

MEMORANDUM OF UNDERSTANDING RE DEI PROPOSALS

In March 2021, OHSU retained Covington and Burling LLP (Covington) to lead an independent and thorough investigation regarding “inequitable treatment, discrimination, harassment, bullying, or intimidation [at OHSU] based on race, color, religion, national origin, disability, age, marital status, sex (including pregnancy), sexual orientation, gender, gender identity or gender expression”, principally by assessing whether OHSU’s current policies, procedures, and practices were optimally-designed to ensure that individuals are treated equitably, to prevent misconduct, and to ensure best practices. OHSU also asked Covington to address “how OHSU has handled, and how it should handle in the future, reports of inequitable treatment, discrimination, or harassment based on these protected characteristics, or based on other differences due to power dynamics, or retaliation for reporting these types of improper conduct,” including whether community members feel comfortable reporting these issues and whether they are appropriately investigated and addressed; whether existing data suggests disparities in reporting or outcomes; and whether OHSU acts in accord with best practices regarding communication of reports, investigations, and outcomes.

In December 2021, Covington completed its comprehensive investigation and issued its investigative findings and recommendations to address institutional cultural challenges (the Covington Report). Shortly after sharing Covington’s findings with its members, OHSU pledged to: (1) convene an implementation committee for Covington’s recommendations focused on planning and adoption with metrics and milestones for measuring progress that will be regularly shared with OHSU members; and (2) ensure

accountability by creating an oversight committee that will report to the OHSU President and OHSU Board of Directors.

OHSU created the Implementation and Oversight committees (the Committees), each of which began meeting in February 2022. The Oversight committee includes members from a wide group of stakeholders, including AFSCME and other unions representing employees at OHSU.

The Implementation Committee is tasked with implementing the Recommendations found in the Covington Report. The Oversight Committee is charged with reviewing, monitoring, and providing input to the Implementation committee.

Given the broad authority of the Committees to address Diversity, Equity, and Inclusion (DEI) matters for the entire OHSU organization, DEI matters should be addressed by the Committees. The purpose of this MOU is to establish the process for the Committees to respond to AFSCME's DEI proposals, including proposals to change or create Articles 5.UX2 (Demographic Information), new Memorandum of Understanding #UX1 (Collection of Demographic Information), 27.UX1 (Immigration Status Safety), 27.UX3 (Safety from Harassment, Discrimination and Violence), new 5.UX5 (Protected Classes); 5.UX6 (Quid Pro Quo Harassment); 5.UX7 (Racist Abuse); 5.UX8 (Sexual/Gender-Based Offensive Conduct or Harassment); 5.UX9 (Verbal Abuse); 5.UX10 (Violent Conduct); 5.UX11 (OHSU Member), and 27.X Leave for Harassment Allegations.

The Committees shall review and consider the Union's DEI proposals for adoption as OHSU policy, and shall provide the Union with a response on the Union's DEI proposals, as expeditiously as possible given the Committees' other priorities. The Committees and OHSU shall not have a continuing obligation to bargain with the Union regarding these

proposals, but the Committees shall consider the Union’s feedback on the Committee’s responses.

~~5.UX2—Demographic Information.~~

~~MEMORANDUM OF UNDERSTANDING #UX1 Collection of Demographic Information~~

~~27.UX1—Immigration Status Safety.~~

~~27.UX3—Safety from Harassment, Discrimination and Violence.~~

~~5.UX5—Protected Classes.~~

~~5.UX6—Quid Pro Quo Harassment.~~

~~5.UX7—Racist Abuse.~~

~~5.UX8—Sexual /Gender Based Offensive Conduct or Harassment.~~

~~5.UX9—Verbal Abuse.~~

~~5.UX10—Violent Conduct.~~

~~5.UX11—OHSU Member.~~