

STATEMENT OF EQUAL OPPORTUNITY LAWS AND POLICIES¹

Harvard University provides equal opportunity in employment for all qualified persons and prohibits discrimination in employment on the basis of race, color, religion, creed, sex, sexual orientation, gender identity, national origin, ancestry, age, veteran status, disability unrelated to job requirements, genetic information, military service, or other protected status. All personnel actions, including but not limited to those relating to compensation, benefits, transfers, layoffs, return from layoff, training, education, and tuition assistance are based on the principle of equal employment opportunity. Each administrative officer of the University is responsible for ensuring that individuals are afforded equal opportunity and are not denied access to these benefits.

Employment Laws

Title VII of the 1964 Civil Rights Act, as amended, and Executive Order 11246, as amended, prohibit discrimination in employment on the basis of race, color, religion, sex, or national origin. In addition, Executive Order 11246 requires certain federal contractors to take affirmative steps to ensure equality of opportunity in all aspects of employment. The Civil Rights Act of 1991 expanded the relief available to employees found to be victims of intentional discrimination based on religion, sex, national origin, or physical or mental disability. The 1991 Act gives plaintiffs seeking redress for intentional discrimination under Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act, the right to demand a trial by jury and to recover compensatory and punitive damages. In the Commonwealth, Chapter 151B of the General Laws of Massachusetts, as amended, makes it unlawful to discriminate in employment on the basis of race, color, religious creed, national origin, ancestry, sex, sexual orientation, age, genetic information, military service, or disability.

The Equal Pay Act of 1963 prohibits discrimination on the basis of sex in the payment of wages. The Age Discrimination in Employment Act of 1967, as amended, prohibits discrimination in employment on the basis of age.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against an otherwise qualified individual with a disability by any program or activity that receives federal financial assistance. Section 503 of that Act further requires certain federal contractors to provide for the employment and advancement of qualified workers with disabilities. In 1990, Congress enacted the Americans with Disabilities Act ("ADA"), a bill that prohibits private employers with 15 or more employees from discrimination against disabled individuals. The ADA expands the protections available to persons with disabilities, and prohibits discrimination against the disabled in employment (Title I) and public accommodations and services (Title III). Consistent with these two laws, Harvard University does not discriminate on the basis of mental or physical disability and provides reasonable accommodations for all qualified individuals with documented disabilities.

The Vietnam Era Veterans Readjustment Assistance Act of 1974 and the Jobs for Veterans Act of 2002 impose affirmative action obligations on certain government contractors with respect to special disabled veterans, veterans of the Vietnam era, recently separated veterans, armed forces service medal veterans, and other protected veterans. Harvard University actively encourages applications for employment from disabled and covered veterans and does not discriminate against disabled or covered veterans in hiring, promotion, or other personnel decisions.

¹ The following is a summary of equal opportunity laws and Harvard policies currently in force. As such, it is not meant to be definitive or comprehensive, and persons seeking complete information in any of the areas discussed should consult an attorney (with respect to nondiscrimination and Affirmative Action laws) or Harvard's Office of the Assistant to the President (with respect to Harvard policies).

The Immigration Reform and Control Act of 1986 ("IRCA") makes it unlawful for an employer in hiring, discharging or recruiting to discriminate against any individual who is authorized to work in the United States because of that individual's national origin, or, if the individual is a "protected individual" as defined by the Act, because of that individual's citizenship status. Under anti-discrimination provisions enacted as part of the Immigration Act of 1990, additional unfair immigration-related employment practices are prohibited. Harvard's employment policies and procedures are consistent with these provisions of the IRCA.

Other Equal Opportunity Laws

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance. Title IX of the Education Amendment of 1972 ("Title IX") and its regulations apply to employment in and admission to the educational programs and activities of recipients of federal funding. Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability in admissions or access to educational programs and activities. The Massachusetts Equal Rights Law (M.G.L. 93, Section 102 et seq.) also provides that all persons in Massachusetts "regardless of sex, race, color, creed, or national origin, shall have, except as otherwise provided or permitted by law, the same rights enjoyed by white male citizens, to make and enforce contracts... and to the full and equal benefit of all laws and proceedings for the security of persons and property." A 1990 amendment to this law extends this protection to individuals over forty and persons with disabilities. The Massachusetts Fair Educational Practices Law also protects applicants from discrimination on the basis of sex, race, color, religion, creed, or national origin. The University does not discriminate on the basis of race, color, religion, creed, sex, sexual orientation, gender identity, national origin, ancestry, disability, or other protected status in the administration of its educational policies, admission policies, scholarship and loan programs, athletic, social, recreational and other University-administered programs.

Any person who believes himself or herself to have been subjected to unlawful discrimination is encouraged to bring the matter to the attention of his/her supervisor or other appropriate University official at the earliest practical opportunity. No person will be punished, retaliated against, or limited in educational, employment, or other opportunity for exercising any rights protected under the laws, regulations or policies set out above, or for filing a complaint, furnishing information for, or participating in an investigation, compliance review, hearing, or any other activity related to the administration of these laws, regulations, and policies.