

From: delfin bautista

Date: January 21, 2019 at 7:12:45 PM EST

To: "Bendl, Colleen" <bendl@ohio.edu>, secuban@ohio.edu, president@ohio.edu, djalali@ohio.edu

Cc: "Fodor, William" <bfodor@ohio.edu>, Jennifer Kirksey <kirkseyj@ohio.edu>, leatherc@ohio.edu, griffink@ohio.edu

Subject: grievance for recent decision to not renew my contract

Dear President Nellis, Dr. Secuban, Provost Djalali, and Ms. Bendl,

I am writing this letter as a way of appealing and filing a grievance with the recent decision to place me on administrative leave by not renewing my contract. I do not arrive at taking this action lightly and hope it will lead to dialogue between university leadership and myself. I am mindful that it is a long letter; I wanted to provide context and background in order to help those reading have a better understanding of concerns raised.

On Thursday, January 10, after attending a meeting at Human Resources focused on establishing a diversity advocate program, Gigi Secuban, Bill Fodor, and Julie Wilson came to the LGBT Center. I asked how I could be of help and was told that I was scheduled for a meeting to which I responded I did not have anything on my calendar or received notification of a meeting. Dr. Secuban said I should have received a calendar invite and I restated that I had not; I only had our 4pm Diversity Directors meeting on my calendar. Dr. Secuban then shared that she wanted to meet with me because she was not renewing my contract. When I asked why, I was told "we are going in a different direction" and when I asked what that direction was, Dr. Secuban responded "I am not a liberty to share." I shared that I knew something was happening as my calendar appointments for SafeZones and other events had disappeared and a colleague had reached out sharing that they had received an automatic response stating I no longer worked for the university. I shared that I honestly thought it was a glitch and was waiting for her to respond to a text message about the situation. Dr. Secuban's response was it was not supposed to happen that way and then she got up and left. Mr. Fodor and Ms. Wilson then proceeded to explain that I was being placed on administrative leave and would receive my salary and benefits until the end of the fiscal year. They also explained other aspects of the process and stated that all my director responsibilities were absolved immediately and I would need to vacate my office and turn in all university keys, ID cards, and electronics. I asked about my teaching responsibilities as I was scheduled to teach for Women's, Gender, and Sexuality Studies to which Mr. Fodor stated that my teaching responsibilities were also absolved (he did not know that I was scheduled to teach). I asked if Dr. Cindy Anderson had been contacted and was told that no one had contacted Dr. Anderson but that someone would. We then cleaned my office, I provided passwords and access codes, and returned my employee ID, hangtag, and other requested items. Mr. Fodor and I confirmed that we would meet on Friday to finish picking up my office as well as return the center's laptop and spare key.

On Friday, January 11, I received a message from Dr. Cindy Anderson that she had confirmed with Mr. Fodor that I would be allowed to teach the course I had committed to. Over the course of the weekend and on Monday, January 15, Ms. Bendl and Mr. Fodor stated that I would be allowed to teach one course for WGSS and that my OhioID would be reactivated so that I could access Blackboard for my students.

During my initial meeting with Ms. Wilson and Mr. Fodor they explained that I had 7-10 work days from Thursday, January 10 to file a grievance and also stated that I should copy Mr. Fodor on the email after I expressed concern that Dr. Secuban rarely responded to emails or messages. I am filing this grievance due to the lack of professionalism exhibited by Dr. Secuban and her executive assistant Ms. Amanda Graham, lack of communication, and concerns for Dr. Secuban's leadership.

The first reason I am filing this grievance is due to the unprofessionalism in which I was treated by Dr. Secuban and Ms. Amanda Graham on Thursday, January 10. While informing me of her decision, Dr. Secuban giggled and laughed. When I was no longer able to access my email, I sent her and Ms. Graham a text message asking for guidance and received no response. This dynamic of not responding has been a pattern of behavior of Dr. Secuban and Ms. Graham since Dr. Secuban was named Vice President. Her abrupt appearance and departure from the center reflected a lack of concern for my situation and also disrespect for me as a person. Dr. Secuban "apologized" for catching me by surprise and for not informing me of our meeting; I am intentionally using quotes as the apology did not appear to be sincere and she quickly brushed it away through giggles. While in the process of cleaning my office (and processing all that was happening), Ms. Graham insisted that I provide her access to the center's Facebook page and other social media accounts, reflecting a lack of sensitivity to the stress I was unexpectedly placed in. The lack of professionalism from both Dr. Secuban and Ms. Graham was and continues to be both jarring and concerning. Mr. Fodor and Ms. Wilson explained to me that the protocol is somewhat cold as a way of treating all employees the same and that non-renewal of contracts is a standard practice. They also explained university protocol in these situations; during the meeting should have been when my email was deactivated. When I shared that all of this happened prior to the meeting and that I was not notified there would be a meeting in the first place, they both apologized for the error and would followup with Ms. Graham. Again the lack of professionalism is concerning.

I was told that the reason for the non-renewal decision was due to "going in a new direction." Dr. Secuban met with all the diversity directors and special assistants prior to officially starting as Vice President. In my short meeting with her I shared a little about myself, the work of the center, and also asked what ideas she had about how the LGBT Center fits within her vision and goals for Diversity and Inclusion. I was mindful that she had not officially started but wanted to brainstorm some possibilities. Her response was that she didn't

have any ideas at the moment and that we would come up with individual center goals and division goals once she officially started (she did mention wanting to have a staff retreat). After she officially began her tenure as Vice President, I repeatedly asked her what goals and direction she had for Diversity and Inclusion and how the center fit within that direction; her response was consistently “I don’t know” or “I haven’t thought about it yet.” I was instructed to continue to do the work that I was doing and I received affirmations for my work and impact of the LGBT Center on the university as a whole (she applauded my efforts of engaging regional campuses and SE Ohio community). On October 31, my last supervision meeting with Dr. Secuban, I received positive feedback on my evaluation and goals—Dr. Secuban also shared that she would like the other directors to model their evaluations and goal sheets after mine as I balanced both personal and professional goals with center goals. She also expressed excitement about the ideas I shared in my goals and again repeated her desire for the other directors to follow my example as I included macro-level goals with concrete action steps. At no point had Dr. Secuban stated different directions or goals or even a hint of what she hoped for the centers individually or collectively. To then be told that “we are going in a different direction” is alarming as we were never given direction and I was not given the opportunity to even try to live into any goals laid out by Dr. Secuban. In 7 months all I knew of Dr. Secuban’s master plan was to come to work clean, groomed, and professionally dressed and that all budget decisions would be made by Ms. Graham. Dr. Secuban shared that she did not believe in micro-managing us as directors but consistently found ways to undermine our decisions by requesting that all events, media interviews, and other decisions receive pre-approval from either herself and most often from Ms. Graham, a person who like Dr. Secuban never took an interest or the time in getting to know the work of the LGBT Center. I repeatedly asked in my one-on-one meetings as well as sporadic staff meetings (our meetings as directors and as staff were frequently canceled for unspecified reasons) what goals she had for Diversity and Inclusion and was told that she was working on a plan; however, we never received the plan or the opportunity to contribute to the plan. I do not find it fair that I am being held to a direction / goal standard that was never communicated to me or given the opportunity to try to fulfill, especially since my ideas and goals received affirmations and approval from Dr. Secuban.

Lastly, Dr. Secuban’s leadership for the last 7 months has been concerning. She did not take the time to get to know myself as a director or get to know the work of the center. When she announced her decision to have Dr. Winsome Chunnu be the point person within Diversity and Inclusion for interfaith work; I sent an email to Dr. Secuban asking how I could help with these efforts given my academic and professional background in interfaith work—her response, “I didn’t know you had a background in religion.” When she announced that we would have the opportunity to expand the staff as well as potentially find a bigger location for the center, I thanked her for her efforts. At her request, I reached out several times to set up a meeting between her, Shawna Bolin, students, faculty, and staff served by the center to discuss space needs. My requests were never responded to and when I would ask for updates on the process I was told that there were none; in October I was told there was an update but that she was not allowed to tell me. Because my meeting requests never received any acknowledgment, the center staff and I created and distributed a survey requesting feedback on location possibilities. The graduate assistant for the center, Jeremy Sierra, summarized the results in a report for Dr. Secuban who again never acknowledged receipt of the report or reading the report. When she shared that Diversity and Inclusion was receiving funding to expand full-time staff, I shared my thanks and excitement for this news along with plans and goals for the work additional full-time staff would allow the center to pursue—goals and plans that never received any acknowledgment or feedback. Throughout the process of creating job descriptions, advertising the positions, and setting up the search committee, my voice was constantly ignored and left out of decisions. I also was not allowed to have certain types of representation on the search committee that my fellow directors were allowed to include. At the time of my dismissal, the LGBT Center was left without a director, assistant director, and administrative associate despite my constant efforts to assist with the process. Regarding the administrative associate search; I requested that candidates have experience working in diversity and was told by Ms. Graham that diversity backgrounds were not pertinent to the job. After several interactions in which Ms. Graham yelled at me and refused to take my thoughts into consideration, I requested to be removed from the process. I was told by Dr. Secuban that she agreed with my request for candidates to have diversity backgrounds and that she would commit to finding candidates that did. Though I only requested to be removed from the administrative associate search I was also removed from the Assistant Director search and even told that I would not be allowed to interact with the search committee. I asked for updates and offered to help; my offers were met with silence and in one instance told that my help was not needed. The LGBT Center remains the only office within Diversity and Inclusion without an administrative associate and to my knowledge no communicated plan of receiving one. Though President Nellis and Dr. Secuban have shared their commitment to the LGBT community and the allocation of financial resources to support the work of the center, the center has yet to receive any support and in many ways support to the center was restricted.

In a few short months, 3 professionals of color have been either terminated or removed from Diversity and Inclusion without explanation or notice. We were never given a reason as to why Dr. Alicia Chavira-Prado and Dr. Jacob Okumu’s positions were abolished or given the opportunity to debrief and collectively discuss ways to fill in the gaps left by their terminations. In October I filed a claim with the Office of Equity and Civil Rights Compliance; after meeting with Tony Anaya, he shared that my case was complex. He shared that though the actions of Dr. Secuban may appear to be unethical and targeted, it would be hard to prove in a court of law and that her decisions were within her right as a supervisor. He initially shared that I could go to Dr. Secuban’s supervisor but when I explained that her supervisor was the president, he expressed concern and quickly retracted his suggestion. Mr. Anaya did say he would meet with Kerri Griffin to discuss my claim and would followup with me. I never received any followup communication; I submitted a supplemental email with additional information which never received a response or acknowledgment. Though I understood my case was complicated, I came to know Mr. Anaya’s official response when The Post reported on my claim last week and included a pdf copy of my file which included Mr. Anaya’s letter. Prior to The Post’s publication, I was not aware of any final decisions and had not received any letter / email / communication from Mr. Anaya since my initial email to ECRC and our initial in-person conversation. I understand that Dr. Secuban is within her right as a supervisor to tell us to sign an agreement regarding professional standards based on university policy despite my sharing additional university policy that allowed for flexibility; my question is why so much effort on our appearance and no discussion on vision or goals? What also concerns me is that I was the only director whose meetings with Dr. Secuban included Mr. Fodor from HR; I was the only director to receive surprise visits from Dr. Secuban (when I asked my fellow co-directors about their visits, the response I received was “what visit?”); I was the only director whose audit took longer and included

unscheduled visits from the audit team. Again all within her right, however, I was being treated differently than my colleague directors; when I asked why, I received no answers.

Dr. Secuban brought a few concerns to my attention regarding my behavior; in my meeting with her and Mr. Fodor to discuss these concerns I was treated as automatically guilty:

- On National Coming Out Day, the LGBT Center planned an event which involved hosting the center outside so that we could take insta-print pictures with individuals / groups holding signs celebrating coming out as well as holding various pride flags. Unbeknown to us, three preachers arrived outside Baker Center shouting anti-LGBT messages and claiming that people living with mental illness are demonically possessed. I told the staff and those gathered around our table to ignore the preachers and to focus on celebrating being out and being proud. A group of individuals approached the preachers, many of whom engaged the men in dialogue. Several folks walked by and shouted profanities at the preachers, to which my staff, volunteers, and others responded with requests for critical engagement of the preachers comments and that yelling profanities would not be helpful tools for transformative discourse. At one point, someone in a car threw red paint on the poster of one of the preachers. My staff immediately used our bullhorn to announce that the individual was not affiliated with the center and that the center does not condone such acts as we are grounded in active non-violence. In my meeting to discuss this incident with Dr. Secuban and Mr. Fodor, Dr. Secuban stated that I had planned and instigated the action of paint throwing; when I explained what happened, how my staff immediately responded, how over the years I have trained students in the principles of active non-violence, and that I would never condone or approve of such an action, she accepted my explanation but appeared to still believe I was somehow connected to the paint incident. At no point in my career at Ohio University had I ever promoted violence towards any group; on the contrary I have been a strong vocal advocate for critical difficult dialogue between groups, especially those with different perspectives.
- At an event, Start By Believing, participants shared that I was disruptive due to sounds made as people were speaking. I apologized for this and shared that I had responded to an email I received from Kim Castor with my apologies regarding similar concerns. I explained to Dr. Secuban and Mr. Fodor that as a person of color, specifically a Latinx person, I come from a culture of call and response—when comments are made that we want to affirm, many cultures in Latin America respond with different vocal affirmations. I apologized that my actions were misunderstood and that I would be mindful of how I participated in events in the future as not everyone has the same cultural background or understanding. As a person of color, cultural and ethnic reactions are not always understood and I agreed to explore appropriateness of my reactions at a predominately white institution and community. In the meeting, I shared that during the event, an OHIO detective blatantly shared an untruth; he said that OUPD receives training from the LGBT Center to help officers better support survivors who identify as part of the community. During the event I shook my head and muttered to myself that that was not true. In 6 years, OUPD has never participated or requested training from the center—we have offered but our offers have been turned down. However, I apologized to Dr. Secuban sharing that I would followup with OUPD, apologize to all involved, and again would be mindful of how I participated in events, especially in reflecting disagreement...I shared with Dr. Secuban that I would explore alternative ways to express myself that made non-people of color more comfortable while addressing questions / concerns / comments raised during an event.
- I was told by Dr. Secuban that I could not use the word queer when referring to myself as it is a word that is an insult and if someone yelled the word at me I could not claim it as harassment as I could not claim a word as an insult that I approved for self-identification. I responded that queer is a reclaimed term and that context needs to be considered when dealing with its use. She insisted that I not use it and went as far as to use my husband, Jason Hernandez, to prove her point. In a media interview I shared that my beloved was not comfortable with the term queer because he was mindful of its problematic historic usage but understood that it was the word I used to identify myself and that many in the community redefined it into a word of empowerment. She asked that I remove it from my signature block, refrain from using it, and also requested that I refrain from calling myself “head queer” a title given to me by the campus and wider community out of both respect and affection for my work and the work of the center. I agreed to her request despite the discomfort it caused me. Following the meeting I shared with Dr. Secuban and Mr. Fodor via email that I did not think it professional for my supervisor to use my personal life against me; Dr. Secuban simply responded “thank you for the clarification.”

In the past week since my dismissal and administrative leave has become public information, comments have been made that there were concerns regarding my ability to manage a budget and misuse of funds. In my time as director, concerns over my use and handling of the budget were never raised. Cutler Business Services worked with me to help me with my budget, managing expense reports and other financial transactions. I do admit that I had to repay the university from time to time due to taxes being charged or for a charge that did not follow university policy. When Cutler Business Services caught something, they made me aware, explained the situation, and created a university reimbursement form. I paid these back in a timely matter and appreciated the guidance given to me by Cutler Business Services. The only concern ever brought to my attention was submitting receipts in a timely manner and ensuring that taxes were removed from purchases. When the audit team came to the center unannounced, they were impressed with my ability to demonstrate and show all purchases with explanations. In my meeting with the audit team, they shared that everything checked out and they had no issues with the center’s budget. Their feedback was to make sure when submitting reports to include as much information as possible and they also provided me with updates to university policy regarding p-card usage regarding purchasing food for student events. Many of the charges last year were food-related; the audit team explained that for the new academic year, these types of transactions would be receiving additional restrictions. Though I admit meeting with the audit team was intimidating, I appreciated their time and help in better understanding university process.

In response to a question about why all the new restrictions and processes being implemented within Diversity and Inclusion regarding our budgets, Dr. Secuban stated that she needed to ensure responsible usage of our budgets and then said that she was worried about me since I went \$30,000 over budget in the previous year. When I responded that this was never brought to my attention and requested proof, I received no response. After completing my own investigation, I shared with Dr. Secuban and Ms. Graham that I had not gone over budget in the previous year. Dr. Jason Pina had approved the purchase of furniture for the center which totaled \$15,000; Dr. Pina also gave \$50,000 to be split between the Women's Center, the Multicultural center, and the LGBT Center. My allotment was \$16,000 most of which went to purchase airfare for students to attend the Midwest Bisexual Lesbian Gay Trans Ally College Conference (MBLGTACC) in Omaha, Nebraska. I explained that it appears that I went over budget but in reality had not since the Division of Student Affairs would be transferring the funds to cover the charges. In email communication with Sheila Schultz, she explained that the transfers would not happen but at the end of the fiscal year, all would be balanced out and taken care of on the backend of finances. My explanation never received any acknowledgment or response; all purchase requests made by me were denied with the exception of one for food at the beginning of the academic year. Ms. Graham told me she was denying my requests since I had spent 5-10% more than the other centers; I explained that transactions vary between offices depending on the time of year. Because the center participates in Homecoming and October also being LGBT History Month / National Coming Out Day, our expenses would be slightly higher but that things would balance as other times of the year would increase expenses for other centers. I also explained that because of the lack of full-time staff in the LGBT Center, I hired an additional student staff person and raised the hourly pay for a graduate student who did not receive a GA-ship. Of the current staff, they have worked in the center the longest and had taken on leadership within the center. Because they were not granted a GA-ship, I increased their pay. I was told that we had to raise our GA stipends from \$11,000 to \$13,000 but would not be receiving funds to balance the demand on the budget. I shared with Ms. Graham that I had taken these additional expenses into consideration and canceled invited speakers and other events to help with the balancing of the budget. These explanations received no response or acknowledgement beyond that Ms. Graham wanted to meet with me to explain how to budget. Due to life circumstance the meeting never took place and all purchasing requests from the center were denied. It also occurs to be that each of the directors received an increase in our salaries; my understanding is that these increases would come out of our current budgets and the centers would not be compensated to meet the increase in our salaries. The strain with the budget had nothing to do with misuse of funds but staffing decisions regarding equitable pay. When our new salaries were announced I requested information on what was taken into consideration when making salary decisions given that the increase was to make director salaries more equal and equitable, despite the increases there are still drastic disparities in pay. My question received no response.

Like all professionals, I am mindful that I have areas of growth. I have responded to feedback given to me by David Descutner, Shari Clarke, Jason Pina, and Gigi Secuban by not only taking it into consideration but also living into feedback to the best of my ability. In my supervision meetings, I would bring questions and concerns not only about the center but also my professional growth; responses and insights shared were reflected over and to the best of my ability lived into at personal, professional, and center levels. I shared with Dr. Secuban (as well as her predecessors) that I ask questions not as a sign of disrespect but as a way of better understanding decisions so as to enact them better. I shared with Dr. Secuban that even when I disagreed with Dr. Descutner, Dr. Clarke, and Dr. Pina, I respected their decisions and followed them as I did with her. Though I did not agree with some of the decisions being made by Dr. Secuban, mostly due to lack of context or reason for said decisions, I respected them and implemented them in my work and into the work of the center. At no point did Dr. Secuban or any of her predecessors share dissatisfaction with my work or take disciplinary action; concerns were discussed and agreements made with Dr. Descutner, Dr. Clarke, and Dr. Pina. They made it a point to hear my perspective and side of the story before making any decisions or providing feedback. With Dr. Secuban, I felt that regardless of what I said or what others said, I was always guilty and in the wrong as soon as I walked into the room. More often than not, my work was affirmed and appreciated by my supervisors with Dr. Descutner sharing several times that I was the best hiring decision he had ever made (comments made to others who later shared them with me). As previously shared, Dr. Secuban appeared to approve the goals for the center laid out in my evaluation and in other discussions. Dr. Secuban and all her predecessors encouraged me to pursue a PhD; Dr. Secuban was very excited when I shared the possibility with her and even asked me to layout a diversity symposium as one of way of showing her encouragement as well as something to be developed more while completing a PhD.

I respectfully request that the decision not to renew my contract be reconsidered and re-evaluated for the reasons laid out in this email. The lack of transparency and professionalism demonstrated by both Dr. Secuban and Ms. Graham is concerning. Their actions towards me and inactions towards the wider LGBT community reflect a lack of commitment on their part. Their refusal to communicate and acknowledge communication as well as their lack of interest in getting to know the work of the center demonstrates that their quoted statements of support are not fully grounded in action. I am mindful that Dr. Secuban has the right to treat those who report to her in whatever ways she chooses, even if demoralizing and unethical; I would hope that it would raise questions when an employee is being treated differently despite having gone to Human Resources, the Ombuds, and ECRC (all were contacted for guidance but response given was there is nothing that can be done). It is also concerning that the two employees in Diversity and Inclusion, Dr. Chavira-Prado and myself, who sought help from HR were later removed from their positions despite the both of us sharing concerns about Dr. Secuban. As I shared with ECRC, I am not sure the difference in treatment of me was based on Dr. Secuban's dislike of trans people, Latinx people, LGBT people, or other identity I hold. Regardless, we need to work through these differences and model for other offices and departments as the university office charged with diversity and inclusion efforts. If dislike of me personally warrants a non-renewal of contract, would that not raise concerns of professionalism and ability to engage diversity? Also if likability is the grounds for dismissal, wouldn't more employees at all levels of the university have their contracts not renewed?

More so than the impact this letter can have on employment decisions, my grievance is grounded in my desire to see not just Diversity and Inclusion but all of Ohio University thrive and live into its diversity mission with transparency, accountability, and in the true spirit of inclusion. As I shared, I know I am not perfect and like all of us at all levels of the university have to grow in different ways. I own my mistakes as well as successes. In a few months, the actions of one person has undermined the confidence of an entire division and rather than providing transformative leadership has provided doubt, lack of transparency, and fear. Rather than focus on building a team, the team has been and continues to be destroyed. If we as Ohio University truly believe in critical engagement and discourse, I humbly ask that my actions as director of the LGBT Center be evaluated critically AS WELL AS those of Dr. Secuban, Ms. Graham, and any university employee regardless of rank or position. If we claim to be a Bobcat Family, should we not do our best to hear all perspectives to get to the truth or will we just listen to one person who is derailing the rest of the family?

In addition to this letter, I will also be submitting an exit interview provided to me by Mr. Fodor. If you require additional information and/or have any questions, please do not hesitate in contacting me.

Thank you for your time and consideration.

Queerful regards
delfin