

1 UNITED ACADEMICS PROPOSAL

2
3 SEXUAL HARASSMENT, BULLYING, AND DISCRIMINATION

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5 **Section 1. Definitions.**

- 6 a. Sexual harassment is any unwelcome sexual advance, request for sexual favor, or other
7 verbal or physical conduct of a sexual nature when:
 - 8 i. Submission to such conduct is made either explicitly or implicitly a term or
9 condition of an individual's employment;
 - 10 ii. Submission to or rejection of such conduct by an individual is used as the basis
11 for employment-related decisions affecting such an individual; or
 - 12 iii. Such conduct is sufficiently severe or pervasive that it has the effect, intended or
13 unintended, of unreasonably interfering with an individual's work performance
14 because it has created an intimidating, hostile, or offensive environment and
15 would have such an effect on a reasonable person.
 - 16 iv. A single isolated incident of sexual harassment may create a hostile environment
17 if the incident is sufficiently severe. The more severe the conduct, the less need
18 there is to show a repetitive series of incidents to establish the existence of a
19 hostile environment, particularly if the harassment is physical. Conduct that is
20 pervasive or persistent, even if not severe, may also create a hostile environment.
 - 21 v. Sexual harassment may be targeted at any gender, although it is far more
22 commonly directed against women and transgender people.
- 23 b. Bullying is defined as conduct of any sort directed at another that is severe, pervasive, or
24 persistent, and is of a nature that would cause a reasonable person in the victim's position
25 substantial emotional distress and undermine their ability to work or participate in their
26 regular life activities, and actually does cause the victim substantial emotional distress
27 and undermines the victim's ability to work or participate in their regular life activities.
28 Bullying can be directed at people regardless of their race, ethnic background, age,
29 gender, sexual orientation, or other identities.
- 30 c. It is prohibited discrimination when a person is subjected to unfair or prejudicial
31 treatment on the basis of race, creed, color, sex, religion, national origin, citizenship
32 status, ancestry, marital status, domestic partnership status, familial status, age, body size,
33 education level, disability, veteran status, sexual orientation, gender identity or
34 expression, membership or non-membership in or activity on behalf of or in opposition to
35 United Academics, or any other extraneous considerations not directly and substantially
36 related to effective performance.

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38 **Section 2. Creating a University Free of Sexual Harassment, Bullying, and Discrimination.**

39 United Academics and the Administration share a goal of creating a university free of sexual
40 harassment, bullying, and discrimination.

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42 The Parties agree that the right to work in an environment free of sexual harassment, bullying,
43 and discrimination is a fundamental right of all faculty members.

44
45 The Parties recognize that protecting faculty members from job-related sexual harassment,
46 bullying, and discrimination, and protecting those who have experienced such acts, is an

1 obligation of both Parties. The Parties commit to take all necessary steps to create and maintain a
2 work environment free of sexual harassment, bullying, and discrimination. The Parties agree that
3 this will be a shared and ongoing responsibility.

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5 The Parties further recognize that the trainings, structures, and all other steps and initiatives
6 necessary to accomplish their goal will require active involvement of and input from faculty
7 members.

8
9 The Parties agree that an environment free of sexual harassment, bullying, and discrimination
10 cannot be achieved unless any and all faculty members who have such complaints are
11 encouraged to come forward to report their complaints, knowing that they will be fully protected
12 from retaliation in processing all complaints made in good faith, and that the Administration and
13 United Academics will diligently, respectfully, and vigorously address all such complaints.

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15 The Parties acknowledge that sexual harassment, bullying, and discrimination are societal
16 problems, not limited to the workplace. These issues are, however, prevalent and persistent in the
17 workplace and at universities, among workers of all races, genders, ages, and sexual orientations.
18 As such, the Administration and United Academics both have a clear responsibility as well as a
19 unique opportunity to address these workplace issues in an intelligent and lasting way.

20 21 **Section 3. Preventing Incidents of Sexual Harassment, Bullying, and Discrimination.**

22 The Administration's policies on sexual harassment, bullying, and discrimination must focus
23 both on prevention and remediation.

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25 To further the objective of prevention, all relevant training programs, university policies, and
26 employment practices must be aimed not only at bargaining unit faculty members, but also at
27 administrators, supervisors, and non-bargaining unit employees.

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29 Such training programs, university policies, and employment practices must make clear that the
30 right to be free of sexual harassment, bullying, and discrimination goes to the core values of
31 dignity, respect, equality, and decency; that the Administration is committed to ensuring
32 standards of behavior that allow all university community members to feel safe and respected;
33 and that conduct that is inconsistent with these core values will not be tolerated.

34 35 **Section 4. Addressing Incidents of Sexual Harassment, Bullying, and Discrimination.**

36 In seeking to create an environment free of sexual harassment, bullying, and discrimination, and
37 despite the necessary focus on prevention, the Parties recognize that work-related incidents may
38 nonetheless occur and that if and when they do occur, they will need to be promptly addressed
39 and remedied informally where possible and formally where necessary.

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41 When any faculty member believes that they have been subjected to sexual harassment, bullying,
42 or discrimination, United Academics and the Administration will strongly support their decision
43 to come forward with a complaint, with assurances that there will be no retaliation or retribution,
44 regardless of the outcome, in response to good faith complaints.

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46 A Labor Management Committee on Respectful Workplaces (LMCRW), consisting of three

1 representatives from United Academics and three representatives identified by the Office of
2 Institutional Diversity shall be constituted within six months of the ratification of this
3 Agreement and maintained throughout its term. Representatives from the Coalition of Graduate
4 Employees and Service Employees International Union shall be invited to participate.

5 a. The LMCRW, with broad consultation from the Administration, United Academics, the
6 Office of Equal Opportunity and Access, Office of Institutional Diversity, Ombuds
7 Office, faculty members with an interest in offering input, and outside experts, shall be
8 charged with developing guidelines governing:

- 9 i. appropriate remedial steps that should be applied where it is determined that
10 sexual harassment, bullying, or discrimination has occurred;
11 ii. measures that should be made available to assist faculty members who have
12 undergone traumatic experiences and require professional assistance to aid their
13 recovery; and
14 iii. the informal processes, including Restorative Justice processes and mediation
15 services, that shall be made available to complainants who choose to have their
16 complaints addressed informally, and
17 iv. a supportive process that will be offered to faculty members who wish to
18 engage in an effort to explore possibilities for remediation that go beyond
19 punishment and focus on healing and learning from the experiences at issue.
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21 Should the complainant wish first to pursue their complaint informally, the complaint may be
22 taken up through an informal process established by the LMCRW. Such an informal process
23 shall be concluded no more than forty-five days from the filing of the complaint. Informal
24 processes will seek a resolution that is mutually acceptable to all parties concerned. Informal
25 processes may not result in formal discipline.
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27 Should the complainant prefer to pursue their complaint through formal procedures, they may
28 file a grievance under Article XX of this Agreement or pursue a formal complaint through the
29 Office of Equal Opportunity and Access.
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31 Neither the pursuit of an informal resolution through LMCRW-defined processes nor the filing
32 of a complaint through the Office of Equal Opportunity and Access shall forfeit a faculty
33 member's right to file a grievance under Article XX of this Agreement. Grievance timelines may
34 be extended by mutual agreement under the terms of the Grievance Procedure in Article XX.
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36 A faculty member who pursues an informal process through the Office of Equal Opportunity and
37 Access shall not forfeit their ability to pursue a formal complaint through the Office of Equal
38 Opportunity and Access.
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40 On July 1 of each year, the Administration will provide a report to United Academics with the
41 number of faculty members who contacted the LMCRW, Ombuds Office, and the Office of
42 Equal Opportunity and Access with concerns about inappropriate workplace conduct, including
43 sexual harassment, bullying, and discrimination.