

APPENDIX E

1. Grievances alleging that the reappointment, promotion or tenure decision of an evaluator or an evaluative body was based on discrimination towards the faculty member in violation of Article 4 must be filed in accordance with the following:
 - a. The grievance must be presented on a form mutually acceptable to the AAUP-AFT and Rutgers as set forth in A.3.a - A.3.f of Article 10 or B.1 of Article 11, as applicable.
 - b. The grievance must be presented within the timeframes and shall follow the pre-hearing procedures set forth in B.1.a. - B.1.l of Article 10 or B.5 of Article 11, as applicable.
2. Grievances filed in accordance with paragraph 1 above shall be forwarded to, and, if applicable, investigated, and responded to, by the Office of Employment Equity ("OEE") pursuant to University Policy and Process. The grievant shall participate in this investigation or this portion of the Article 10 or Article 11 or the grievance shall be denied with prejudice.
3. The University and the AAUP-AFT agree that the OEE investigation shall not delay the processing of grievances by the Grievance Committees or delay reconsideration, on remand, of promotion, reappointment and/or tenure decisions, as applicable, by evaluators or evaluative bodies pursuant to Article 10 and Article 11.
4. If OEE determines that the reappointment, promotion or tenure decision of an evaluator or an evaluative body was based on discrimination towards the faculty member in violation of Article 4 (and should that determination be appealed by the evaluator or evaluative body pursuant to University Policy and be sustained following that appeal), the Office of Academic Labor Relations shall remand the evaluation consistent with the procedures set forth in Article 10 or Article 11. Allegations not based on discrimination by an evaluator or evaluative body in an Article 10 or Article 11 grievance shall be handled in accordance with Article 10 or Article 11.
5. If OEE determines that the reappointment, promotion or tenure decision of an evaluator or an evaluative body was not based on discrimination towards the faculty member in violation of Article 4 (or that the allegations do not present facts that are covered by Article 4) the AAUP-AFT may appeal the OEE decision, following a final ruling on an appeal of that determination pursuant to University Policy, to binding arbitration by filing a written notification to OALR in accordance with Article 9(E) of the collective negotiations agreement and an arbitrator shall be selected to hear the dispute in accordance with the procedures set forth in Article 9(E). Should the arbitrator sustain the appeal, the arbitrator shall be limited to providing the grievant with a remand of the promotion or tenure decision and the remand shall be processed consistent with the procedures set forth in Article 10 or Article 11.

6. A remand ordered by the Office of Academic Labor Relations as a result of a final determination by OEE, or by an arbitrator, as a result of a finding of discrimination by an evaluator or an evaluative body, shall be consolidated with any remand that might result from a Grievance Committee decision sustaining allegations not based on discrimination by an evaluator or an evaluative body in the Article 10 or Article 11 grievance, unless consolidation would result in delay by evaluators or evaluative bodies reconsidering tenure, promotion or reappointment decisions and the grievant objects to consolidation.
7. The procedures set forth in Article 10 or Article 11 shall apply to the consolidated remand on all remanded allegations.