Red text = New Union language
Blue text = Union language from the August 05 Proposal

ARTICLE XX.
PROTECTIONS AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING

Section A:

1. The Corporation is committed to the principle of equal opportunity in education and employment, shall not discriminate against any Employee on the basis of the protected categories as defined in Section B, and shall prohibit discrimination against any Employee on the basis of protected categories.

2. The Corporation~~University~~ also prohibits sexual harassment and other sexual misconduct, as defined by the University's Interim Title IX Sexual Harassment Policy, which may be amended from time to time, as well as the Interim Other Sexual Misconduct Policy and the Sexual and Gender Based Harassment Policy (versions effective as of August 2026). ~~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 X, Grievance and Arbitration.~~

3. The Corporation~~University~~ shall not discriminate on the basis of an Employee'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. Claims of violations of the University's Disability Resources Grievance Policy will not be subject to Article X, Grievance and Arbitration.~~

4. The Corporation~~University~~ also prohibits bullying, hostile, and abusive behavior, as defined in the University's Anti-Bullying Policy, (version dated effective September 1, 2023). ~~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 X, Grievance and Arbitration.~~

Section B: Definitions.

1. Protected Characteristics include any or all of the following: age, race, color, national origin, sex, sexual orientation, gender identity, gender expression, religion, creed, ancestry, disability, genetic information, medical condition, caregiver status, caste, membership or activity in any labor union, political beliefs, pregnancy and pregnancy

related condition, or membership in other protected status under Massachusetts, federal or local law, or any University Policy.

Section C: Right to notice and representation

1. Employees who allege experiencing Discrimination, Sexual Misconduct, Bullying, or Abuse as defined by this Article or are identified as Complainants shall have the right to Union representation at any meetings or processes pertaining to the case.

2. The Corporation shall notify any Employee complainant in a University complaint procedure that the Office of Dispute Resolution (or any similar University office that might conduct investigations) has an investigatory role and, as such, does not represent the Employee.

3. The Corporation shall also provide any Employee complainant in a University Complaint procedure with a letter from the Union, incorporated herein as Appendix X, outlining the right to Union representation and contact information for the union.

Section D: Recourse.

At the option of the grievant, a grievance filed with respect to this Article may be considered separately, simultaneously with, or subsequently to processing of a complaint under the relevant University policy and/or the available policies at affiliate hospitals or other workspaces.

If an Employee chooses to pursue the claim through the University policies simultaneously with the grievance, the grievance shall be held in abeyance until the University's review process is completed. If an Employee chooses to pursue a grievance under this Article subsequently to processing of a complaint under any University policy, the grievance must be filed within Article XX (Grievance and Arbitration), Section C time period following the exhaustion of any such policy to file their grievance.

When filing a grievance under this Article, Employees or the Union shall have the right to initiate such grievances at the final pre-arbitration step of the grievance procedure outlined in Article X, Grievance and Arbitration.

For complaints regarding this Article, the Employee shall have ninety (90) business days to file a grievance.

Section E: The Corporation shall provide, as appropriate, supportive measures designed to restore or preserve equal access to the Complainant's employment, education, or participation in

a University program or activity, protect the safety of all parties and the environment, and deter prohibited conduct.

Section F: The Corporation shall maintain the confidentiality of an Employee exercising any right under this Article and shall not share an Employee's information except with the Union, appropriate Harvard personnel as necessary to perform their duties, or as required by law.

Section G: An Employee shall not be subject to any form of retaliation, intimidation, or adverse action for: seeking advice, attempting to access or accessing services; raising a concern; reporting unprofessional conduct or mistreatment; filing a report or a grievance; participating in any aspect of remedial and/or disciplinary processes of alleged violations.