

WWU'S PROPOSAL RE ANTI-DISCRIMINATION AND HARASSMENT

4/8/24

Article xx - Anti-Discrimination and Harassment

xx.1 Non-Discrimination. Neither the University nor the Union shall discriminate or harass any ESE on the basis of race, ethnicity, color, national origin, age, citizenship or immigration status, pregnancy, use of protective leave, genetic status, sex, sexual orientation, gender identity, gender expression, marital status, creed, religion, veteran or military status, disability, the use of a trained guide dog or service animal by a person with a disability, union activity, or any other protected status as defined by applicable law or University policy.

xx.2 Discriminatory, Gender-Based and Sexual Harassment. The University prohibits discriminatory, gender-based and sexual harassment. Definitions and examples of prohibited gender-based and sexual harassment can be found in the University's policy Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation which is available here: <https://policy.wvu.edu/POL-U1600.02-Ensuring-Equal-Opportunity-and-Prohibiting-Discrimination-and-Retaliation>.

xx.3 Retaliation. The University prohibits adverse action, which may include intimidation, threats, coercion, or discrimination against any individual because the individual has (or is perceived to have) made a report or complaint, or participated in an investigation, proceeding, or hearing under the University's policy Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation or this contract. Retaliation may include conduct that would discourage a reasonable person from reporting prohibited conduct.

xx.4 Micro-Aggressions. Micro-aggressions are everyday exchanges—including words and actions—that denigrate and exclude individuals based on their membership in a group or class of individuals. The Union and the University shall work to educate the campus population about microaggressions and to minimize the harm they may cause. The Union and University shall meet, upon request, up to three (3) times per calendar year to evaluate progress on this goal.

xx.5 Workplace Behavior. The Employer and the Union agree that all employees should 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. If an ESE believes they have been subjected to inappropriate workplace behavior, they are encouraged to report this behavior to the ESE's supervisor, a manager in the ESE's chain of command and/or the Human Resources Office.

xx.6 Resolution Procedures.

- xx.6.1** ESE's who feel they have been the subject of discrimination and/or harassment, including sexual harassment, are encouraged to address these issues and seek resolution. ESEs are encouraged to address these issues, if they feel comfortable doing so, by speaking to their supervisor or seeking assistance from the the Civil Rights and Title IX Compliance Office ("CRTC"). In those cases where the Union or an ESE files a grievance alleging discrimination or harassment, the University will forward the grievance to the CRTC. Any such grievance will be held in abeyance, with all timelines paused, until such time as the CRTC has completed its review of the complaint. ESEs may also file claims of unlawful discrimination or harassment with the Washington State Human Rights Commission ("HRC"), or the Equal Employment Opportunity Commission ("EEOC"). Employees who file an HRC or EEOC complaint will be considered to have made an election of remedies and any grievance over the same allegations will be considered waived or withdrawn.
- xx.6.2** The University may offer supportive measures to an ESE where appropriate when a complaint or grievance is filed related to harassment or discrimination. Supportive measures include measures designed to protect the safety of all parties and/or the University's educational environment and/or to deter sexual harassment or retaliation.
- xx.6.3** When the University determines that there has been a violation of this contract, University policy or applicable law prohibiting discrimination or harassment, it will take prompt and effective measures to address the discrimination or harassment.
- xx.6.4** Representation: The ESE (as a Complainant, Grievant, Respondent, or Witness) shall have the right to be represented by an advocate of their choice, including a Union representative, in any process conducted by the University relevant to this Article.

xx.7 Equity Survey. When performing the campus climate assessment required by RCW 28B.10.147 the University shall collect ESE status information. The University shall provide the results of the assessment to the Union.

xx.8 Gender Neutral Restrooms. The University and the Union recognize the importance of having safe and accessible restroom facilities. The University will maintain a map of gender-neutral restrooms on its website. Upon request, the University will provide an ESE with the location of the gender-neutral restroom nearest to their worksite.

xx.9 Policies. The University shall provide ESEs with information about its non-discrimination and harassment policies during new employee orientation and through periodic employee trainings.