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DOC 1982-09 Faculty Appeals and Hearing Procedures for Allegations of Illegal Discrimination

University of Dayton. Provost

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PROPOSAL TO THE ACADEMIC SENATE

TITLE: Faculty Appeals and Hearing Procedures for Allegations of Illegal DiscriminationSUBMITTED BY: ProvostDATE: March 14, 1983

Indicate the action required: Legislative, Concurrence, or Consultative, and refer to the appropriate reference in the Senate Constitution (Article IIB, 1, 2, 3).

ACTION IS: Consultative REFERENCE IS: _____**DESCRIPTION OF PROPOSAL: State objectives, rationale, and how proposal is to be implemented**

For about two years the University has clearly needed some special modifications of Faculty appeals and hearing procedures accommodated to the special legal circumstances of anti-discriminatory law and University policy, including sexual harassment. A committee of selected representatives of the Grievance, Faculty Preliminary and Faculty Hearing Committees, formed for the purpose of making these modifications, elected to do so in a way which would require a faculty vote and could not be ready for quite a long time.

The Office of the Provost has now been directed to put some procedure in place immediately. The attached procedures attempt to respond to that directive. The document has been reviewed by the Deans and by the Committee mentioned above (Dr. Alexander, Dr. Farrelly and Father Horst) and has been modified in accordance with their suggestions.

Although this document is less desirable than one which the Committee may produce in the future, it has the advantage of being compatible with our existing appeals procedure.

UNIVERSITY OF DAYTON
DAYTON, OHIO

PROPOSED ADDENDUM TO FACULTY APPEALS AND HEARING
PROCEDURES FOR ALLEGATIONS OF ILLEGAL DISCRIMINATION*

The University of Dayton is committed by tradition and policy to preventing illegal discrimination against any employee. The University requires each individual having the authority to make recommendations for the appointment and promotion of a faculty member to act in accordance with ethics and law.

Faculty members participating in collegial recommendations share in this responsibility, and are, therefore, encouraged to call attention to any practice which appears to violate these principles. Continual collegial efforts to uphold good practice and to identify, review, and, if necessary, correct our practices are a personal responsibility of each faculty member.

If a faculty member believes that an illegal discrimination opposed to law or University policy has occurred, every effort should be made to resolve the problem informally and at the lowest administrative level possible. Guidance or assistance on the moral and legal complexities of illegal discrimination may be available from the University Office of Human Relations and the Office of Personnel Services. Informal procedures should always include discussion with the alleged offender or with the offender's superior.

If informal discussion does not resolve the grievance satisfactorily within ten working days of the date of the grievance, the faculty member should provide the Provost with a brief written statement of the nature of the alleged discrimination, the person grieved against, and the remedy sought. The Provost will respond within the next ten working days.

If this exchange with the Provost does not resolve the grievance satisfactorily, the faculty member may apply to the appropriate Faculty Committees: the Faculty Hearing Committee if dismissal for cause is the issue; the Faculty Preliminary Hearing Committee if tenure or dismissal for reasons other than

*Since 1969 when the University's Regulations on Academic Freedom and Tenure (Faculty Handbook, pp. D-3.1 . . . D-3.9) were approved and the Faculty Hearing and Grievance Committees (Faculty Handbook, pp. D-9.1 . . . D-9.2) were established, Ohio and the United States have enacted a number of laws prohibiting discrimination on a number of bases. The spirit of these enactments has been captured in the University's own policy on Affirmative Action/Equal Opportunity Employment (Faculty Handbook, pp. C-2.1 . . . C-2.2) which prohibits discrimination in personnel matters for reasons of race, color, creed, national origin, sex, age, or handicap. In order to prevent any form of prohibited discrimination it becomes necessary to provide an appeals process under the special terms and conditions appropriate to issues of illegal discrimination.

cause is the issue; the Faculty Grievance Committee for matters other than tenure or dismissal. This application should be made within thirty (30) days from the termination of discussions with an Administrative Officer.

In proceedings of any type in which illegal discrimination is alleged to be the basis of the grievance, it is recognized that the burden of proving discrimination is upon the grievant in accordance with legal precedent.

Information involved in proceedings of this type will be handled in accordance with University regulations on confidentiality.

Because of time limits required by law for filing of charges (e.g., 180 days by the Equal Employment Opportunity Commission) Faculty Committees are encouraged to consider cases in a fair and expeditious manner in order to avoid depriving a grievant of a completed internal appeal.