

TO: Sara Wise, Secretary, Faculty Senate
FROM: Eldon D. Wedlock, Chair, **Faculty Grievance Committee**
RE: **Annual Report 2002 - 03**
DATE: August 14, 2003

The Faculty Grievance Committee this past year consisted of Dr. Ward Briggs, Languages, Literature & Culture, serving the unexpired term of Dr. John Richards, Psychology, Dr. Thomas Borg, Developmental Biology and Anatomy, Dr. James Sodetz, Chemistry & Biochemistry, Dr. Caroline Strobel, Accounting, Dr. Sarah Woodin, Biological Sciences, and the Chair, School of Law. We received four grievances and issued two recommendations finding no cause for grievance and two recommendations finding cause for the grievance and recommending relief. The no cause recommendations were accepted by the President. One of the other recommendations were rejected by the president and one is still unresolved by him.

The committee's work was hampered this past year by a "slow start." Prior to having jurisdiction of a grievance the committee must await the resolution of a presidential administrative review process. Despite a letter from the chair of the committee to the President in one case, the administrative review was never completed by the president in any of the cases. This meant that the committee could not take jurisdiction of the grievance until the passage of 120 days from the date of the time the administrative review is sent to the president. Since all the cases involved decisions that were made in late April or May, the jurisdiction could not be had until September, at the earliest. We did not hold our first hearing until October 16, 2002, and the cases backed up from there. Scheduling problems among members of the committee also caused delays, and we did not have a full committee for one grievance. We held our last hearing on April 22, 2003. We would urge the president to complete timely his administrative review.

Summaries of the cases follow:

1. **Non-renewal of untenured assistant professor.** The unit tenure and promotion committee had recommended the renewal but the dean did not. A letter of non-renewal was received from the dean, and the claim was that the decision was made by an improper person, as the Faculty Manual states that when there is a disagreement between the tenured faculty and the dean over non-renewal, the file is to be forwarded to the provost for a decision. The provost noted that the dean had consulted with the provost and the provost was familiar with the file from an earlier review of the candidate's request for tolling of the tenure clock.

The committee found after investigation that the record did not show that the provost had the contemporary file on hand at the time the decision was made and that the consultation by the dean was not a substitute for this requirement. We recommended that the decision be reconsidered by the provost according to the Faculty

Manual procedure. The president did not accept the recommendation.

2. **Assistant professor denied tenure and promotion.** The application for tenure and promotion was not endorsed at any level. The unit's criteria were strengthened during the first year of the candidate's appointment, and he could have applied under the older criteria. But he claimed that he was never given a copy of the criteria he could have applied under, was unaware that he had a choice between criteria, and was induced into applying under more stringent criteria than he needed to achieve.

Although the committee believe that the unit had not discharged its responsibilities to the candidate by giving him the older criteria, that did amount to a grievable defalcation. They were available and there was no support for the view that the candidate had been fraudulently induced into signing the form agreeing to the application of the more stringent criteria. We recommended that the grievance was unfounded. The president accepted the recommendation.

3. **Assistant professor denied of tenure and promotion.** The claim was that at several levels of review the unit criteria were applied incorrectly by weighing quantity of scholarship more heavily than quality (the criteria weighed them equally), and that the dean's letter contained a false statement and rank speculation. These statements were alleged to have improperly influenced subsequent votes on his file.

The committee found that there was no evidence that the criteria were improperly applied and that while in the dean's contained a misstatement and speculative comments, they were not material to the ultimate decision. We recommended that there were no grounds for grievance. The president accepted the recommendation.

4. **Assistant professor denied of tenure and promotion.** This case was complicated by the fact that the decision had been once successfully grieved for deficiencies at the unit level that could have influenced subsequent decisionmakers. The grievance was this time that the criteria, in particular scholarship, were inadequately considered. The first time through, the unit, department chair and dean recommended for the candidate and the provost, UCTP (8-15; 6-15) and President recommended against. On reconsideration, all votes were the same, except for the UCTP's, which was strongly favorable (21-1-1). The provost was the only decisionmaker before the president to recommend against the candidate.

The committee found that, in what the provost called a difficult decision, his recommendation did not accurately reflect the scholarship record of the candidate and could have influenced president. The committee was bolstered in that view by the UCTP's strong disagreement with the provost in the vote justifications. The committee recommended that the file be returned to the provost for his reconsideration of his negative recommendation. The president has not acted on this matter.

-- Respectfully submitted by, Eldon Wedlock - School of Law.