

**The University Staff Association/Massachusetts**

**Teachers Association/NEA**

**and**

**The University of Massachusetts Board of Trustees**

**3.26.25 Tentative Agreement**

**Article 7: Anti-Discrimination, Affirmative Action, and Conflict of Interest**

**ARTICLE 7  
ANTI-DISCRIMINATION, AFFIRMATIVE ACTION,  
AND CONFLICT OF INTEREST**

**SECTION 1.**

The Employer and the Union agree that there shall be no discrimination or reprisals of any kind, subtle or overt, against any bargaining unit member because of his/her membership or non-membership in the Union or participation or non-participation in Union activities.

The University prohibits unlawful discrimination, harassment (including sexual harassment), and retaliation against anyone based on religion or religious belief, color, race, marital status, veteran or military status, age, sex, gender identity or expression, sexual orientation, national origin, ethnicity, disability, genetic information, or any other legally protected class, in education, admission, access to or treatment in, its programs, services, benefits, activities, and terms and conditions of employment at the University.

**SECTION 2.**

The Association and the Employer/University Administration agree that when the effects of employment practices, regardless of their intent, discriminate against any group of people on the basis of race, religion, creed, color, age, sex, national origin, or mental or physical disability, specific positive and aggressive measures must be taken to redress the effects of past discrimination, to eliminate present and future discrimination, and to ensure equal opportunity in the area of hiring, upgrading, promotion, transfer, recruitment, layoff, termination, rate of compensation, and in-service or apprenticeship training programs. Therefore, the parties acknowledge the need for positive and aggressive affirmative action. To accomplish these goals, certain positions may be designated as affirmative action target positions in accordance with the Employer's Affirmative Action Plan filed with the U.S. Department of Labor. The President of the Association shall be informed of such targeted positions simultaneously with the Division of Human Resources.

**SECTION 3.**

No employee shall participate directly in any decision or recommendation relating to appointment, promotion, retention, or other condition of employment at the University of any parent, child, spouse, sibling, parent-in-law, sibling-in-law, child-in-law, or stepchild of such employee, or supervise the performance of any such person except under such circumstances as the CEO may determine as warranting waiver of this prohibition in the best interests of the University.

**SECTION 4.**

The Employer and the Association acknowledge that sexual harassment is a form of unlawful sex discrimination, and the parties mutually agree that no unit employee should be subjected to such harassment. The term sexual harassment, as used here, is conduct such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which constitutes sexual harassment when:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of an

employment decisions affecting such individual.

- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

## SECTION 5.

Any charges of discrimination in violation of this Article shall be subject to the Campus Affirmative Action Grievance Procedure, and applicable State and Federal Laws under which the Association may represent the employee. Such charges shall not be subject to the contractual grievance and arbitration procedures.

## SECTION 6.

### A. RESPECTFUL WORKPLACE

The University and Association agree that mutual respect between and among managers, employees, co-workers and supervisors is integral to the efficient conduct of the University's business. Behaviors that contribute to a hostile, humiliating or intimidating work environment, including abusive language or behavior and sexual harassment, are unacceptable and will not be tolerated. Employees who believe they are subject to such behavior should raise their concerns with an appropriate manager or supervisor as soon as possible, but no later than ninety (90) days from the occurrence of the incident(s). In the event the employee(s) concerns are not addressed at the Departmental level, whether informally or through the grievance procedure, within a reasonable period of time, the employee or the union may file a grievance at Step 3 of the grievance procedure as set forth in Article 27. If the Association, requests a hearing at Step 3, such hearing shall be granted. Grievances filed under this section shall not be subject to the arbitration provisions set forth in Article 27. No employee shall be subject to retaliation for filing a complaint, giving a statement, or otherwise participating in the administration of this process.

### B. PRINCIPLES OF EMPLOYEE CONDUCT UNIVERSITY OF MASSACHUSETTS

The parties agree that the principles of employee conduct listed below apply to all University employees and should guide the conduct of employees and their supervisors in their work and serve as a basis for creating a civil and respectful work environment. Institutions of higher education are entrusted with great resources and commensurably great responsibilities. They must meet their mission of research, teaching, and service in ways that truly enrich the society that supports them and truly serve the students, parents, and alumni who in joining the university community become life-long members of the extended university learning family. College and university leaders play a key role in assuring that high standards of ethical practice attend to the delivery of services to their various constituents and to the custody and use by all their faculty, staff and students of the resources entrusted to them. The University of Massachusetts embraces the values expressed in these Principles of Employee Conduct and expects their observance by all its employees.

- University employees are entrusted with public resources and are expected to understand their responsibilities with respect to conflicts of interest and to behave in ways consistent both with law and with University policy.
- University employees are expected to be competent and to strive to advance competence both in themselves and in others.
- The conduct of University employees is expected to be characterized by integrity and dignity, and they should expect and encourage such conduct by others.
- University employees are expected to be honest and conduct themselves in ways that accord respect to themselves and others.
- University employees are expected to accept full responsibility for their actions and to strive to serve others and accord fair and just treatment to all.
- University employees are expected to conduct themselves in ways that foster forthright expression of opinion and tolerance for the view of others.
- University employees are expected to be aware of and understand those institutional objectives and policies relevant to their job responsibilities, be capable of appropriately interpreting them within and beyond the institution, and

contribute constructively to their ongoing evaluation and reformulation. The University is responsible for communicating to University employees the content of these Principles of Employee Conduct and for ensuring that the standards of conduct contained herein are met.

***The University expects to provide its employees:***

- a work environment that is professional and supportive;
- a clear sense of the duties of their job, the procedures for performance review, and access to relevant University policies and procedures;
- within the scope of each employee's assigned areas of authority and responsibility, the duty to exercise appropriate judgment and initiative in performing duties;
- the right to seek appropriate review of matters that violate the ethical principles contained in these Principles.

**SECTION 7. ANTI-BIAS TRAINING**

The parties recognize that promoting racial and cultural diversity within the University community is consistent with its mission as an institution of higher learning. In order to encourage awareness and to promote an environment free from discrimination, all employees will participate in mandatory training designed to educate the University community regarding anti-bias (as well as implicit bias or unconscious bias). New hires will be required to complete the training as part of their standard introduction to the University. Employees active at the time of this Agreement will be given 120 days to complete the training.

Thereafter, all active employees will be expected to complete refresher training, the frequency of which to be discussed jointly by the parties.

*Alyx Row 3/26/25*

*Barbara Chaput 3/26/25*

USA *Jheia Gilman 3-26-25*

*Mary Melin 3/26/2025*