

UPTE-CWA 9119 Member Policy: Discrimination, Harassment, and Fair and Respectful Treatment

1. Ethics and Values Statement

University Professional and Technical Employees-Communication Workers of America Local 9119 is a union working to help professional and technical employees at the University of California understand, exercise and strengthen their rights on the job.

UPTE prohibits discrimination in any union-related activities on the basis of race, color, national origin or ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, age, sexual orientation, citizenship, or status as a covered veteran, and any other category protected by applicable federal, state or local laws. All such discrimination is unlawful and all persons involved in the operations of UPTE are prohibited from engaging in this type of conduct. UPTE is committed to providing equal employment opportunity and participatory environment where each member and employee is treated with fairness, dignity, and respect.

2. Organizational Commitment

UPTE-CWA reaffirms its commitment as matters of both principle and policy that all forms of discrimination, for whatever reason, be vigorously opposed until all vestiges of discrimination are eliminated from society. Toward that end, and in keeping with the responsibilities UPTE has to its members, UPTE incorporates the following into its practices:

Ethics and Values for a Sound Organization

Respect:	We treat all members and staff with respect and courtesy.
Honesty:	We are truthful in how we represent our capabilities and ourselves.
Integrity:	We make decisions and take action based only on the best interest of the members and the organization.
Compassion:	We find solutions to workplace problems through the steward network that improve the lives of university workers.
Fairness:	We provide a consistent standard of treatment of all members coordinated across the organization.
Innovation:	We support innovation by our participation in educating all members, officers and staff.
Stewardship:	We seek to use all our resources effectively and efficiently.
Volunteerism:	We encourage our members to participate and strengthen our union by taking frequent small actions supporting our goals.
Community solidarity:	We develop relationships with individuals and organizations that mutually support the goals of our members.

3. Discrimination, Harassment and Retaliation are Prohibited

A. This policy prohibits discrimination on the basis of race, color, national origin or ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, age, sexual orientation, citizenship, or status as a covered veteran, and any other category protected by applicable federal, state or local laws.

i) Sexual harassment is a form of sex discrimination. Sexual harassment is defined as follows: unwelcome sexual advances, requested for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other union activity;
- b) submission to or rejection of such conduct by an individual is used as a basis for evaluation to make personnel decisions affect an individual; or
- c) such conduct has the purpose of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive union environment.

In determining whether the alleged conduct constitutes sexual harassment, consideration will be given to the record of the incident as a whole and to the totality of the circumstances, the context in which the alleged incidents occurred.

There are at least two types of sexual harassment. One is known as *quid pro quo* harassment. This includes situations in which a person explicitly threatened negative consequences, or promises positive consequences, as a means of securing acquiescence to unwelcome sexual behavior. The other type of sexual harassment is known as hostile or intimidating environment harassment. Conduct that may contribute to a hostile environment include, but are not limited to verbal, nonverbal, and physical sexual behaviors; sexual jokes and innuendo; remarks of a person's body; turning discussions inappropriately to sexual topics; whistling or cat-calling; looking a person up and down and/or staring at him or her in a sexually suggestive manner; invading a person's personal space or blocking her or his path; sexually explicit visual such as pinups; touching, hugging, massaging, and other gestures or sounds that a reasonable person would find offensive. Sexual harassment does not occur if the acts were isolated or trivial. The behavior must be sufficiently severe or pervasive as determined by the totality of the circumstances. UPTA does encourage members to report possible violations of this policy before they become pervasive or severe so that appropriate action can be taken to prevent its escalation or recurrence. It is important to note that the intentions of the alleged harasser are irrelevant in determining whether his or her behavior constitutes sexual harassment; it is the effect of the behavior upon receipt or upon others affected by the conduct that defines hostile environment harassment.

B. This policy further prohibits reprisal or retaliation against an individual for making a complaint of discrimination, including sexual harassment, and for using or participating in the complaint resolution processes.

4. Education and Training

As part of UPTE's commitment to providing a discrimination/harassment-free environment, UPTE shall provide a copy of this policy to all elected leaders, elected officers, committee members, bargaining team members and UPTE staff and shall make its best efforts to disseminate this policy to all UPTE members. UPTE shall post a copy of this policy, and a sample checklist for handling complaint in a prominent place on its website. UPTE will also disseminate this policy widely to the UPTE community through publications, websites, leadership training sessions, new member orientations, and other appropriate channels of communication.

UPTE shall provide periodic training for union leaders and supervisory staff members on discrimination/harassment. UPTE shall provide additional training for those UPTE members and/or staff designated to be responsible for handling complaints of and investigation into alleged discrimination/harassment. Generally, such persons include systemwide table officers, systemwide executive board members, and campus executive board members and UPTE staff members with supervisory responsibilities.

5. Reporting Violations

Who May File a Complaint: Any member of the UPTE community may report conduct that may constitute violation of this policy.

Where to File the Complaint: If an UPTE member, employee or volunteer believes she or he has been discriminated against or harassed, or is aware of discrimination/harassment against others, the member should provide a written or verbal complaint to his/her campus president, a member of the campus executive board member(s), a member of the systemwide executive board, or an UPTE staff member. The person to whom the complaint was reported shall be responsible for reporting such incidents to the systemwide president and Chair of the systemwide Personnel Committee in writing.

Any complaint may be filed in writing and sent directly to the systemwide president or the Chair of the systemwide Personnel Committee, addressed as follows:

President or Chair of Personnel Committee
University Professional & Technical Employees
[ADD ADDRESS]

When To File a Complaint: In order to end and prevent discrimination, UPTE encourages complaints to be filed as promptly as possible, and not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Local Campus Union President, systemwide President, or Chair of the systemwide Personnel Committee.

How To File a Written Complaint: Complaints should be made in writing and should be as detailed as possible, setting forth the following information:

1. Name, address, and telephone number or other means of contacting the complainant;
2. The specific location where the alleged incident(s) took place;
3. A description of the incident or action that the complainant alleges to be discriminatory. This description should be as detailed as possible, including the names of individuals involved, the names of any witnesses, direct quotations when language is relevant, and any documentary evidence (notes, emails, pictures, cartoons, et cetera);
4. The basis or bases of the discrimination; i.e., race, color, national origin or ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, age, sexual orientation, citizenship, or status as a covered veteran, and any other category protected by applicable federal, state or local laws.
5. The names, titles, and addresses of the persons alleged to be responsible for the discriminatory actions.
6. The names, titles, and addresses of persons of witnesses or others who may have knowledge of the alleged discriminatory acts.

The date(s) during which the alleged discriminatory action(s) occurred, and a statement as to whether these actions are continuing.

How To File an Oral Complaint: In the event a complainant makes allegations orally and refuses or is reluctant to submit the allegations in writing, the designated individual to whom the allegations are made shall document the complaint in writing. Every effort should be made by the person receiving the complaint to have the complainant provide the information set forth above. It is important for the individual accepting the complaint to be as accurate as possible when reporting a verbal complaint. Refusal by the complainant to sign and/or repeat the complaint shall be noted in the accepting employee's written statement. If assistance is needed, the potential complainant should not hesitate to contact the Chair of the systemwide Personnel Committee.

6. Investigating Alleged Violations

UPTE's systemwide president, the Chair of the systemwide Personnel Committee or either's designee will initiate a prompt, thorough, and impartial investigation of all discrimination/harassment complaints. Persons designated as investigators shall be trained about how to conduct the investigation. The investigation will include reviews of written materials and interviews with relevant people, as appropriate. The investigation

will conclude with a written report by the investigator(s) that describes the process they undertook and their conclusions as to whether a violation occurred. This report will be issued to the UPTE systemwide president and Chair of the systemwide Personnel Committee. The results of the investigation into the reported violation will be communicated by the UPTE president and/or systemwide Personnel Committee Chair to the member who complained, to the accused violator(s), to the systemwide executive board, and to the campus president (where appropriate). To the extent possible, UPTE will maintain confidentiality. The investigation shall be conducted as expeditiously as possible.

Interim Measures to Prevent and/or Correct Violations of this Policy: UPTE reserves the right to take swift action to prevent and/or correct alleged violations of this policy while the allegations are being investigated. If the individuals involved have to be separated, and such separation is within UPTE's power and control, UPTE shall take action to separate them so that such separation does not burden the individual raising the allegations of discrimination/harassment.

Conclusion of the Investigation: If the investigation reveals no evidence of discrimination, the complainant will be so informed. No complaint case will be closed until the complainant has been advised in writing of the final action. When corrective action is indicated, no case will be closed until this has been completed.

The systemwide president or systemwide Chair of the Personnel Committee, shall review and approve resolution of all complaints.

7. Remedial Action

If UPTE determines that prohibited discrimination/harassment has occurred, UPTE will take swift remedial action proportionate to the seriousness of the circumstances. Appropriate action will also be taken to deter any future discrimination/harassment. Individuals found to have engaged in discriminatory/harassing behavior will be appropriately counseled and/or sanctioned. Forms of remedial action may include, but are not limited to, the following:

- Counseling and education about this policy and other educational materials related to the violation
- Letter of reprimand
- Suspension and/or removal from union position(s)
- Suspension from membership
- Expulsion from membership

The UPTE Personnel Committee will recommend appropriate sanctions to the systemwide executive board. Members may wish to review their possible appeal rights under the CWA national constitution.

8. No Retaliation

As described above, this policy prohibits retaliation against a person who reports harassment, assists someone with a report of discrimination/harassment, or participates in any manner in an investigation or resolution of a report. Retaliation includes, but is not limited to, threats, intimidation, reprisals, and/or adverse actions related to a member's membership in or participation in the union.

9. False Reports

Because discrimination/harassment may involve interactions between persons that are not witnessed by others, reports cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting violations of this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to remedial action as described above in Section 7(Remedial Action).