



University of Pittsburgh

Nondiscrimination, Equal Opportunity, and Affirmative Action Policy Committee Charter

I. Preamble

This body is called the Nondiscrimination, Equal Opportunity, and Affirmative Action Policy Committee (Committee). It is authorized by the Chancellor and will serve at the Chancellor's discretion. The Chancellor has authorized the Senior Vice Chancellor for Engagement and Secretary of the Board of Trustees (SVC-E) to direct the operations of this Committee, consistent with the terms of this Charter. This Charter outlines the purpose, relevant background, scope, responsibilities, composition, and operations of the Committee, as well as the review process for any proposals generated by this Committee.

This document should be read in conjunction with Policy AO 01, Establishing University Policies, and all other applicable University policies, protocols, and procedures.

II. Purpose

The Committee is created for the purpose of proposing a new University Policy to replace the current Policy on Nondiscrimination, Equal Opportunity, and Affirmative Action, and incorporate and replace the University's Policy on Sexual Misconduct. Included in this charge is the Committee's responsibility to produce documents that will support policy implementation, which will emphasize and govern the University of Pittsburgh's commitment to nondiscrimination, equal opportunity, and affirmative action in admissions, employment, as well as access to and treatment in University programs and activities, as well as its prohibition of sexual misconduct that is not otherwise addressed in University Policy CS 27, Title IX.

III. Background

In March 2019, a Policy Committee was originally established to revise University Policy CS 07, Nondiscrimination, Equal Opportunity, and Affirmative Action. That Policy Committee met monthly until a draft Policy and accompanying Procedure were produced for a formalized University review process. During that review, concerns were raised by stakeholders regarding the Policy. The Office of Policy Development and Management (Policy Office) along with the Chair of the Nondiscrimination Policy Committee and the Office of Diversity and Inclusion met several times with University stakeholders who had specific concerns with the draft Policy and Procedure under review at that time. The Policy review process was then paused when COVID-19 caused the University to curtail in-person meetings and interactions, including a scheduled meeting of the Chair of the Nondiscrimination Policy Committee and the Office of Diversity and Inclusion with all of these stakeholders.

Shortly after the Policy review process was paused, the U.S. Department of Education (DOE) promulgated new Title IX regulations in May 2020 that implicated Policy CS 20, Sexual Misconduct. Over the summer of 2020, the University published and implemented an interim Title IX Policy (CS 27), and interim changes to Policy CS 20, Sexual Misconduct, to ensure that the University was in compliance with the new DOE regulations.

Currently, as a result of the mandated compliance with the updated Title IX regulations, the University now has three University Policies related to the prohibition of discrimination (i.e., Policies CS 07, CS 20, and CS 27). While the University is obligated to have one Policy on Title IX under the new DOE regulations, the University has discretion as to how it addresses other forms of sexual misconduct that are no longer covered under Title IX. To ensure consistency with how the University handles complaints of discrimination, including those no longer covered by Title IX, this committee is charged with developing a new University Policy on Nondiscrimination that covers all non-Title IX forms of sexual misconduct. To do so, this committee will continue and build upon the work of the Nondiscrimination Committee established in March 2019. The purpose of consolidating Policy CS 20 into a revised Policy CS 07 is to ensure transparency, consistency, and equitable treatment in how the University prohibits all forms of discrimination, as required by law.

IV. Scope and Authority

The Committee will recommend a revised Nondiscrimination, Equal Opportunity, and Affirmative Action Policy, and supplemental documents, which will replace the current Policy and Procedure found at CS 07. In doing so, the Committee's deliberations must address the following topics:

- **Reporting.** Addressing the University's expectations, processes, and scope of reporting discrimination and harassment. In doing so, the Committee must consider the University's current discrimination and harassment reporting practices, including the designation of "responsible employees," and feedback received from the University community related to those practices.
- **Consistency, Expertise, and Institutional Knowledge.** Addressing the potential lack of consistency in the nature and scope of investigations, the expertise of investigators, and determinations and corrective actions that could result from the current decentralized approach to handling alleged violations under current policy and procedure.
- **Fairness and Due Process.** Consider and include fair disciplinary procedures in the revised policy and procedure, including expressly providing for notice and an opportunity to be heard, as well as clear appeal rights.
- **National Science Foundation (NSF) Reporting Requirement.** Institutionalize the interim revision made in October 2018 to comply with the new NSF term requiring institutions to notify NSF of any finding/determination or administrative action relating to sexual harassment, other forms of harassment, or sexual assault that concern NSF Principal Investigators (PI) or Co-PIs.

- **Incorporation of Sexual Misconduct.** Review and analyze interim University Policy and Procedure CS 20, Sexual Misconduct, and address its incorporation into a revised University Policy CS 07. Such a review and incorporation under Policy CS 07 should include ensuring that matters related to sexual misconduct that are not covered under Title IX are appropriately addressed in a revised Policy CS 07. The consolidation of Policy CS 20 into Policy CS 07 should streamline the University’s approach to all claims of discrimination that are not covered under Title IX into one University Policy and accompanying Procedure (along with relevant supplement documents) and ensure that these forms of discrimination are treated equally and as required by relevant federal, state, and local laws (e.g., Title VI and Title VII).

V. Responsibilities

As provided above, the Committee is created to propose a revised Policy on Nondiscrimination, Equal Opportunity, and Affirmative Action for the University. To perform this function, the Committee has the responsibility to:

- Review and consider the current nondiscrimination Policy: Nondiscrimination, Equal Opportunity, and Affirmative Action (Policy CS 07).
- Review and consider the previous draft Policy and Procedure CS 07 produced by the 2019 Nondiscrimination Policy Committee and the feedback that committee received on those drafts.
- Review interim Policy CS 27, Title IX to understand what forms of sexual misconduct are covered by that Policy.
- Review interim Policy CS 20, Sexual Misconduct to understand what forms of sexual misconduct are covered by that Policy.
- Research and discuss best practices for nondiscrimination, equal opportunity, sexual misconduct, and affirmative action, including a benchmarking of peer universities’ respective policies.
- Incorporate or address applicable local, state, and federal requirements in the proposed Policy and procedure.
- Recommend a draft Policy for review pursuant to the process described in Section VIII below and consider feedback received during that review and make appropriate revisions to the draft policy.
- Recommend a draft procedure for the effective and efficient implementation of the proposed Policy for review pursuant to the process described in Section VIII below and consider feedback received during that review and make appropriate revisions to the draft policy.

It is expected that the Committee will work in confidence to have a full and frank discussion of all options. Individual members should maintain the deliberations of the committee confidential and are expected to not discuss the content of the Committee’s deliberations outside of the Committee, unless authorized to do so by the Committee. The broader community will have an

opportunity to consider the Committee's proposals pursuant to the process described in Section VIII below.

VI. Composition

This Committee, at the direction of the SVC-E, will be co-chaired by **Clyde Pickett**, Vice Chancellor and Chief Diversity Officer, and **Anthony Infanti**, Christopher C. Walthour, Sr. Professor of Law. The Committee will include the following members:

1. **Kenyon Bonner**, Vice Provost and Dean of Students
2. **Allyn Bove**, EIADAC Senate Committee representative, Assistant Professor SHRS
3. **Madalyn Charnego**, Graduate & Professional Student Government representative
4. **Thomas Diacovo**, Faculty Affairs Senate Committee representative; Pediatrics, Bioengineering Department
5. **Angela Farkas**, Lecturer, Department of English; Associate Director of the Writing Center
6. **Laura Fink**, Assistant Athletic Director for Compliance
7. **Steve Gilson**, Associate Legal Counsel, Office of University Counsel
8. **Kayla Henderson**, Student Government Board representative
9. **Tracee Howell**, Assistant Professor of English, Bradford campus
10. **Ken Jordan**, Professor of Chemistry
11. **Keith Kapusta**, Employee Relations Specialist
12. **Kirill Kiselyov**, Tenure and Academic Freedom Senate Committee representative; Professor, Biological Sciences
13. **Natasha Tokowicz**, EIADAC Senate Committee representative; Associate Professor of Psychology
14. **Lu-in Wang**, Vice Provost for Faculty Affairs

Katie Pope, Associate Vice Chancellor for Civil Rights and Title IX, will support the committee on behalf of the Office of Diversity & Inclusion.

Laurel Gift, Assistant Vice Chancellor for Compliance, Investigations, and Ethics will support the committee on behalf of the Office of Compliance, Investigations, and Ethics.

Tyler Tenney, Policy Specialist, will facilitate and support the committee on behalf of the Office of Policy Development and Management.

VII. Operations

The Committee will meet monthly or more frequently as circumstances dictate. The Committee's proposed Policy to replace Policy CS 07, Nondiscrimination, Equal Opportunity, and Affirmative Action that includes the incorporation of Policy CS 20, Sexual Misconduct, will be submitted to the SVC-E for review in Spring 2021. The SVC-E may ask for interim status reports.

After the SVC-E's review is complete, the draft Policy will be submitted to the Policy Office to coordinate its review consistent with Policy AO 01.

VIII. Proposed Policy Review Process

The review process for the Committee's recommended Policy is as follows:

1. University comment period;
2. Council of Deans;
3. University Senate Committees on Equity, Inclusion and Anti-Discrimination Advocacy; Tenure and Academic Freedom; and Faculty Affairs;
4. Faculty Assembly;
5. University Senate Council; and
6. Administration Leadership.

The Committee will coordinate with the Policy Office to consider feedback provided throughout this process.

Once this review process is complete, the proposed policy will be sent to the Policy Office for review and submission to the Chancellor in accordance with Policy AO 01.

IX. Amendment

Any amendments to this Charter must be made in accordance with Policy AO 01 and receive the approval of the Chancellor or designee.

This Committee shall expire on the publication of a new University Policy that governs Nondiscrimination, Equal Opportunity, and Affirmative Action, unless otherwise directed by the Chancellor.