

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Harvard University

Case 01 -RC-

The parties AGREE AS FOLLOWS:

1. PROCEDURAL MATTERS. Upon execution of this agreement, the Petitioner shall present signed authorization cards and this agreement to the National Labor Relations Board ("Board"). The Employer is required by the Family Education Rights and Privacy Act to give notice to its students that non-directory information about them will be provided to third parties, pursuant to a lawfully-issued subpoena. Upon issuance of a subpoena by the Regional Director of the Board directing the Employer to provide a list of individuals presently employed in positions covered by the bargaining unit as described in paragraph 5 below, with job title and work location, the Employer agrees to provide the Regional Director with this list within one week after service of the subpoena. The Regional Director shall examine the cards and the list and determine whether there is sufficient showing of support to warrant an election. The subpoena described above will also state that, provided that the Regional Director determines that there exists sufficient showing of interest to proceed to an election, the Employer shall thereupon, within two business days after notice of that determination, provide to the Regional Director and the Petitioner a voter list of the full names, work locations, job classifications, home (local residential) addresses, available personal email addresses, and available personal home and cellular telephone numbers of all eligible voters. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Boards Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, President and Fellows of Harvard College ("Harvard University"), a Massachusetts charitable corporation with a place of business located in Cambridge, Massachusetts, operates a private university. Annually, in the course and conduct of its operations, the Employer derives gross revenues in excess of one million dollars, and purchases and receives at its Cambridge, Massachusetts facility goods and materials valued in excess of \$50,000 directly from suppliers located outside the Commonwealth of Massachusetts.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: Wednesday, November 16, 2016 HOURS: 10:00 a.m. – 8:00 p.m.

PLACES: Science Center; Tosteson Medical Education Center (TMEC)

DATE: Thursday, November 17, 2016 **HOURS:** 10:00 a.m. – 8:00 p.m.

PLACES: Science Center, Tosteson Medical Education Center (TMEC); Harvard Business School (hours of voting at Harvard Business School to be determined)

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All students enrolled in Harvard degree programs employed by the Employer who provide instructional services at Harvard University, including graduate and undergraduate Teaching Fellows (teaching assistants, teaching fellows, course assistants); and all students enrolled in Harvard degree programs (other than undergraduate students at Harvard College) employed by the Employer who serve as Research Assistants (regardless of funding sources, including those compensated through Training Grants). This unit includes students employed by Harvard University and enrolled in the Harvard Graduate School of Arts and Sciences, Harvard Business School, the Division of Continuing Education, Harvard Graduate School of Design; Harvard Graduate School of Education, the Harvard John A. Paulson School of Engineering and Applied Sciences, the John F. Kennedy School of Government at Harvard University, Harvard Law School, Harvard Divinity School, Harvard Medical School, the Harvard T.H. Chan School of Public Health, and Harvard College.

Excluded: All undergraduate students serving as research assistants, and all other employees, guards and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Saturday, October 15, 2016**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls as described above in paragraph 4. Voters will be required to show their Harvard student identification card or another form of identification in order to be permitted to vote. Ineligible to vote are employees who have quit or been discharged for cause after the designated payroll period for eligibility.

The parties have agreed that doctoral students who have been employed in the bargaining unit for at least one semester during the past academic year and who are not currently in their Dissertation Completion year (or final year of their program) may vote subject to the Board's challenge procedures.

6. VOTER LIST. Within 2 business days after the Regional Director has determined that there is a sufficient showing of support for an election to proceed, pursuant to the subpoena described in paragraph 1 above, the Employer will provide to the Regional Director and the Petitioner a voter list of the full names, work locations, shifts, job classifications, and home addresses, available personal email addresses, and available personal home (local residential) and cellular telephone numbers of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file

(.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. **THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining with Harvard University by HARVARD GRADUATE STUDENTS UNION-UAW (HGSU-UAW)?" The choices on the ballot will be "Yes" or "No".

8. **NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used in the Notice of Election. The parties agree that standard Board procedures require the Employer to post copies of the Notice of Election in conspicuous places and usual posting places easily accessible to the voters at least three (3) full days prior to 12:01 a.m. of the day of the election.

9. **NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individual will serve as the Employer's designated Notice of Election onsite representative:

Erica Crystal
Associate Director of Labor and Employee Relations
Harvard University

10. **ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. **OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. **TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.


13. **POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Boards Rules and Regulations.

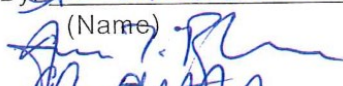
PRESIDENT AND FELLOWS
OF HARVARD COLLEGE

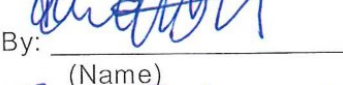
INTERNATIONAL UAW

(Employer)
By: Paul Lewis 10/15/16
(Name) (Date)


(Petitioner)
By: Julie Kustner 10/18/16
(Name) (Date)

By:  10/18/16
 (Name) (Date)

By:  10/18/16
 (Name) (Date)

By:  10/18/16
 (Name) (Date)

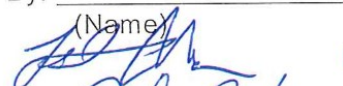
By: Sam Ewing 10/18/16
 (Name) (Date)

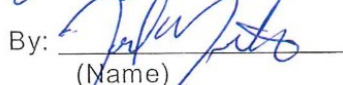
By:  10/18/16
 (Name) (Date)

By: Arin Denny 10/18/16
 (Name) (Date)

By: Al Weil 10/18/16
 (Name) (Date)

By: Nharika Singh 10/18/16
Ravi Datta 10/18/16
 (Name) (Date)

By:  10/18/16
 (Name) (Date)

By:  10/18/16
 (Name) (Date)

By: P. N. 10/18/16
 (Name) (Date)

Recommended: _____ (Date)

Date approved: _____

John J. Walsh, Jr.,
Regional Director
Region One
National Labor Relations Board
