

Article 7 - Non-Discrimination

Section A General Principles

1. **Non-Discrimination.** The University shall not discriminate against any SW on the basis of the protected categories listed in the University Non-Discrimination Policy, which may be amended from time to time. This policy sets forth the associated procedures for individual community members to make an internal complaint of discrimination based on the protected categories identified therein. Claims of violations of the University Non-Discrimination Policy will not be subject to Article 6, Grievance and Arbitration.
2. **Sexual Harassment.** The University also prohibits sexual harassment and other sexual misconduct, as defined by the University's Interim Title IX Sexual Harassment Policy, Interim Other Sexual Misconduct Policy, and the Sexual and Gender Based Harassment Policy. The University policies addressing sexual harassment and other sexual misconduct may be amended from time to time and set forth the associated procedures for making an internal complaint of sexual harassment or other sexual misconduct. Claims of sexual harassment or discrimination and other sexual misconduct will not be subject to Article 6, Grievance and Arbitration.
3. **Disability.** The University shall not discriminate on the basis of a SW's disability, including by failing to reasonably accommodate a disability, as defined by the University Disability Resources Grievance Policy, which may be amended from time to time. This Policy sets forth the associated procedures for making an internal complaint of disability discrimination, including failure to reasonably accommodate a disability. Claims of violations of the University's Disability Resources Grievance Policy will not be subject to Article 6, Grievance and Arbitration.
4. **Abusive or Bullying Behavior.** The University also prohibits bullying, hostile, and abusive behavior, as defined in the University's Anti-Bullying Policy, which may be amended from time to time. This policy sets forth the associated procedures for individual community members to make an internal complaint of the misconduct prohibited therein. Claims of violations of the University's Anti-Bullying Policy will not be subject to Article 6, Grievance and Arbitration.
5. All SW complaints regarding discrimination, harassment, or abusive and intimidating behavior in employment will be processed in accordance with the internal policies and procedures outlined above, with the sole exception of SWs' claims of discrimination or retaliation based on union activity or membership, as outlined in Section C. The policies and

procedures can be found on the Office for Community Support, Non-Discrimination, Rights and Responsibilities website. <https://csndr.harvard.edu/university-title-ix-policies>.

These policies also provide definitions for terms such as Sexual Harassment, Other Sexual Misconduct, and Consent. SWs may file formal complaints or seek informal resolution of violations of the University's policies on sexual harassment or other sexual misconduct and/or discrimination. There is no time limit for the filing of such a complaint under University policies or procedures. However, SWs are encouraged to file complaints as soon as reasonably possible.

6. SWs may not be pressured by Title IX Resource Coordinators, Local Designated Resources, or any other University officials to accept informal resolution of their complaint or supportive measures, instead of filing a formal complaint. Discussing in good faith the pros and cons of various approaches shall not be considered pressure to accept informal resolution. SWs are free to file a formal complaint at any time if they so choose. SWs may consult with advisors of their choice, including an attorney, at any point in the formal/informal University processes. SWs have the right to have an advisor, who may be a union representative, present in conversations with investigators, as outlined under personal advisors in the relevant University policies and procedures.
7. The University encourages any SW to contact one of the School or Unit Title IX Resource Coordinators, Local Designated Resources, or the Office for Community Support, Non-Discrimination, Rights and Responsibilities or ODR staff about any incidents of possible sexual harassment or other sexual misconduct and to learn about the options that are available to the SW if they wish to pursue that matter. Members of the bargaining unit are also free to have a Union representative accompany them in such discussions if they so choose.
8. Nothing in this Article or Agreement prevents a SW from pursuing complaints through external processes, including through the US Department of Education's Office for Civil Rights (OCR) or any court or state or federal agency that has jurisdiction over claims of discrimination.

Section B Non-Retaliation

1. Filing an internal complaint of discrimination, harassment, or bullying and cooperating in such an investigation are protected activities. Retaliation against any SW for initiating or otherwise participating in these protected activities is prohibited. All claims of retaliation for engaging in protected activity referenced in this paragraph shall be handled in accordance

with the procedures applicable to the underlying complaint, as enumerated in Section A above, and/or the University's Non-Retaliation policy.

2. Knowingly or deliberately providing false or misleading information in any investigation is prohibited.

Section C Discrimination Based on Union Membership or Activity

The University shall not discriminate or retaliate against a SW based on their union activity or membership. A complaint of discrimination or retaliation based on union activity or membership shall be handled through the Grievance and Arbitration Procedure in Article XX of this Agreement. A grievance alleging such discrimination or retaliation based on union membership or activity may not include additional allegations of other forms of discrimination, retaliation, or abusive behavior as defined under this Article.

Section D Reasonable Accommodation of Disabilities in the Workplace

The University explores requests from SWs with disabilities for reasonable accommodations in the workplace under the guidelines of the Americans with Disabilities Act, as amended, and other applicable disability laws.

To seek a reasonable accommodation in the workplace, or to seek further information about the reasonable accommodation process, a SW should contact University Disability Resources.

Section E Reasonable Accommodations for Pregnancy, Pregnancy-Related Conditions

The University shall provide reasonable accommodations for pregnancy or pregnancy-related conditions (examples include but are not limited to, morning sickness and lactation) unless to do so would impose an undue hardship on the University.

Examples of such accommodations include, but are not limited to, a modified work schedule; more frequent restroom, food, or water breaks; providing equipment for seating; limits on lifting; more frequent or longer paid or unpaid breaks; time off, with or without pay, to attend to a pregnancy-related complication; private non-bathroom space for expressing breast milk; and assistance with manual labor. Such accommodations will not result in decreased pay or benefits for the SW.

The University provides many lactation rooms across the University. Any nursing SW or their spouses/partners who are breastfeeding can register to use a Harvard lactation room. Locations of such lactation rooms can be found on the HARVie website. Should a SW be unable to access a

lactation/nursing room due to a disability, they may contact University Disability Resources office to request an accommodation.

Section F Facilities and Employment Records

1. **Bathrooms.** The University maintains gender-neutral or all-gender bathrooms in office, classroom and lab buildings. Gender-neutral or all-gender bathrooms are posted on a central website. The University will not prevent SWs from using a workplace bathroom appropriate to the SW's gender identity, subject to legal obligations.
2. **Employment Records.** The University shall respect the SW's decision to choose to discuss their own sexual orientation, gender identity, or gender expression openly, or to keep that information private. Upon request from the SW, the University will work to update aspects of a SW's employment record to reflect a change in name or gender. University and department-level records should accurately reflect SW pronouns and honorifics. If an error is found in this regard, it will be promptly corrected when brought to the attention of the department.
3. **Prayer Space.** The University shall maintain a central website with the location and hours of all known prayer spaces on campus.
4. **Medical Confidentiality.** In accordance with the requirements of HIPAA and FERPA, the University shall respect the highly confidential status of all SWs' medical records maintained by the University, including those that contain information about their transgender status (such as the sex they were assigned at birth).