

From: POST HEARING BRIEF OF THE EMPLOYER

WRIGHT STATE UNIVERSITY

Respectfully submitted,

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... Sweeney told WSARC to stop using the named-in-grant process, and Andersh stopped utilizing the named-in grant process in May 2015. (Andersh 279, 554-555) Andersh admits that he unknowingly violated University policy with this practice. (Andersh 544) Additionally, Ralston and Dr. Parker violated policy as well. (Andersh 545) Narayanan, who was WSRI's Executive Director, "understood the process." (Andersh 545; 16)

#### c) An Odd Example of "Named-in-Grant" - Greg Sample

In an unusual example, named-in-grant was used to employ Greg Sample as COO of Double Bowler. (Andersh 265; See WSU Exhibits 79-88) This exemplifies how named-in-grant was used to hire a person before any position was ever posted and how it was incorrectly labeled as a grant recipient and incorrectly paid out of "soft money."

Double Bowler performs property and real estate management and maintenance for the University. (Andersh 197) While Greg Sample was a named-in-grant hire, he did not receive a special contract. (Kokaly 1156)

Posting for Sample's position came through with fictitious grant paperwork compiled together by Liz Wiesman with Sample's name on it. (Kokaly 1157) The position posting came through as a G – grant number – but the offer letter said continuous employment. Because grant money means it is "soft money," the posting cannot be for continuous employment. Kokaly related this sentiment to Ms. Weisman. (Kokaly 1157)

Persons hired through the named-in-grant process receive a special contract because it is funded by “soft money.” There is no guarantee of renewal once funding ends. (Kokaly 1124)

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By contrast, a continuous employment contract funding from the University’s funds and does not rely upon grant funding. (Kokaly 1124) The distinction is noted in WSU’s offer letter templates. The first paragraph under an offer letter contained different language for a special contract (based on grant funding) versus the language contained in the continuous employment contract (which was paid from University funding). (Kokaly 1125, WSU Exhibits 31, 32, 33)

This was a significant enough concern that Kokaly relayed it to her superiors, Shari Mickey-Boggs and Fendley. (Id.) By the time she received the job posting, Kokaly believed that Sample had already received an offer letter. (Kokaly 1160) Reviewing WSU Exhibit #80

confirms Kokaly’s belief as Sample received an offer letter on May 13, 2014, but Kokaly did not receive an email until May 14, 2014. (WSU Exhibit 80)

Kokaly was not aware that Sample was brought to the University directly by the Board of Trustees. (Kokaly 1206) Regardless, the selection process allowed the Trustees to bypass the normal competitive job application process. Kokaly testified that she still has an issue with the way Sample was hired. Notably, Sample is now the COO of WSU. (Kokaly 1207-1208)

Narayanan admits that Sample should have been hired via a Trustee or President’s exemption. (Narayanan 2495-2496) Because Sample was incorrectly hired under named-in-grant, he was then paid off WSARC grant money until it was eventually changed and transferred to a different fund. (Kokaly 1164-1165) This would normally be a position that would be posted. The Chief HR officer along with VP for Finance, and Fendley (who followed this paperwork) all reported under Narayanan’s hierarchy. (Narayanan 2496-2497)

d) The Impact of Misusing the “Named-in-grant” Process on the University’s Equity and Inclusion Efforts

WSU’s hiring practices mandate that all job postings go through the Office of Equity and Inclusion. (Kokaly 1116) No position can be filled without that office’s approval. (Id.) This hiring practice extends beyond new hires; it includes internal lateral transfers, promotions, and

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demotion. (Id.) However, and against University hiring practices, the named-in-grant process bypassed equity and inclusion. (Andersh 272) But the hires were not consistent with the University's equity and inclusion principles:

Q. What were the demographics of the people who were hired by this grant?

A. The demographics of the institute were primarily white male, and it was very heavily white male. It was not uncommon in the engineering industry or computer science industry to have demographics like that. We weren't that different than industry, but it was predominantly white male.

Q. Okay. Was there any kind of allowance made by the University, some exception to be made, for WSRI employees because of whatever the demographics were out of the industry, or was everybody still subject to the same

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A. We were all subject to the same rules and responsibilities.(Andersh 272) Kokaly echoed a similar sentiment and had concerns that this abuse of the named-in-grant process adversely impacted affirmative action and equity/inclusion because 99.9% of the employees were white males. (Kokaly 1170-1171) There were no minority recruiting efforts, no advertising, no position posting, and no collecting applications. (Kokaly 1171) This was considered a major violation of WSU's equal employment opportunity policy.