

# Diversity, Equity, and Inclusion

Note: Additional grievance procedure examples in the “Grievance” document.

Quotes (“”): verbatim from union contracts

*Italics*: paraphrased summary of union contract wins

## American University

### Discrimination

[The University will] “comply with the provisions of all applicable laws forbidding discrimination against or in favor of any GSEAU or employee on account of **race, color, religion, national origin, sex, age, personal appearance, sexual orientation, gender identity or expression, political affiliation, family responsibilities, disability, familial status, matriculation, marital status, source of income and place of residence or business, veteran status, or union membership.**”

“Management will have the right to take all actions necessary to **comply with disability law**, including but not limited to the authority to take actions deemed by the Management to be necessary to effect reasonable accommodations.”

## Brandeis

### Discrimination

“Unlawful discrimination has no place at the University and offends the University’s core values, which include a commitment to equal opportunity and inclusion. The University and the Union hereby affirm a **mutual commitment to affirmative action and a community that is truly integrated, diverse and inclusive.**”

Classes protected against discrimination include: “**race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity and/or expression, genetic information, military or veteran status, union membership or participation, or any other characteristic protected under applicable federal or state law.**”

### Complaints

“Filing a **complaint of discrimination or cooperating in an investigation of alleged discrimination shall be a protected activity.** Retaliatory actions against any individual for initiating or otherwise participating in such protected activities shall be expressly forbidden.”

## Columbia (*Columbia is currently bargaining for their first contract*)

[The union requests a contract which] “**codifies definitions of forms of harassment and discriminatory conduct.** Makes those cases **grievable and arbitrable** with real recourse to lower the barriers to reporting, interim measures, and a fair process. **Addresses power-based harassment** (bullying) via a side letter.”

## Harvard

### Discrimination and Abuse

“Harvard University provides equal opportunity in employment for all qualified persons and shall not discriminate against any [student worker] on the basis of **race, color, religion, creed, sex, sexual orientation, marital status, parental status, pregnancy and pregnancy-related condition,**

**gender identity, genetic information, national origin, ancestry, age, veteran status, military service, physical or mental disability, political beliefs, union activity or membership, or membership in other protected status under Massachusetts, federal or local law, or any University Policy.”**

“The University **shall not tolerate abusive or intimidating** behavior by individuals who hold supervisory authority over [student workers].”

“...Harvard University is committed to maintaining a safe and healthy educational and work environment in which **no member of the University community is, on the basis of sex, sexual orientation, or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination** in any University program or activity.”

#### Training

“...All **faculty, staff and students are required to take on-line training in sexual and gender-based harassment** as determined by the University.”...“the Union is free at any time to **offer suggestions** on how such training can be improved.”

#### Complaints

“[Student workers] have the right to **be accompanied by a Union representative** at any and all steps of the formal complaint procedures regarding any complaints of any type of alleged discrimination or harassment.”

“Filing a complaint in good faith of sexual and gender-based harassment and/or discrimination, other forms of discrimination, or abusive or intimidating behavior or cooperating in an investigation shall be a **protected activity.**” (*no retaliation!*)

### University of Illinois, Chicago

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“The parties agree that personnel decisions including reappointment shall be based solely on **job-and-academic related criteria and performance.**”

(*From the memorandum*): “The Union and University agree that by September 30, 2019, GEO and the Office of Access and Equity shall hold at least one meeting to discuss the Union’s interest in creating **gender transition guidelines and improving the access and functionality of lactation rooms** on campus.”

### UMass Amherst

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“The University shall not discriminate with respect to **appointment, reappointment, or terms of employment unrelated to stipends, on the basis of economically disadvantaged status.**”

“There shall be a **committee, with three members appointed by the Administration, three by GEO, and undergraduate student representatives,** which shall make recommendations to the Administration about ways in which to educate undergraduate students about diversity on campus, particularly as it relates to the diversity of TAs and TOs and related issues of harassment.”

“...the University will once a year schedule an **awareness program for graduate student employees and their supervisors,** regarding the problem of sexual harassment.”

### University of Michigan

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#### Discrimination

[The University commits to] “anti-discrimination and equal opportunity employment.”

Classes protected against discrimination include: **“race, creed, color, religion, national origin, ancestry, genetic information, marital status, familial status, parental status or pregnancy status, sex, gender identity or expression (whether actual or perceived), sexual orientation, age, height, weight, disability, citizenship status, veteran status, HIV antibody status, political belief, membership in any social or political organization, participation in a grievance or complaint whether formal or informal, medical conditions including those related to pregnancy, childbirth, and breastfeeding, arrest record, or any other factor irrelevant to their employment status or function.”**

“Employee selection procedures will be **open and free from bias.**”

“...the University will employ during the fall and winter semesters six (6) Graduate Student Staff Assistants (“GSSAs”) who will perform administrative, counseling or educational duties related to the Schools’ and Colleges’ **diversity, equity and inclusion strategic plans.**”

“In the event an Employee alleges harassment through this collective bargaining agreement or the Office of Institutional Equity procedures, and if measures to transfer the Employee are contemplated, the **University will notify the Employee that they are allowed to have Union representation during discussion about the possibility of such a transfer.**”

#### Definitions of Discrimination or Harassment

**“Definition of Discrimination:** Discrimination towards an Employee may occur on or off campus. Any of the following constitute “discrimination”:

- a. conduct based on an impermissible factor that adversely affects a term or condition of an Employee’s employment.
- b. using an impermissible factor as the basis for or a factor in decisions adversely affecting an Employee’s employment.
- c. retaliation in the employment context against an Employee who raises concerns regarding discriminatory conduct.
- d. conduct that has the purpose or effect of interfering with an Employee’s employment performance or creating an intimidating, hostile, offensive, or abusive environment for that individual’s employment. This conduct may include prohibited conduct as defined by relevant University Standard Practice Guides and sexual misconduct policies. This conduct may include, but is not limited to:
  - i. **harassment. “Harassment” means conduct directed toward a member of the bargaining unit that includes, but is not limited to, unconsented contact, verbal abuse, threats, intimidation, or intentionally refusing to address an Employee by their preferred gender pronouns.** Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose related to the individual’s employment, unless the timing or manner in which the activity or conduct is done adversely affects the Employee’s employment. Harassment may occur in a pattern or be a single incident, and may be directed towards one individual, or it may be a pattern of behavior directed towards multiple individuals.
  - ii. sexual harassment and sexual misconduct. “Sexual harassment” defines a subset of harassment and includes but is not limited to: gender-based harassment (including harassment emerging from the impermissible factors concerning gender identity and expression), unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature. “Sexual misconduct” includes unwelcome sexual contact, intimate partner violence, and stalking. Sexual harassment and misconduct occur under the following conditions:
    1. submission to or rejection of the conduct or communication by an Employee is used as a factor in decisions affecting their employment; or
    2. the conduct or communication has the purpose or effect of substantially interfering with an Employee’s employment, or creating an intimidating, hostile, offensive, or abusive employment environment.”

### Sexual-Harassment

“The Joint Committee on Workplace Free from Discrimination, Sexual Harassment, and Sexual Misconduct [**with six graduate student union representatives**] shall meet twice per year...to discuss potential concerns specifically related to GSA employment, with the express intent of working toward **maintaining and advancing a workplace free from discrimination, sexual harassment, and sexual misconduct.**”

### Gender-Inclusivity

“An employee who requires the use of gender-inclusive restrooms for reasons of gender identity may request to be located in a work site that has **reasonable proximity to gender-inclusive restrooms.** The University will allow employees to make these requests **without requiring proof of gender identity.**”

“GradCare will cover up to **15 speech language therapy sessions per calendar year for the treatment of gender dysphoria.** The employee will be responsible for paying the \$25.00 co-pay for each speech language therapy session.”