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3 **ARTICLE 8**

4 **NONDISCRIMINATION**

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

15 The University shall consult with the Union prior to changes in University policies regarding
16 discrimination and harassment **to the extent it impacts GE working conditions.**

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

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

21 **Section 4.** **In response to known discrimination or discriminatory harassment,** ~~The~~ University
22 shall take **appropriate concrete** steps in response to any of the forms of discrimination described
23 in this Article in accordance with federal and state law, University policy, and other provisions
24 of this Collective Bargaining Agreement ~~such as the process outlined in Appendix D.~~

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

- 26 ~~a. To discharge, or otherwise to act against an individual when the act arises from or on the~~
27 ~~basis of race, color, creed, ethnicity, ancestry, religion, gender, gender identity, gender~~
28 ~~expression, cultural expression, personal appearance, sex, age, national origin, marital~~
29 ~~status, sexual orientation, disability including HIV antibody status, domestic partnership~~
30 ~~status, familial status including parental status, pregnancy, veteran status, membership or~~
31 ~~non-membership in, or activity on behalf of or in opposition to, the Union, or any other~~
32 ~~extraneous considerations, not directly related to effective performance.~~
33 ~~b. To limit, segregate, or classify a GE in a way that deprives or tends to deprive them of an~~
34 ~~employment opportunity or otherwise adversely affects the employment status of a GE on~~
35 ~~the basis of any of the categories listed in Section 3a.~~
36 ~~c. Sexual harassment. “Sexual harassment” means unwelcome sexual advances, requests for~~
37 ~~sexual favors, or other verbal or physical conduct or communication of a sexual nature~~
~~under the following conditions:~~

- 38 ~~i. submission to or rejection of the conduct or communication by an employee is~~
- 39 ~~used as a factor in decisions affecting their employment; or~~
- 40 ~~ii. the conduct or communication has the purpose or effect of interfering with an~~
- 41 ~~employee's employment, or creating an intimidating, hostile, or offensive~~
- 42 ~~employment environment.~~
- 43 ~~d. Harassment. "Harassment" means conduct by a University of Oregon employee, student,~~
- 44 ~~or volunteer, directed toward a GE that arises from or is related to the GE's status or~~
- 45 ~~function as a GE and that includes, but is not limited to, repeated or continuing~~
- 46 ~~unconsented contact or repeated verbal abuse, threats, or intimidation that interferes with~~
- 47 ~~the GE's ability to perform their job duties, that would cause a reasonable individual to~~
- 48 ~~suffer emotional distress and that causes the victim to experience emotional distress.~~
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