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INTERDEPARTMENTAL

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TO: Steve Olswang
FROM: Helen Remick *HR*
RE: Faculty Adjudication Procedure

During today's meeting of Faculty Senate Special Committee on Faculty Women and in discussion after the meeting including Miceal Vaughan, we pondered how the following scenario would work under the proposed procedures. We offer it to you for inclusion in future discussions.

A student chooses to file a complaint of discrimination with the Office for Civil Rights, U.S. Department of Education and does not file an internal complaint. OCR investigates and finds cause to believe discrimination has occurred. It sends the University a settlement agreement which requires appropriate disciplinary action against a faculty member and concurrence within 30 days or legal action will be instituted.

The University's procedure for complaints filed with outside agencies is as follows. Upon receiving such a complaint, the Human Rights Office (HRO) would notify the appropriate respondent, department chair and dean, and the provost. HRO would do some investigation in order to determine the position of the University in responding to the complaint. HRO findings would be presented to the Provost, dean and department chair. If we concluded that the charge was false, the University would not enter into any settlement agreement. Should we conclude that the charge was true, then we would so notify the faculty member and attempt to find an appropriate resolution, which would then be presented to OCR as full resolution of the complaint. I see a problem if the University investigation shows that discrimination occurred, the appropriate administrators agree, and the faculty member continues to deny the charges or refused to enter into an agreement. In this case, OCR would present the University with a cause finding, likely requiring disciplinary action as part of the resolution. Under present and proposed procedures, it would appear that no disciplinary action could be taken by the University without using the adjudication procedure, which would not likely reach a conclusion

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