

Article 20
NON-DISCRIMINATION IN EMPLOYMENT

A. GENERAL PROVISIONS

1. Within the limits imposed by law or University regulations, the University shall not discriminate against or harass any ASE on the basis of race, color, religion, marital status, national origin, ancestry, sex, pregnancy, sexual orientation, gender identity, physical or mental disability, medical condition, HIV status, status as a covered veteran, age, citizenship, political affiliation, union activity, and membership or non-membership in the union. For the purposes of this article only, medical condition means any health impairment related to or associated with a diagnosis of cancer, or health impairments related to genetic characteristics.
2. If the UAW appeals a grievance to arbitration which contains allegations of a violation of this article which are not made in conjunction with the provision of another article that is arbitrable, the UAW's notice must include an Acknowledgement and Waiver Form signed by the affected ASE. The Acknowledgement and Waiver Form will reflect that the ASE has elected to pursue arbitration as the exclusive dispute mechanism for such claim and that the ASE understands the procedural and substantive differences between arbitration and the other remedial forum or forums in which the dispute might have been resolved, including the differences in the scope of remedies available in arbitration as compared to other forums. The timeline to appeal to Arbitration set forth in Article 12, Grievance and Arbitration, will be extended by 30 days for said grievances to enable the ASE to make an informed choice.

B. SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or participation in other University activity;
2. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making personnel decisions affecting an individual; or
3. Such conduct could reasonably be assumed to have the purpose or effect of interfering with an individual's performance or creating an intimidating, hostile, or offensive working environment.

C. SEXUAL HARASSMENT COMPLAINT RESOLUTION PROCEDURE

With regard to grievances alleging sexual harassment, an employee who has timely filed a grievance may elect to substitute the campus sexual harassment complaint resolution procedure for Step 2 of the grievance procedure. Use of the sexual harassment complaint resolution procedure shall toll the time limits for the grievance procedure only if a grievance has been timely filed, pursuant to Article 12, Section C.2 (time limits for filing the written grievance). At any time, an employee may elect to resume the regular grievance procedure in place of the campus sexual harassment complaint resolution procedure by written notice to the University. The University's Step 2 grievance response

will be issued within fifteen (15) calendar days after such notice to return to Step 2 of the grievance procedure is received by the designated campus official.

D. DEFINITION OF GENDER IDENTITY

Gender identity means a gender-related identity, self-image, appearance, expression, or behavior of an individual, or other gender-related characteristics of an individual whether actual or perceived, and with or without regard to the sex designated or assigned to the individual at birth.