

Proposed Amendment:

That Part Four, Sec. III. read as follows:

### III. DISCRIMINATION GRIEVANCE PROCEDURES

When a Faculty member feels that he or she has been discriminated against because of any of the individual characteristics in Part Four, Sec. I.,A., the following procedures shall be employed. To the extent possible, the confidentiality of information provided by all individuals involved in these procedures will be maintained. Nothing herein, and in Section IV following, precludes an aggrieved Faculty member from seeking satisfaction through the courts of the State of Ohio or of the United States prior to, or at any stage of, the grievance procedure.

The Faculty member (“Aggrieved Party”) shall first contact the member of the Faculty, administration, or staff against whom the grievance is directed, normally within thirty days of the alleged discrimination, and attempt to resolve the matter with that individual (“Charged Party”). If the matter cannot be satisfactorily resolved in this manner, the Aggrieved Party shall submit to the University’s Affirmative Action/Equal Employment Opportunity Coordinator for Faculty Positions (“Coordinator”), in writing, a description of the grievance, a statement of the redress sought, and a summary of the attempts which have been made to resolve the matter. The Coordinator will then inform the Charged Party that the Aggrieved Party had submitted a written statement. Within ten days of being so informed, the Charged Party shall also submit to the Coordinator a written statement describing the allegedly discriminatory incident(s) and the attempts made to resolve the matter.

Upon the receipt of written statements from both the Aggrieved Party and the Charged Party (collectively, “Principal Parties”), the Coordinator shall promptly make an investigation and seek such information as he or she deems necessary. If the Coordinator determines that the grievance is specious, frivolous or otherwise unwarranted he or she shall so inform both Principal Parties. If the Coordinator determines that the grievance is warranted, the Coordinator shall attempt to mediate between the Principal Parties. The Coordinator shall complete this determination and mediation, and shall report the results in writing to the Principal Parties, within ten days after receiving the written statements.

If either Principal Party is not satisfied with the outcome of the Coordinator’s efforts,<sup>1</sup> he or she may pursue the complaint within fourteen days by so informing the Coordinator, who will then ask the Chairperson of the Faculty Council to assemble a Grievance Committee under the procedure set forth in Part One, Section IV.,C. The Faculty Council will form a Grievance Committee by drawing lots from the Faculty Grievance Pool, after excluding any pool members who are principals in the matter. If any one of the members of the Grievance Committee believes that some serious reason will prevent proper participation on the Grievance Committee and if a majority of the others agrees, then a replacement will be chosen by lot from the same pool. The Aggrieved Party and the Charged Party shall each have the right to a peremptory challenge of one member of the Committee,<sup>2</sup> substitutes to be chosen by lot. All members of the Committee shall be present at each hearing. The Coordinator shall sit with the Committee in an advisory capacity as a non-voting member of the committee. The dissatisfied party then presents evidence and arguments at hearings scheduled by the Committee.

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<sup>1</sup> See Appendix I.5 for an interpretation of this part of the Faculty Handbook

<sup>2</sup> See Appendix I.5 for an interpretation of this part of the Faculty Handbook.

Both the Aggrieved Party and the Charged Party shall have the right to bring witnesses to testify on his or her behalf. The inquiry should proceed to a conclusion with reasonable promptness.

The Committee shall have access to whatever information it considers necessary, provided that the information does not violate confidentiality or the rights of others. All records of committee proceedings shall be confidential and shall remain in the custody of the Coordinator.

The Committee shall present its findings and recommendations to the Academic Vice President and to both Principal Parties within fourteen days of the conclusion of the Committee hearings. The Principal Parties may submit to the Academic Vice President written comments about the Committee's findings and recommendations within fourteen days after the Committee presents its findings and recommendation, after which time and with reasonable promptness the Academic Vice President shall make a final judgment. If the Academic Vice President's judgment is different from that of the Committee, the Academic Vice President shall state, in detail, the reason for his or her judgment to the Committee and Principal Parties. If the Academic Vice President is the charged party, the Committee's findings and recommendations shall go to the President of the University, who shall act in the stead of the Academic Vice President.

Upon the request of either Principal Party or of any other member of the Faculty, administration, or staff directly affected by the decision of the Academic Vice President, the President of the University may, but need not, elect to review the judgment of the Academic Vice President. If the President does elect to review the Academic Vice President's judgment, the decision which the President makes shall be the final University position.

Notwithstanding the above provisions, if at any time it appears that the complaint raises issues which must be decided by the Board of Directors of the University, the President shall refer the matter to the Board of Directors, whose decision shall be the final University position.

Finally, the Committee will notify the Faculty through the Faculty Council that its charge has been completed. To the extent it would not undermine or be inconsistent with the confidentiality requirement described above, the Committee may also, if it deems desirable, include in its report to the Faculty recommendations about procedural matters and other general policy matters raised by the investigation.

Access to University counsel shall be available for the Grievance Committee for all its actions and deliberations. The expense of this counsel shall be borne by the University.