

**ARTICLE 4
NON-DISCRIMINATION IN EMPLOYMENT**

A. NON-DISCRIMINATION

Within the limits imposed by law or University regulations, the University shall not discriminate or harass any Unit 18 faculty on the basis of race, ethnicity, color, immigration status, 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.

B. SEXUAL HARASSMENT

Sexual Harassment is when:

1. Quid Pro Quo: a person's submission to unwelcome sexual 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 or activity; or
2. Hostile Environment: unwelcome sexual or other sex-based conduct is sufficiently severe, persistent 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 or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.
3. Sexual conduct includes sexual or romantic advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.
4. Other sex-based conduct includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.
5. Consideration is given to the totality of the circumstances in which the conduct occurred.

- C. If the definitions in the Sexual Violence Sexual Harassment Policy (“SVSH”) or University’s Discrimination, Harassment, and Affirmative Action in the Workplace Policy change, the new definitions will apply to this Article.

D. RESOLUTION PROCEDURES

1. If a Unit 18 faculty 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 investigation is ongoing, in accordance with the University’s SVSH Policy and/or the University’s Discrimination, Harassment, and Affirmative Action in the Workplace Policy.
2. Unit 18 faculty may file a Complaint directly with the Title IX or Equal Opportunity Office responsible for investigations at each campus location.
3. Nothing in this Article precludes Unit 18 faculty from filing a claim with an outside agency.
4. Unit 18 faculty shall have the right to be represented by the Union or another advisor in the complaint procedure.
5. The University’s Step 1 response will be issued within 10 calendar days after the Title IX Office or the Office of Equal Employment Opportunity process has concluded.
6. This procedure shall be in place for grievances alleging sexual harassment and/or discrimination in accordance with Section A and B above.
7. Nothing in this article shall preclude a Unit 18 faculty member from filing a sexual harassment complaint and/or other complaint alleging discrimination directly with the campus office responsible for formally investigating allegations of discrimination and/or sexual harassment in accordance with established timelines.
8. The Title IX Offices and the Offices of Equal Employment Opportunity responsible for investigations are listed in Appendix D.
9. No provision of this Article is intended to waive any rights of the Unit 18 faculty under state and federal statutes.