

MEMORANDUM OF UNDERSTANDING

At the request of the American Association of University Professors, University of Akron Chapter ("Akron-AAUP"), The University of Akron ("The University") has agreed to delete the following sentence from its proposed Article 5 - Nondiscrimination:

However, with respect to non-discrimination on the basis of sexual orientation, it is agreed that this provision shall not be deemed to create any individual rights or benefits not otherwise agreed to in this Agreement.

In consideration of this Memorandum of Understanding, and in consideration of The University's withdrawal of the above sentence from its proposed article on Nondiscrimination, the parties acknowledge and agree to the following:

1. The inclusion of "sexual orientation" as a protected classification in Article 5 Nondiscrimination in the collective bargaining agreement shall not be the basis, in whole or in part, for any claim, grievance and/or lawsuit that same-sex partners/domestic partners shall receive hospitalization insurance, medical insurance, or other benefits of whatever nature or kind. Further, the inclusion of "sexual orientation" as a protected classification in Article 5 Nondiscrimination shall not be used by the Akron-AAUP as a basis to argue during factfinding that bargaining unit members should be awarded same-sex partner/domestic partner hospitalization insurance, medical insurance, or other benefits of whatever nature or kind.
2. The intent of the parties as expressed in the parties' bargaining notes and in this Memorandum of Understanding is that Article 5 Nondiscrimination has no application to the issue of same sex benefits/domestic partner benefits and shall not be deemed to create any such individual rights or benefits or entitlement to any such rights or benefits.
3. The parties intend that no court or arbitrator shall have authority to impose same-sex benefits.
4. The Akron-AAUP shall not base any grievance or discrimination claim premised on the Nondiscrimination article on the failure of The University to provide domestic partner benefits to same-sex couples.
5. The University acknowledges and agrees that this Memorandum of Understanding is not to be included as a part of any collective bargaining agreement that might eventually be reached, and that this Memorandum of Understanding will not be disseminated to anyone or utilized by The University unless the Akron-AAUP or a bargaining unit faculty

member(s) takes any action that contravenes the agreement reached herein.

AGREED:

THE UNIVERSITY OF AKRON

By: Stuart M. Weir
Chief Negotiator

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,
UNIVERSITY OF AKRON CHAPTER

By: Michael Chen
Chief Negotiator