

WAWU'S PROPOSAL RE ANTI-DISCRIMINATION AND HARASSMENT

4/29/24

Article 29 - Anti-Discrimination and Harassment

29.1 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.

29.2 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>.

29.3 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.

29.4 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.

29.5 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.

29.6 Resolution Procedures.

- 29.6.1** 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 Civil Rights and Title IX Compliance Office ("CRTC"). If the CRTC deems these issues inappropriate for CRTC investigation, it will inform the ESE and, if appropriate, refer the matter to another University office.
- 29.6.2** In cases where the Union or an ESE files a grievance alleging discrimination or harassment, the University will forward the grievance to the CRTC. The Union and the University may, by mutual agreement, hold such a grievance in abeyance while the CRTC reviews the complaint.
- 29.6.3**
- 29.6.4** When appropriate, the University will offer supportive measures 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. Wherever possible, these supportive measures should ensure ESEs' ability to continue working.*a [Note: in the event the University directs an employee to remain out of the workplace during an investigation, it would use the administrative leave provision the parties have been exchanging as Section 19.7 of the Discipline article. The University is amenable to moving that section to the Leaves article if that organization is more clear.]*
- 29.6.5** The University shall respond promptly to reports of behavior prohibited by this Article. Where there is a determination that discrimination or harassment has occurred, the University will take prompt and effective measures to remediate the discrimination or harassment.
- 29.6.6** 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.

29.7 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.

29.8 Gender-Neutral Restrooms. The University and the Union recognize the importance of having safe and accessible restroom facilities. The University has committed to equipping newly constructed facilities with gender-neutral restrooms and a plan to update existing facilities over time as part of campus capital renovation projects. 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.

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