

1 **ARTICLE 8**

2 **NONDISCRIMINATION**

3 **Section 1.** The University ~~affirms upholds~~ its dedication to the principles of equal opportunity and
4 freedom from unlawful discrimination; as such, the University will not discriminate nor tolerate
5 discrimination or harassment as defined by University policy and federal and state laws. ~~on the basis of~~
6 ~~race, color, creed, ethnicity, ancestry, religion, gender, gender identity, gender expression, sex, age,~~
7 ~~national origin, marital status, sexual orientation, disability including HIV antibody status, domestic~~
8 ~~partnership status, familial status including parental status, pregnancy, veteran status, membership or~~
9 ~~non-membership in, or activity on behalf of or in opposition to, the Union, or any other extraneous~~
10 ~~considerations, not directly and substantially related to effective performance.~~ Unlawful discrimination
11 includes unlawful sexual harassment.

12 **Section 2.** The University and the Union agree to abide by federal and state laws and regulations for
13 affirmative action in all terms and conditions of employment.

14 **Section 3.** Pursuant to the Article 16, Section 3, GEs may only be disciplined for just cause and may not
15 be disciplined for discriminatory reasons.

16 **Section 3.** Definition of Discrimination. Any of the following constitute “discrimination”:

17 a. To discharge, or otherwise to act against an individual when the act arises from or on the basis
18 of race, color, creed, ethnicity, ancestry, religion, gender, gender identity, gender expression,
19 cultural expression, personal appearance, sex, age, national origin, marital status, sexual
20 orientation, disability including HIV antibody status, domestic partnership status, familial status
21 including parental status, pregnancy, veteran status, membership or non-membership in, or
22 activity on behalf of or in opposition to, the Union, or any other extraneous considerations, not
23 directly related to effective performance.

24 b. To limit, segregate, or classify a GE in a way that deprives or tends to deprive them of an
25 employment opportunity or otherwise adversely affects the employment status of a GE on the
26 basis of any of the categories listed in Section 3a.

27 c. Sexual harassment. “Sexual harassment” means unwelcome sexual advances, requests for
28 sexual favors, or other verbal or physical conduct or communication of a sexual nature under
29 the following conditions:

30 i. submission to or rejection of the conduct or communication by an employee is used as a
31 factor in decisions affecting their employment; or

32 ii. the conduct or communication has the purpose or effect of interfering with an
33 employee’s employment, or creating an intimidating, hostile, or offensive employment
34 environment.

35 d. Harassment. “Harassment” means conduct by a University of Oregon employee, student, or
36 volunteer, directed toward a GE that arises from or is related to the GE’s status or function as a
37 GE and that includes, but is not limited to, repeated or continuing unconsented contact or
38 repeated verbal abuse, threats, or intimidation that interferes with the GE’s ability to perform
39 their job duties, that would cause a reasonable individual to suffer emotional distress and that
40 causes the victim to experience emotional distress.

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42 ~~Section 4. The University shall take concrete steps in response to any of the forms of discrimination~~
43 ~~described in this Article in accordance with federal and state law, University policy, and other provisions~~
44 ~~of this Collective Bargaining Agreement such as the process outlined in Appendix D.~~