

ARTICLE 5
NONDISCRIMINATION IN EMPLOYMENT

A. GENERAL PROVISIONS

As required by law and University regulations, the University will not discriminate against employees in the Unit on the basis of race, color, religion, marital status, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, pregnancy, physical or mental disability, medical condition, genetic information, HIV status, service in the uniformed services, political affiliation, age, citizenship, or Union activity. For the purposes of this Article only, medical condition means any health impairment related to or associated with a diagnosis of cancer, or health impairments related to genetic characteristics. Neither the University nor CNA shall discriminate in the application of the provisions of this Agreement based on Union or non-Union affiliation.

B. GRIEVABILITY/ARBITRABILITY

If the Union appeals a grievance to arbitration that contains allegations of a violation of this Article but does not allege violation of another Article that is arbitrable, the Union's notice must include an Acknowledgement and Waiver Form signed by the affected employee. The Acknowledgement and Waiver Form will reflect that the employee has elected to pursue arbitration as the exclusive forum for the claim and that the employee understands the procedural and substantive differences between arbitration and the other remedial forum or forums in which the dispute might have been resolved, including the differences in the scope of remedies available in arbitration as compared to other forums. The timeline to appeal to arbitration set forth in Article 27 - Grievance Procedure will be extended by thirty (30) days for such grievances to enable the employee to make an informed choice.

C. SEXUAL HARASSMENT COMPLAINT RESOLUTION PROCEDURE

The Association agrees that a Nurse within the unit covered by this Agreement may elect to substitute the University Sexual Harassment Complaint Resolution Procedure for the Informal Review described in Article 27, Grievance Procedure, §C.