

Article XX

Non-Discrimination and Harassment

Section XX.1. Discrimination

The University shall not discriminate against any employee or applicant based on protected classes. Protected classes include race, color, ethnicity, religious affiliation, age, sex (including gender identity and expression, pregnancy, childbirth, medical conditions related to pregnancy and childbirth, breastfeeding, and medical conditions related to breastfeeding), marital status, national origin, citizenship, ancestry, caste, sexual orientation, genetic information, physical or mental disabilities (including learning disabilities, intellectual disabilities, past/present history of a mental disorder), veteran status, a prior conviction of a crime, political affiliation, political activity and/or union activity, or membership in other protected classes set forth in state or federal law.

Discrimination is any distinction, preference, or detriment to a GE that: (1) excludes the GE from participation in; (2) denies the GE the benefits of; (3) treats the GE differently in the context of; or (4) otherwise adversely affects a GE's employment. Discrimination includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

Section XX.2. Scope

This prohibition applies to all aspects of employment for the GE, including but not limited to hiring, firing, promotion, compensation, benefits, training, discipline, and all other terms and conditions of employment.

Section XX.3. Community Safety Committee (CSC)

UNH will establish and maintain a Community Safety Committee (CSC), composed of undergraduate students, graduate students, staff, and faculty, with a strong emphasis on ensuring representation from historically marginalized groups. The committee will include individuals from diverse backgrounds, including but not limited to age, race, ethnicity, ability, disability, gender, religion, culture, first-generation student status, and sexual orientation. The committee will include a minimum of one (1) undergraduate student, graduate student, staff member, and faculty member, and will have a maximum of 10 members.

The CSC will be consulted on initiatives concerning discrimination and external communications related to global affairs. The committee will provide feedback and engage in discussions to ensure that these initiatives and communications reflect a grounded, diverse perspective.

CSC Committee members will have the authority to flag a University initiative, policy, or communication item if they believe it may have a detrimental or harmful impact on any group on

campus, particularly those from marginalized or historically underrepresented communities. Flagged items will be reviewed during regular committee meetings, and amendments may be proposed to reduce potential harm. If necessary, CSC will collaborate with the originators of the initiative or communication to suggest changes.

Once CSC has discussed and amended the item, it will be put to a vote. A majority vote—defined as more than half of CSC members in favor—will be required for the initiative or communication to proceed. If the vote does not pass, further revisions will be made, and the item will be resubmitted for review.

The results of the CSC vote will be communicated to all members, and a summary of how the feedback was incorporated (or not) will be shared with the broader university community to maintain transparency and accountability. The committee will meet periodically to assess its effectiveness and recommend improvements to its processes or new initiatives as needed.

Section XX.4. Harassment and Bullying

The University shall not tolerate harassment or bullying against a GE during any phase of their employment. Harassment is a form of discrimination or adverse actions or language targeted towards individuals due to their membership in a protected class, creating a hostile work or social environment. Bullying is the intentional repeated, targeted mistreatment of one or more people. Examples of instances of bullying and harassment include, but are not limited to:

1. Slandering, ridiculing, or maligning a person or their family;
2. Persistent name-calling that is hurtful, insulting, or humiliating;
3. Using a person as the subject of jokes;
4. Making abusive and offensive remarks;
5. Nonverbal gestures that convey threatening messages;
6. Using obscene gestures;
7. Deliberately excluding an individual or isolating them from work-related activities, such as meetings;
8. Criticism on matters unrelated or minimally related to the person's job performance or description;
9. Persistently or intentionally disallowing the person to speak or express themselves (i.e., ignoring or interrupting);
10. Unwanted physical contact, physical abuse, or threats of abuse to an individual, their work area, or their property;

Section XX.5. Sexual Harassment

The University recognizes that sexual harassment is inimical to its core missions, including its research and education missions, and will not tolerate any form of sexual harassment targeted at GEs by faculty, administrators, supervisors, students, co-workers, vendors, UNH visitors, or any

person they interact with through their connection with the University. Sexual harassment is unwelcome behavior of a sexual or graphic nature. Sexual harassment includes unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, graphic, or physical conduct of a sexual nature or based on sexual orientation or gender identity or expression, that satisfies one or more of the following:

1. An employee of the University or affiliated party either explicitly or implicitly conditioning the provision of an aid, benefit, or services of the University, such as an individual's employment or academic standing (i.e, academic evaluation, grades, or advancement) on an individual's participation in unwelcome sexual conduct (quid pro quo); in such situations, quid pro quo sexual harassment is considered to have occurred once the quid pro quo is offered regardless of acceptance of such offer, rejection of such offer, fulfillment of such offer, incurred damage resulting from such offer, and intent of offerer;
2. Unwelcome conduct determined by a reasonable person to effectively deny a person equal access to the University's education or work programs or activities;
3. Sexual assault, dating violence, domestic violence, and stalking.

Section XX.6. Intermediary Measures

In instances where a grievance is filed, or during an investigation of a harassment, bullying, or discrimination claim, interim remedial or supportive measures shall be made known and available to the complainant. All interim remedial or supportive measures, accommodations, or remedies shall be provided to the GE at no cost to the GE. Interim remedies include but are not limited to:

1. Change to a different workstation, schedule, work location, building, supervisor, unit, department, or position appropriate for the GE, provided that, in the case of a Complainant/Grievant, the change is equitable;
2. Training and education of a Respondent;
3. No contact remedies, including mutual no contact orders.

The GE must receive a decision within two (2) business days. If a request has been approved and cannot be met immediately, a reasonable timeline for meeting the request shall be provided within five (5) business days. If the University cannot meet the request as originally specified, the decision must come with both an explanation for not meeting the original accommodation request and an alternative way to satisfy the relevant access needs of the GE at no cost to the GE.

Section XX.7. Grievance Timeline

In cases of potential harassment or discrimination, a GE shall have no limit on the number of days to file a grievance per Article XX - Grievances.

Section XX.8. Transgender Protections

The University and the Union share a commitment to support transgender, intersex, two-spirit, nonbinary, and gender non-conforming members of the campus community with navigating the policies and practices of the University during a gender transition, as well as to assist University community members in their efforts to support transgender, intersex, two-spirit, nonbinary, and gender non-conforming community members. These commitments include but are not limited to:

1. Upon request from a GE, the University shall update aspects of a GE's employment and student record to reflect a change in name or gender, including pronouns/name(s) and persistent identifiers such as email addresses and computer system usernames.
2. The University shall not require legal documentation to be supplied to implement the requested changes, except where required by law, and where such legal documentation does not override the GE's request for a change in name or gender.
3. University and department-level records should accurately reflect GE pronouns and honorifics. If an error is found in this regard, it will be promptly corrected when brought to the attention of the department or program. To ensure this, the University shall designate a point of contact to process updates upon request to a GE's name, identifiers, pronouns, and honorifics.
4. The University shall respect the GE's decision to discuss their own sexual orientation, gender identity, or gender expression openly, or to keep that information private.
5. The University shall require that all University employees, when referencing a GE, regardless if the GE is present or not, accurately identify the GE's pronouns and honorifics. If an error is found in this regard, it will be promptly corrected by the University employee or when brought to the attention of the department or program. The intentional or repeated use of a GE's incorrect name, pronouns, or honorifics shall be considered harassment and bullying.

Section XX.9. Health and Disability Status Protections

Upon request from a GE with a disability, the University shall engage in an interactive process and will provide reasonable accommodation to enable GEs with disabilities to perform the essential functions of their job.

All GEs, especially disabled or immunocompromised GEs or GEs with chronic health conditions, have the right to a workplace free from harassment and discrimination. Intentional or negligent behavior to harm GE health or access constitutes harassment and discrimination, including but not limited to:

1. Acting intentionally or with gross negligence to cause illness or injury to a GE;
2. Intentionally or persistently disregarding a GE's accessibility or health needs;
3. Removing or attempting to remove or tamper with a GE's protective equipment or accessibility accommodations, or;
4. Disparaging or mocking a GE about health or disability status, protections, or accommodations.

Section XX.10. Immigration Status Protections

The University is fully committed to providing a safe and welcoming environment for all bargaining unit members, regardless of their immigration status. The University will notify the Union if it learns of an immigration investigation regarding a bargaining unit employee. The University shall not infringe the privacy rights of employees, without their express consent, in connection with any immigration investigation or proceeding.

Section XX.11. Prayer Space

The University shall provide at least one multi-faith prayer space location on each UNH campus, fully accessible to GEs. The University shall provide an additional prayer space in Kingsbury Hall. Locations and hours of each space shall be maintained on a central website.

The University will work with the GE and department to organize access to a temporary prayer space if none of the existing spaces meet the GE's needs.