



University of Pittsburgh
Nondiscrimination, Equal Opportunity, and Affirmative Action Committee Charter

I. Preamble

This body is called the Nondiscrimination, Equal Opportunity, and Affirmative Action 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 01-01-01, Establishing University Policies, and all other applicable University policies, protocols, and procedures.

II. Purpose

The Committee is created for the purpose of proposing substantial revisions to the University Policy on Nondiscrimination, Equal Opportunity, and Affirmative Action, as well as its documents that will support 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. This new policy will update the current University Policy on nondiscrimination, equal opportunity, and affirmative action (Policy 07-01-03).

III. Background

The University's Nondiscrimination, Equal Opportunity, and Affirmative Action Policy and Procedure (07-01-03) underwent targeted reviews in November 2016 and October 2018, to ensure compliance with changed legal requirements, but has not been holistically reviewed for many years. In 2015, former Provost and Senior Vice Chancellor Patricia Beeson created an ad hoc committee to review existing policies and procedures related to sexual harassment, sexual violence, and discrimination. The work of that committee resulted in a new Sexual Misconduct Policy and Procedure (06-05-01) and a new Consensual Relationships Policy (07-14-01). The University's Nondiscrimination, Equal Opportunity, and Affirmative Action Policy and Procedure was left for further consideration.

In 2017, Provost Beeson reconstituted the committee, with changes in membership as several members from the 2015 committee had changed roles or left the University and requested that the Vice Chancellor for Diversity and Inclusion serve as chair. The committee was charged with reviewing the Nondiscrimination, Equal Opportunity, and Affirmative Action Policy and Procedure, and making recommendations as to which areas, if any, should be revised. Where recommendations were made, the committee was expected to articulate the issues and concerns,

as well as provide conceptual suggestions for any revisions. The Committee met regularly throughout the 2017-2018 academic and made substantial progress towards its charge.

The University recently established a new policy development process in University Policy 01-01-01, Establishing University Policies that emphasizes transparency and inclusiveness. To comply with the requirements found in that Policy and its implementing documents, this Committee will be formed to continue the work of the 2017-2018 committee. The Committee's deliberations and recommendations will be governed by the new policy development process and initiative.

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 07-01-03. In doing so, the Committee's deliberations must address the following topics:

- **Reporting.** Addressing the institutional requirements relating to the reporting of discrimination and harassment.
- **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 Principle Investigators (PI) or Co-PIs.

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 07-01-03).
- Review and consider the work product of the 2017-2018 committee.
- Research and discuss best practices for nondiscrimination, equal opportunity, 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.
- Recommend a draft procedure needed for the effective and efficient implementation of the proposed 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 chaired by **Pam Connelly**, Vice Chancellor for Diversity and Inclusion. The Committee will include the following members:

1. **Ellen Ansell**, EIADAC representative, Associate Professor School of Education
2. **Kenyon Bonner**, Vice Provost and Dean of Students
3. **Allyn Bove**, EIADAC representative, Assistant Professor SHRS
4. **Chardee Galan**, GPSG representative
5. **Paula Grabowski**, Professor, Biological Science
6. **Rob Hartman**, Assistant Vice Chancellor, Labor Relations
7. **Tracee Howell**, Assistant Professor of English, Bradford campus
8. **Anthony Infanti**, Professor of Law
9. **Ken Jordan**, Professor, Chemistry
10. **Nihita Manem**, SGB representative
11. **Tara O’Connor**, Office of University Counsel
12. **Doris Rubio**, Associate Vice Provost for Faculty

In addition, **Thomas Hitter**, Assistant Vice Chancellor for Policy Development and Management, will facilitate and support the committee.

VII. Operations

The Committee will meet monthly or more frequently as circumstances dictate, until the work set forth above is complete. The Committee’s proposed policy to replace Policy 07-01-03, Nondiscrimination, Equal Opportunity, and Affirmative Action will be submitted to the SVC-E no later than spring 2019. 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 Office of Policy Development and Management (Policy Office) to coordinate its review consistent with Policy 01-01-01.

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's Equity, Inclusion and Anti-Discrimination Advocacy Committee;
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. It is anticipated that the review process will be completed no later than fall 2019.

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 01-01-01.

IX. Amendment

Any amendments to this Charter must be made in accordance with Policy 01-01-01 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.