



## UNITED ACADEMICS PROPOSAL

### ARTICLE 8 NON-DISCRIMINATION

**Section 1.** The University Administration affirms its ~~legal obligations with regard to unlawful discrimination~~ dedication to the principles of equal opportunity and freedom from unfair discrimination; as such, the University Administration will not discriminate on account of race, creed, color, sex, religion, national origin, ancestry, marital status, domestic partnership status, familial status, age, disability, veteran status, sexual orientation, gender identity or expression, or membership or non-membership in or activity on behalf of or in opposition to the Union. ~~Unlawful discrimination includes unlawful sexual harassment. The University affirms its obligations as a federal contractor with regard to affirmative action.~~

As used in this section, discrimination means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation.

The University affirms its obligations as a federal contractor with regard to affirmative action.

**Section 2.** ~~A bargaining unit member shall complete any training regarding unlawful discrimination that is required by the University.~~

Every bargaining unit faculty member is entitled to a workplace free of discriminatory harassment, including sexual harassment. Sexual harassment is a type of gender discrimination which is defined as any sexual advance, any request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a) Submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b) Submission to or rejection of such advances, requests, or conduct by an individual is used as a basis or condition for employment and/or academic decisions affecting such individual; or
- c) Such conduct is unwelcome and sufficiently severe or pervasive that it interferes with work performance because it has created an intimidating, hostile, or offensive work environment for the individual who is the object of such conduct, and where the conduct would have such an effect on a reasonable person.

**Section 3.** Neither the University Administration nor the Union shall ~~unlawfully~~ discriminate against, intimidate, restrain, coerce, or interfere with any bargaining unit faculty member because of, or with respect to, his or her lawful Union activities, including participation in a

1 grievance, or membership, or the right to refrain from such activities or membership. In  
2 addition, there shall be no discrimination against any bargaining unit faculty member in the  
3 application of the terms of this Agreement because of membership or non-membership in the  
4 Union.

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6 **Section 4.** ~~A bargaining unit member may elect either to pursue his or her statutory or common-~~  
7 ~~law rights with regard to complaints of unlawful discrimination or to file a grievance under~~  
8 ~~Article \_\_\_ of this Agreement. The election to pursue such statutory rights shall preclude the~~  
9 ~~filing of a grievance regarding the subject matter of a complaint. The election to file a~~  
10 ~~grievance shall constitute a release and waiver by the bargaining unit member of his or her~~  
11 ~~statutory and common-law claims with regard to unlawful discrimination.~~

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13 **Section 5.** ~~Notwithstanding Section 4 above, a claim that is not subject to grievance or~~  
14 ~~arbitration under this Agreement, including a claim that a bargaining unit member was denied a~~  
15 ~~promotion or tenure because of discrimination, does not become subject to grievance or~~  
16 ~~arbitration because one of the grounds for the grievance or arbitration is discrimination.~~