

ANNUAL REPORT OF THE COMMITTEE ON PRIVILEGE AND TENURE
September 1, 2004 – August 31, 2005
Submitted by Committee Chair Norman Matloff

INVESTIGATIVE SUBCOMMITTEE

Membership:

Norman Matloff, Chair
Marc Blanchard
Arturo Gandara
Daniel Link
Lyn Lofland

The Investigative Subcommittee met eight times during this past year. The Subcommittee dealt with two grievances carried over from previous years, four new grievances, and two past disciplinary actions.

Grievances

1. A faculty member in the School of Medicine (SOM) alleged that the department chair misappropriated funds intended for the faculty member's state supported FTE and otherwise improperly adjusted the faculty member's salary, denied the faculty's right of shared governance, and inequitably allocated academic time for research.

The latter formed the core of the grievance, with the faculty member complaining that all FTE faculty in his department had been reduced from 40% research time to 20%, while campus expectations for merit and promotion actions remained the same.

The investigation found sufficient evidence on all four allegations to warrant a hearing, and suggested that the Administration offer a remedy. The Administration disagreed, and the Investigative Subcommittee referred this case to the Hearings Subcommittee. The hearing is still pending as of October 25, 2005.

2. An SOM faculty member alleged that the Dean improperly relocated the faculty member's academic office and clinical practice, and placed severe restrictions on his access to surgical time at the University Medical Center, and alleged that this action was in retaliation against the faculty member's complaints about funds appropriations issues. The investigation found sufficient evidence on both allegations to warrant a hearing. The Subcommittee recommended reversal of the relocation, but this was rejected by the Administration. The Investigative Subcommittee referred this case to the Hearings Subcommittee; the outcome of the hearing is still pending, as of October 25, 2005.

3. A faculty member alleged that her promotion had been improperly denied, claiming that she had been subjected to criteria not applied to similar candidates, and that key figures in the promotion process had been personally biased against her. The investigation found sufficient evidence on the allegations to warrant a hearing. The Administration offered a re-review of the promotion case. Discussion between the Administration and the grievant is still in progress as of October 25, 2005.
4. In reviewing a faculty member's merit action, CAP had recommended in favor by a 4-3 vote, but noted that the negative votes were due to an alleged lack of collegiality on the part of the faculty member. The latter alleged that this was an improper criterion, and that it had had an impact on his Career Equity Review (CER), which was handled by CAP at the same time. He further alleged that the Administration's policy of not allowing faculty to appeal negative decisions on CERs by CAP violates the APM. As of October 25, 2005, the Subcommittee has not yet released its report on this case.
5. A faculty member alleged improper denial of a merit increase due to inconsistent standards, improper actions by the department, etc. As of October 25, 2005, the Subcommittee is still considering this case.
6. A faculty member alleged that the department vice chair and the college associate dean had improperly pressured him into changing the course grade of a student who believed that her grade was too low. The faculty member also charges that the Senate Grade Change Committee and the Senate Student Faculty Relations Committee erred by allowing a grade change to be based on re-assessment of the quality of the student's work, which is forbidden by Regulation A540(E). The faculty member made related charges concerning the processing of an Incomplete grade for the same student in a second course taught by this same faculty member. As of October 25, 2005, the Subcommittee is still investigating this case.

Disciplinary Cases

In disciplinary cases, the Investigative Subcommittee is limited to a review of the Administration's written statement of charges and the accused faculty member's written response.

7. The Chancellor alleged that a faculty member violated APM 015 in that the faculty member created a hostile learning environment in the classroom. The Chancellor proposed as sanction a letter of censure and suspension for one quarter without pay. The Investigative Subcommittee reviewed the complaint and recommended mediation, which was rejected by the Administration. The complaint was referred to the Hearings Subcommittee, which found the charges to be valid and agreed to the Administration's proposed sanction. The Administration later changed the sanction, against the recommendation of the Investigative Subcommittee chair, who believed that the change violated APM 016's prohibition against imposing a harsher sanction than the one originally proposed.

8. The Administration alleged that a faculty member violated APM 015 by failing to meet generally accepted responsibilities while teaching classes. The charges included frequent absence from a studio course, having students number the pages of the course Reader on their own, and having students learn a software product on their own. (The Administration charged that the latter action violates APM 015's prohibition of "arbitrary denial of access to instruction.") The Investigative Subcommittee suggested that the Administration's investigation should have included two students who wrote favorable letters in support of the faculty member, not just on the interviews of three complaining students. The Subcommittee also stated that it felt that some of the charges were petty and not covered by the claimed APM sections. The Administration disagreed, and a hearing is still pending, as of October 25, 2005.

HEARINGS SUBCOMMITTEE:

Membership:

Robert Hillman, Chair
Colin Carter
Neil Flynn
Bill Hing
Hanne Jansen
Thomas Joo
Denise Krol
James MacLachlan
David Shelton
Susan Tucker
Diane Wolf

The Subcommittee received 4 referrals for a hearing: cases #1, 2, 7, 8 summarized above. Cases #1, 2, 8 were received in the latter part of the year and were therefore deferred to the incoming subcommittee.

The hearing for case #7 was held for four days. The findings and recommendations of the hearing panel were submitted to the Chancellor and were in support of the proposed sanction.