Officer for processing under the University policy and the grievance will be held in abeyance pending resolution or completion of the review under the policy. After completion of the process under the University policy, the employee may withdraw the grievance or request that the grievance continue to formal review pursuant to Article 23, Grievance Procedure. Nothing in this Article is intended to conflict with the University of California’s Sexual Violence and Sexual Harassment Policy.

C. **Grievance and Arbitration**

Allegations of violations of only Article 4, Nondiscrimination, are grievable but not arbitrable. Allegations of a violation of Article 4, only when made in connection with a provision of another Article that is grievable, shall be eligible for appeal to the same degree that the provision of the other Article to which the grievance is connected is grievable and/or arbitrable.

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\(^1\) Sex includes gender, pregnancy, childbirth and medical conditions related to pregnancy and childbirth, breastfeeding and medical conditions related to breastfeeding.

\(^2\) Service in the uniformed services includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.