

1 **ARTICLE XX – NON-DISCRIMINATION AND HARASSMENT**

2
3 **Section XX.1. Workplace Behavior.**

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

9
10 The University encourages anyone who has experienced or observed discrimination or
11 harassment to report the allegation(s) in accordance with University policies and
12 procedures and this Article.

13
14 **Section XX.2. Discrimination and Harassment.**

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

23
24 **Section XX.3. Retaliation.**

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

29
30 **Section XX.4. Harassment.**

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

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

40
41 **Section XX.5. Sexual Harassment.**

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

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

- 1 A. Unwelcome sexual advances, requests for sexual favors or other verbal or
2 physical conduct of a sexual nature by a person who has authority over the
3 recipient when:
4 a. Submission to such conduct is made either an implicit or explicit condition of
5 the individual's employment, academic status or ability to use University
6 facilities and services; or
7 b. Submission to or rejection of the conduct is used as the basis for a decision
8 that affects tangible aspects of the individual's employment, academic status
9 or use of University facilities; or
10 B. Unwelcome and unsolicited language or conduct that is of a sexual nature and
11 that is sufficiently severe, persistent or pervasive that it could reasonably be
12 expected to create an intimidating, hostile, or offensive working or learning
13 environment, or has the purpose or effect of unreasonably interfering with an
14 individual's academic or work performance. This also includes acts of sexual
15 violence, such as sexual assault and sexual exploitation.

16
17 **Section XX.6.**

18 The University policy on Workplace Violence will be followed.

19
20 **Section XX.7. Complaints.**

21 A complaint may be filed as a grievance in accordance with Article XX of this
22 Agreement and/or following the complaint procedures in APS 46.3. In cases where an
23 employee files both a grievance and an internal complaint regarding the alleged
24 discrimination, harassment or retaliation the grievance may be suspended for a fixed
25 period of time by agreement of the parties. The suspension of the grievance does not
26 prevent the parties from discussing or entering into a settlement agreement. Employees
27 may also file discrimination complaints with appropriate federal or state agencies. The
28 parties agree to encourage the filing of discrimination complaints through University
29 Complaint Investigation and Resolution Office (UCIRO).

Deleted: discrimination

Deleted: with the

Deleted: University Complaint Investigation and
Resolution Office (UCIRO)

30
31 **Section XX.8. Timeline.**

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

34
35 **Section XX.9. Interim Measures.**

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

40
41 **Section XX.10. Representation.**

42 Employees shall have the right to be represented by an advocate of their choice,
43 including a Union representative, in the grievance or arbitration process.
44

1 **Section XX.11. Diversity.**

2 The Union and the University are committed to a workforce that complies with federal
3 and state laws and University diversity policy. The parties agree that University
4 employment and recruitment practices are an appropriate subject for the Joint Union
5 Management Committee.
6

Deleted: Postdoctoral Scholar

7 **Section XX.12. Lactation.**

8 The University shall provide accommodation for lactation in accordance with applicable
9 laws and UW policy. Accommodation shall include providing reasonable break time for
10 an employee to express breast milk for two years after the child's birth when the
11 employee has need to express milk and providing a private location, other than a
12 bathroom, if such a location exists at the place of business or worksite, which may be
13 used by the employee to express breast milk. If the business location does not have a
14 space for the employee to express milk, the employer shall work with the employee to
15 identify a convenient location and work schedule to accommodate their needs.
16

Deleted: for Postdoctoral Scholars

Formatted: Font: Arial, 12 pt, Highlight

17 The University shall maintain a webpage listing the established lactation stations of
18 which the University is aware, to include access instructions and what equipment is
19 available at each station (e.g., sink, refrigerator). It is understood that the lactation
20 stations listed on this webpage do not represent a comprehensive list. The parties may
21 add lactation stations to this webpage periodically, which will be discussed at the
22 request of either party. These lactation stations will be available to all employees.
23

Formatted: Font: 12 pt, Highlight

24 **Section XX.13. Bathroom Equity.**

25 The University shall provide access to gender-neutral bathrooms in accordance with
26 applicable laws and UW policy. The University shall publicize the location of every all-
27 gender bathroom on campus on a website.
28