

Indiana University-Purdue University Fort Wayne

Indiana University Faculty Board of Review

Memorandum

To: IPFW Faculty Senate
From: Indiana University Faculty Board of Review
Dipak Chowdhury
Mark Crouch
Michael Nusbaumer
Mary Helen Thuente, chair
Cheryl Truesdell
Subj: Faculty Grievance Process
Date: February 26, 1998

Report of 1997-98 Indiana University Faculty Board of Review

[The evidence summarized in square brackets is based on the grievances brought by Professors Edlyn Jones and Gail Hickey, both Indiana University faculty members in the School of Education]

- 1. The IPFW administration and the Office of the Indiana University Counsel have attempted to deny IU faculty members their right, as outlined in the Indiana University Academic Handbook, to file grievances with the Indiana University Faculty Board of Review over issues of academic freedom and conditions of work. [On 4/22/97 IU Counsel Dorothy Frapwell sent Chancellor Michael Wartell a memo stating that the grievance of Professor Gail Hickey of the School of Education "should be decided using the Purdue University grievance procedures," and on 4/25/97 IU Counsel Sharon Groeger sent the Board a memo stating that the Hickey grievance "should proceed, if at all, pursuant to the Purdue University procedures." On 4/29/97 Chancellor Wartell requested that the Hickey grievance hearing scheduled for 4/30/97 be delayed because of "problems/senate-dev . regarding university jurisdiction." In a memo of 5/16/97 Ms. Frapwell questioned the IU Faculty Board of Review's authority on the Hickey or any other case. By his apparent silence and inaction, the Chancellor did not uphold the Indiana University faculty's rights to a grievance process as guaranteed in the Indiana University Academic Handbook. Professor Michael Downs, not the Chancellor, eventually worked out an agreement by which, according to an 8/8/97 memo from Ms. Frapwell, the Hickey grievance was allowed to proceed according to Indiana University procedures. The hearing for the Hickey grievance finally occurred on 9/26/97; it was filed in early February 1997.]**
- 2. During this Board of Review's year of service, the Board has had its authority and efforts inappropriately challenged and thwarted by the IPFW administration which has obstructed the Board's efforts to exercise its authority in investigating grievances and in preparing for hearings in a timely and appropriate manner.**

[The Board of Review never received all of the information that it felt was relevant to hearing the grievances of Professors Gail Hickey and Edlyn Jones of the School of Education, despite repeated memos to VCAA Walter Branson (3/25/97) , Chancellor Wartell (4/2/97 and, when first memo went unanswered, on 4/15/97), and Sharon Groeger (4/21/97). After one member of the Board spent most of a weekend researching Access to Public Records laws, the Board sent a memo to VCAA Branson citing a 1981 Indiana Attorney General Opinion in the Indiana Code urging him to provide one of the items denied. He did provide that item which pertained to overload pay, but the Board never received the information we requested about School of Education promotion and tenure cases, reappointments, and some faculty assignments and activities. Some promotion and tenure information was provided to the Purdue Grievance Board last spring. Such promotion and tenure information has been submitted as evidence by the administration for their case in a grievance from the School of Education currently pending before the Board. At a spring Academic Officers Committee meeting, at which one member of the Board happened to be present, VCAA Fenwick English announced to the Deans and others that they did not have to provide information requested by the IU Faculty Board of Review. The Board did not receive the materials that the administration wished us to examine for the Hickey grievance hearing until the morning of the hearing and several days after the deadline the Board had set. Although the administration then promised to provide any information referred to in those materials that arrived too late for Board members to read prior to the hearing, they did not fulfill that promise, particularly in regard to the School of Education faculty's performance review of School of Education Dean Betty Steffy in spring 1997. Chancellor Wartell, after rendering his decision on the Hickey grievance on 12/1/97, on 2/18/98, referred the issue of academic freedom, on which the Board had ruled in its 10/31/97 report, to the local chapter of the American Association of University Professors for its opinion. The Board considers this referral to AAUP to be a direct attempt to undermine the faculty governance structure and the authority of the elected Indiana University Faculty Board of Review.]

3. When the Indiana University Faculty Board of Review heard the grievance of Edlyn Jones the two administrators named in the grievance did not appear at the hearing to present testimony and to be questioned.

[Neither VCAA English, former Dean of the School of Education, nor Dean of the School of Education Betty Steffy appeared at the grievance hearing of Edlyn Jones on May 8, 1997. Sharon Groeger represented the administration.]

4. In the Hickey grievance, an administrator named in the grievance filed a formal Complaint of Harassment under Purdue Executive Memorandum No. C-33 against the faculty member who filed a grievance, claiming, among other points, that a faculty grievance was a form of harassment.

[On 7/30/97 School of Education Dean Steffy sent Chancellor Wartell a formal Complaint of Harassment against Professor Hickey and referred him to her attorneys. The Chancellor referred the Complaint to an intake reviewer who recommended the appointment of a panel to investigate the Complaint. On August 22, 1997, the Chancellor approved that recommendation. In part, the Complaint charged that the Hickey grievance, which the Board of Review had approved as meriting a grievance hearing in spring 1997, was "nothing more than a disguised attempt to personally attack, defame and harass me," and

that "many of the issues and facts alleged in the grievance should {not} be allowed to be presented before the IU Faculty Review Board or any other faculty institution." Despite this interference with what it considered due process, the Board nevertheless proceeded with its ongoing attempts to re-schedule the delayed Hickey hearing for the fall. Chancellor James Yackel of Purdue University Calumet, who was appointed by President Beering to replace Chancellor Wartell in the investigation of Dean Steffy's Complaint of Harassment, did not agree to consider Dean Steffy's allegations that a faculty grievance was a form of harassment.]

5. The Indiana University Faculty Board of Review charged with hearing the Hickey grievance was named in that formal Complaint of Harassment as a party to the harassment because of a hearing it attempted to hold on April 30, 1997, which the administration chose not to inform the Board that it would not attend.

[Dean Steffy's Complaint of Harassment charged that when the Board convened on April 30, 1997, for the purpose of hearing Professor Hickey's grievance, the meeting was "not a properly convened administrative proceeding in that neither I nor anyone from the University appearing on my behalf were present at this meeting," and that "slanderous" statements were made about her at that time. After receiving no response from the administration to the Board's willingness to grant a delay in the Hickey hearing under three conditions, including the condition that the administration agree that Indiana University faculty have the right to file grievances under Indiana University procedures, the Board began the 4/30/97 hearing as scheduled and canceled it only after the administration failed to appear. After Dean Steffy's Complaint of Harassment was referred by President Beering to Purdue University Calumet Chancellor Yackel, he did not consider Dean Steffy's allegations against the Board of Review. Because the Board was concerned about being indemnified after receiving a certified letter on 9/18/97 from the attorneys for Dean Steffy who had already filed the Complaint of Harassment which named the Board of Review, and because the Board feared it might be named in a lawsuit, the Board requested IU Counsel Dorothy Frapwell to assign a university counsel to the Board and she did. The Board was advised by IU Counsel Michael Klein on several occasions in fall 1997 as it proceed with the Hickey hearing and preparing its report of 10/31/97. Mr. Klein expressed shock and dismay that a Purdue University Complaint of Harassment had been filed in response to an Indiana University faculty grievance.]

Conclusion

The faculty grievance process has thus been seriously challenged and, as a consequence, our service on the Indiana University Faculty Board of Review has been inordinately and unnecessarily time-consuming and stressful. The record shows that Board meetings and the grievance hearings totaled about 550 person hours of faculty time. The record shows that over 800 emails were exchanged about the two grievances, not counting the reading of documents, the reading and writing of drafts and memos sent to the faculty, administrators and attorneys involved, telephone conversations, and research on such matters as access to public records. The administration should recognize that Indiana University faculty members have the right to the grievance procedure outlined in the Indiana University Academic Handbook and in the bylaws of the IPFW Faculty Senate, and should cooperate with the authority that resides in the IU Faculty Board of Review. The Board regrets that its authority and efforts have been challenged and thwarted by the IPFW administration,

as well as the office of the Indiana University Counsel, and that faculty who have participated in the grievance process overseen by the 1997-98 Indiana University Faculty Board of Review have been subjected to harassment and intimidation. The 1997-98 Indiana University Faculty Board of Review urges the IPFW administration to recognize the authority of and cooperate in good faith with future Indiana University Faculty Boards of Review.