

**ARTICLE 23
NONDISCRIMINATION IN EMPLOYMENT**

A. GENERAL PROVISIONS

1. 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, physical or mental disability, medical condition, HIV status, status as a Vietnam-era veteran or special disabled veteran, 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.
2. Neither the University nor AFSCME shall discriminate in the application of the provisions of this Agreement based on Union or non-Union affiliation.

B. GRIEVABILITY/ARBITRABILITY

1. If the Union appeals to arbitration a grievance that alleges 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 10, Grievance Procedure, will be extended by 30 days for such grievances to enable the employee to make an informed choice.
2. Grievances that allege sexual harassment

With regard to alleged violations of this Article involving an allegation of sexual harassment, the University and AFSCME agree that employees covered by this Agreement may elect, as a substitute and in lieu of Step 1 of Article 10 - Grievance Procedure, to use the campus sexual harassment resolution procedure. In no circumstance shall sexual harassment grievances be eligible for appeal pursuant to Article 3 - Arbitration Procedure unless the grievance also alleges a violation of another arbitrable provision of this Agreement.