

## **ARTICLE 16 – NON-DISCRIMINATION AND HARASSMENT**

### **Section 16.1. Workplace Behavior.**

1. The Employer and the Union agree that all employees shall work in an environment that fosters mutual respect and professionalism. The parties agree that inappropriate behavior in the workplace does not further the University's business needs, employee well-being or productivity. All employees are responsible for contributing to such an environment and are expected to treat others with courtesy and respect.

### **Section 16.2. Discrimination and Harassment.**

No employee shall be subjected to discrimination and harassment. Executive Order (EO) No. 31 is the UW policy that applies to discrimination and harassment. EO 31 currently defines discrimination as conduct that treats a person less favorably because of the person's race, color, creed, religion, national origin, citizenship, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, genetic information, disability or veteran status. In addition, no employee shall be subjected to discrimination or harassment based on ethnic origin, political affiliation, medical condition or membership or non-membership in a union.

### **Section 16.3. Retaliation.**

EO 31 currently prohibits retaliation against any individual who reports concerns regarding discrimination or harassment, who cooperates with or participates in any investigation of allegations of discrimination or harassment, or retaliation or any individual who is perceived to have engaged in any of these actions.

### **Section 16.4. Harassment.**

No employee shall be subjected to discrimination in the form of harassment. EO 31 defines harassment as conduct directed at a person because of the person's race, color, creed, religion, national origin, citizenship, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability or veteran status that is unwelcome and sufficiently severe, persistent or pervasive that:

- A. It could reasonably be expected to create an intimidating, hostile or offensive work or learning environment, or
- B. It has the purpose or effect of unreasonably interfering with an individual's work or academic performance. Harassment is a form of discrimination.

### **Section 16.5. Sexual Harassment.**

EO 31 currently defines Sexual Harassment as a form of harassment characterized by:

- A. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature by a person who has authority over the recipient when:

- a. Submission to such conduct is made either an implicit or explicit condition of the individual's employment, academic status or ability to use University facilities and services; or
  - b. Submission to or rejection of the conduct is used as the basis for a decision that affects tangible aspects of the individual's employment, academic status or use of University facilities; or
- B. Unwelcome and unsolicited language or conduct that is of a sexual nature and that is sufficiently severe, persistent or pervasive that it could reasonably be expected to create an intimidating, hostile, or offensive working or learning environment, or has the purpose or effect of unreasonably interfering with an individual's academic or work performance. This also includes acts of sexual violence, such as sexual assault and sexual exploitation.

**Section 16.6.**

The University policy on Workplace Violence will be followed.

**Section 16.7. Complaints.**

A discrimination complaint may be filed as a grievance in accordance with Article 7 of this Agreement and/or with the University Complaint Investigation and Resolution Office (UCIRO). In cases where an employee files both a grievance and an internal complaint regarding the alleged discrimination, harassment or retaliation the grievance may be suspended for a fixed period of time by agreement of the parties. The suspension of the grievance does not prevent the parties from discussing or entering into a settlement agreement. Employees may also file discrimination complaints with appropriate federal or state agencies. The parties agree to encourage the filing of discrimination complaints through UCIRO.

**Section 16.8. Timeline.**

A grievance alleging a violation of this article must be submitted within one hundred and eighty (180) days of an alleged occurrence.

**Section 16.9. Interim Measures.**

When a grievance or complaint is filed, the University will implement interim measures, if appropriate. Interim measures will be implemented in accordance with University policies and determined by the Employer. Such measures shall be designed to allow the Postdoctoral Scholar to work in an environment free from discrimination.

**Section 16.10. Representation.**

Employees shall have the right to be represented by an advocate of their choice, including a Union representative, in the grievance or arbitration process.

**Section 16.11. Diversity.**

The Union and the University are committed to a Postdoctoral Scholar workforce that complies with federal and state laws and University diversity policy. The parties agree

that University employment and recruitment practices are an appropriate subject for the Joint Union Management Committee.

**Section 16.12. Lactation.**

The University shall provide accommodation for lactation for Postdoctoral Scholars in accordance with applicable laws and UW policy.

The University shall maintain a webpage listing the established lactation stations of which the University is aware, to include access instructions and what equipment is available at each station (e.g., sink, refrigerator).

**Section 16.13. Bathroom Equity.**

The University shall provide access to gender-neutral bathrooms in accordance with applicable laws and UW policy. The University shall publicize the location of every all-gender bathroom on campus on a website.