

ARTICLE \_\_

**NON-DISCRIMINATION & HARASSMENT**

**(TRACKING CHANGES FROM UNIVERSITY PROPOSAL IN 5/3/19 PACKAGE)**

Section 1. Neither the University nor the Union shall discriminate against a Postdoc on the basis of race, color, ethnicity, religious creed, age, sex, marital status, national origin, citizenship, ancestry, sexual orientation, genetic information, physical or mental disabilities (including learning disabilities, intellectual disabilities, past/present history of a mental disorder), veteran status, prior conviction of a crime, workplace hazards to reproductive systems, gender identity or expression, or membership in other protected classes set forth in state or federal law. Discrimination is any distinction, preference, or detriment to an individual based on a category listed above that (1) excludes a Postdoc from participation; (2) denies the Postdoc the benefits of; (3) treats the Postdoc differently; or (4) otherwise adversely affects a term or condition of a Postdoc's employment or participation in a University program or activity. Neither the University nor the Union will discriminate against lawful political activity or union membership and activity.

Section 2. In the event an accommodation proposed to comply with state or federal law conflicts with a provision of this Agreement, the parties, at either party's request, shall meet to discuss the proposed accommodation.

Section 3. The parties agree that an accommodation made by the University or the Union with respect to any term or condition of employment shall apply only to the person accommodated in the particular situation. The fact that such person was accommodated, and the manner and method of such accommodation, shall be without precedent and may not be used or relied upon by any person or entity with regard to any subsequent grievance or arbitration pursuant to this Agreement.

Section 4. The Policy Against Discrimination, Harassment, and Related Interpersonal Violence shall be made available to Postdoctoral Research Associates through posting on a University website.

Section 5. No Postdoc shall be subjected to discrimination or discriminatory harassment as defined in the Policy Against Discrimination, Harassment and Related Interpersonal Violence ("Policy Against Discrimination"), which is revised and updated and may be renamed from time to time. This policy applies to Postdocs as well as the other members of the University Community. Discrimination and harassment are defined, and examples of discrimination and harassment and other prohibited conduct are set forth in Section IX of the Policy Against Discrimination. If there is a conflict between this policy and this Agreement, then the Agreement shall govern.

Section 6. The University recognizes that sexual harassment is inimical to its core mission, including its research and education mission, and will not tolerate sexual harassment in any form, and will not tolerate harassment of Postdocs by faculty, administrators, supervisors, students, co-workers, vendors, or visitors to the University.

(a) Unwelcome actions such as the following are inappropriate and depending on the circumstances, may meet the definition of sexual harassment or contribute to a hostile work environment:

- Sexual favoritism;
- Sexual pranks
- Repeated sexual teasing, jokes, innuendo, or story-telling in person, or via email or other electronic media;
- Verbal abuse of a sexual nature;
- Touching or grabbing of a sexual nature;
- Repeatedly standing too close to, brushing up against, touching, or massaging a person;
- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure a Postdoc to socialize);
- Giving gifts or leaving objects that are sexually suggestive;
- Making sexually suggestive gestures;
- Making or posting sexually demeaning or offensive pictures, cartoons, or other materials in the workplace;
- Stalking;
- Unwelcome conduct as enumerated above that occurs off duty and affects the work environment.

Section 7. Retaliation against any Postdoc who, in good faith, reports or who participates in the investigation of violations of the Policy Against Discrimination and/or this Agreement is strictly forbidden. Retaliation means any adverse action taken against a person for making a good faith report of prohibited conduct or participating in any proceeding under the Policy Against Discrimination or this Agreement. Retaliation includes any threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under the Policy Against Discrimination or this Agreement. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct. Claims of retaliation based on filing a discrimination or harassment complaint or on participating in an investigation of a discrimination or harassment complaint should be reported by the Postdoc or by the Union on the Postdoc's behalf to the Office of Institutional Equity ("OIE"). Other claims of retaliation should be reported in accordance with the University's Non-retaliation Policy. The University shall investigate all claims of retaliation promptly. The University shall ensure that a Respondent to a Postdoc's report or grievance, or to a report or grievance in which a Postdoc participated, will come under the joint authority of the Graduate School. In the event the matter proceeds to arbitration, the arbitrator cannot issue any award that makes an academic judgement.

Section 8. Postdocs who file a complaint alleging a violation of the Policy Against Discrimination to OIE shall be notified in writing that OIE's role is investigatory, that the OIE investigator does not represent the Complainant or the Respondent, and that the Postdoc may be a member of the bargaining unit and may elect to have a union official act as a support

person during the investigation. To that end, the OJE shall provide to the Postdoc the letter from the Union incorporated herein as Appendix {}.

In the event a Complainant or Respondent requests that OIE advise the union of the complaint, such notification shall be made. If a Postdoc contacts the Union about a grievance that alleges a violation of this section or the University's Policy *Against Discrimination, Harassment and Related Interpersonal Violence*, the Union shall encourage the grievant to bring the matter to the OIE.

Section 9. In the event a Postdoc has not filed a complaint with OIE, but files a grievance alleging a violation of this Article, the University may forward the allegations to relevant offices to help the process of investigation of the grievance. The grievant is encouraged to cooperate with efforts by University representatives, including interviews, to investigate the alleged violations cited in the grievance. The grievant shall have the right to Union representation during investigatory interviews, other than those conducted by OIE. Consistent with OIE procedures, a grievant who participates in the OIE investigatory process shall have the right to have one (1) support person (which may be a union representative) accompany them to any meeting with OIE related to the investigation. Accordingly, attendance at a meeting concerning an OIE process is limited to OIE representatives, the grievant, and the grievant's chosen support person, unless mutually agreed to in advance. Nothing in this section is intended to impact or alter OIE procedures, as may be amended from time to time. Should federal regulations concerning Title IX investigatory processes materially change, the parties agree to meet and discuss the impact.

Section 11 . In instances where the grievance is sustained, or during an investigation conducted by OIE in accordance with Article \_\_, Section \_\_, where interim remedial measures are taken, the University shall have the following remedies or interim measures available, including but not limited to: change to a different workstation, schedule, work location, supervisor, unit, department, or position appropriate for the Postdoc, provided that, in the case of a Complainant/Grievant, the change is equitable; training and education of a Respondent; and no-contact remedies.

Section 12 . The University maintains Gender Transition Guidelines to assist transgender and gender variant members of the campus community with navigating the policies and practices of the University during a gender transition, as well as to assist University community members in their efforts to support transgender community members. In conjunction with such Guidelines, as they may from time to time be revised and updated, the University shall comply with law including any applicable building code with respect to the provision of all-gender restrooms. The University shall make reasonable efforts to accommodate requests by a Postdoc for an all-gender restroom within a reasonable distance to the Postdoc's workplace.

Section 13 . The University shall comply with the law including any applicable building code with respect to the provision of lactation stations.

Kimberly Long  
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{Union Letterhead/Email/Contact info}

The International Union, UAW Local 6950 and the University share a commitment to an inclusive campus community free of any form of discrimination or harassment.

The OIE's role is investigatory and does not represent the Complainant or the Respondent. If you so desire, a Union representative will work with you as a support person. Whether you are going through our grievance process, state/federal processes, or the OIE process, a union representative can provide experience, support, and help you navigate the available processes and resources.

If you have experienced discrimination and/or harassment, we encourage you to contact the Union to help you . The Union can advocate on your behalf.

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