

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 sex, race, color, ethnicity, national origin, age, disability, religion, marital status, pregnancy or related conditions, sexual orientation, gender identity or expression, protected hairstyles, veteran/military status, genetic information, or any other legally protected characteristic or other protected classes set forth in state or federal law. All GEs, especially disabled or immunocompromised GEs or GEs with qualified health conditions under the ADA, have the right to a workplace free from harassment and discrimination.

Section XX.2.

Discrimination (disparate treatment and/or disparate impact) occurs when an adverse action is taken against a GE or group of GEs and the action is based upon one's protected characteristic. Disparate treatment occurs when one suffers less favorable treatment, such as exclusion from participation, denial of benefits, or other adverse effects on the GE.

Section XX.3. Discriminatory Harassment

Discriminatory harassment is any severe or pervasive conduct directed to an individual or group of individuals because of any classification listed in Section XX.1 such that:

1. The conduct has the purpose or effect of interfering with an individual's work performance or creating a hostile, intimidating, or offensive working environment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.
3. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
4. Such conduct interferes with an individual's ability to participate in or benefit from an educational program or activity.

Examples of conduct which may, if continued or repeated, constitute discriminatory harassment may include, but are not limited to: unwanted physical contact; use of epithets, inappropriate jokes, or comments, or innuendos, obscene or harassing telephone calls, emails, letters, or other forms of communication; or any form of conduct that creates a hostile learning and/or working environment, such as those that affect promotion, demotion, wage and salary increases, and/or deliberately excludes individuals from work assignments.

Section XX.4. 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. For the purposes of this article sexual harassment is unwelcome conduct of a sexual nature that **is severe or pervasive enough to create** a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Section XX.5 Harassment

The parties agree that instances of harassment, such as those above, can occur unrelated to or concurrent with a GE's inclusion under a protected class, and such harassment is also a violation of this article. Characteristics not included in recognized protected classes which are self-identified membership of a group may include; ancestry, caste, prior conviction of a crime, political affiliation, political activity, or union activity.

Section XX.6. Transgender Protections

The University and the Union share a commitment to support transgender, intersex, two-spirit, nonbinary, and gender non-conforming GEs. Further, the University shall not reprimand or discipline GEs who for actions which support transgender, intersex, two-spirit, nonbinary, and gender non-conforming university community members, provided such activities comply with all laws, rules, regulations, University or University System policies that do not subvert the provisions or intent of this article, supportive or interim measures, and/or the terms of this agreement.

Upon request from a GE, the University shall update aspects of a GE's employment record to reflect a change in name or gender, including pronouns/name(s) and persistent identifiers such as email addresses and computer system usernames. Intentional ~~or~~ and repeated use of names or pronouns other than those requested by a GE shall be considered harassment for the purposes of this agreement.

Section XX.7. 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.

Section XX.8. Prayer Space

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

UNH Counterproposal

GEU-UAW Counterproposal August 5, 2025

October 8, 2025

The University will make a reasonable effort to work with the GE through the religious accommodation process to organize access to a temporary prayer space if none of the existing spaces meet the GE's needs. Prayer spaces are an appropriate topic for the Union-Management Committee.