



THE UNIVERSITY OF TEXAS AT DALLAS

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School of Economic, Political
and Policy Sciences

Date: July 15, 2015

To: David M. Cordell, Secretary, Academic Senate

From: Robert Lowry, Chair, Committee on Faculty Standing and Conduct

A handwritten signature in blue ink, appearing to read 'Robert Lowry', positioned to the right of the 'From:' line.

Subject: Committee on Faculty Standing and Conduct 2014-2015 Annual Report

The Committee on Faculty Standing and Conduct had one issue to address during the 2014-2015 academic year. A formal grievance was filed under UTDPP1050 which reached us on April 10, 2015. All five members of the committee actively participated in a discussion of the case, reached a consensus, and reviewed a draft decision. We issued a decision April 24 dismissing the grievance in part, but finding that the grievant had stated a prima facie case in part. Both parties opted for mediation. Finding a mediator proved to be difficult. The policy requires that the mediator be a tenured faculty member, but so far as we know there are no tenured faculty members with formal training in mediation. Moreover, this was the first formal grievance to go to mediation in at least four years, so we don't have a pool of past mediators to call on. Finally, many faculty members are reluctant to get involved, especially when the parties are represented by legal counsel as was the case here. Eventually, Dr. Dan Arce (EPPS) agreed to serve as mediator and the mediation occurred July 2, 2015. Dr. Arce submitted his report July 7 stating that the parties had reached a settlement that required only signatures from the Vice Chancellor and General Counsel of the UT System and the President of UT Dallas to become final.

This experience leads me to make the following suggestions:

First, it might be useful if the Speaker of the Senate would ask each dean at the beginning of the academic year to nominate two tenured faculty members who might make good mediators. Good candidates might be current or (perhaps better) former program heads or department chairs who have some experience resolving disputes. Former associate or assistant deans might also be asked to serve. It may be that current assistant or associate deans would be viewed as part of "management," even if they are from a different school than the parties. Perceived fairness on the part of the mediator is important if the mediation is to succeed. Given that we only had one formal grievance go to mediation in the last four years, two potential mediators from each school should be plenty.

Second, the section of UTDPP1050 dealing with how the Committee may respond to the mediator's recommendation in the absence of a settlement appears to include two mutually incompatible provisions. Section 4.2.2 states that if the Committee "rejects a recommendation to settle or to dismiss the grievance, it shall proceed to appoint a grievance panel." Section 4.2.3 states that "[i]f the mediator's recommendation to settle or to appoint a grievance panel is rejected ... [the Committee] shall dismiss the grievance ..." This needs to be revised so that it is clear what happens if the Committee rejects a mediator's recommendation to settle.

Third, in order to prepare for a possible grievance panel I read the remainder of the policy, and the best word I can use to describe it is "ugly." The procedures are incredibly detailed and convoluted, and some of the provisions strike me as questionable. For example, should assistant professors really be required to serve on a grievance panel on a case where the Provost's decision during the informal grievance process is being challenged? The only grounds for being excused under the current rules are "extreme hardship or for conflict of interest." (Sections 5.1.1, 5.1.4) I don't have a specific recommendation, and it occurs to me that the current procedures are so forbidding they may actually create a significant incentive to settle grievances either informally or through mediation! Nonetheless, I recommend that next year's Committee should review this policy early in the year and consider whether they want to propose amendments.