

ARTICLE 15 NONDISCRIMINATION

A. GENERAL PROVISIONS

1. Within the limits imposed by law or University regulation, the University shall not discriminate against or harass any Postdoctoral Scholar on the basis of race, color, religion, marital status, national origin, ancestry, sex, pregnancy, sexual orientation, gender identity, physical or mental disability, medical condition, HIV status, service in the uniformed services, age, citizenship, political affiliation, union activity. For the purposes of this Article only,
 - a. Service in the uniformed services is defined by the Uniformed Services Employment and Reemployment Rights Act of 1994.
 - b. "Pregnancy" includes pregnancy, childbirth, and medical conditions related to pregnancy and childbirth.
 - c. "Gender identity" means a person's "gender identification" of themselves. Gender is defined in California Penal Code Section 422.56(c). Gender means "sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth."
 - d. "Medical condition" means either any health impairment related to or associated with a diagnosis of cancer based on competent medical evidence, or genetic characteristics.

B. SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or participation in other University activity;
2. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making personnel decisions affecting an individual; or
3. Such conduct could reasonably be assumed to have the purpose or effect of interfering with an individual's performance or creating an intimidating, hostile, or offensive working environment.

C. SEXUAL HARASSMENT COMPLAINT RESOLUTION PROCEDURE

With regard to a grievance alleging sexual harassment, a Postdoctoral Scholar who has timely filed a grievance may elect to substitute the campus Sexual Harassment Complaint Resolution procedure for Step 1 of the Grievance Procedure. Use of the Sexual Harassment Complaint Resolution procedure shall toll the time limits for the Grievance Procedure only if a grievance has been timely filed, pursuant to Article 6, Section A.5. (time limits for filing the written grievance). At any time, an employee may elect to resume the regular grievance procedure in place of the campus Sexual Harassment Complaint Resolution procedure by written notice to the University. The University's Step 1 Grievance response will be issued within fifteen (15) calendar days after such notice to return to Step 1 of the Grievance Procedure is received by the designated campus official.