

# Memorandum



DATE:

September 17, 1990

TO: Gordon J. DiRenzo, Chair  
Faculty Welfare and Privileges Committee

FROM: Jan H. Blits *Jan H. Blits*  
Educational Studies

RE: Complaint regarding the promotion process

I write to file a complaint of prejudice and unfairness with the Faculty Welfare and Privileges Committee. My complaint is against my Chair, Victor Martuza, and members of last year's Department P&T Committee, Ralph Ferretti (Chair), Robert Hampel, David Kaplan, and Richard Venezky, for prejudice and unfairness in evaluating my joint work with Linda Gottfredson when she was a candidate for promotion last year. As the co-author (indeed, the senior author) of the two articles used by the Committee and Chair to recommend unfairly against her promotion, I inherit the damaging effects of their prejudiced and unfair actions.

My complaint is against my Chair also for failing to properly supervise the administration of the Department's promotion process and protect its integrity, and for continuing his extensive pattern of prejudice and unfairness against me and my work.

I had originally intended to come up for promotion to full professor this fall. My record in teaching, research, and service exceeds the Department's requirements, and I had informed my Chair and Dean of my intention last spring.<sup>1</sup> However, I was forced to withdraw my bid because of the actions contained in this complaint.<sup>2</sup> As senior author of the two articles the Committee and the Chair used to recommend unfairly against Gottfredson's promotion, I inherit a large and perhaps decisive burden of prejudice within my Department. What is more, every action that the Chair has taken with respect to my promotion shows a continuing pattern of prejudice and unfairness towards me. Among other things, he has appointed one of his co-defendants in the Gottfredson grievance/complaint (Robert Hampel) to chair this year's Department P&T Committee (and nominated another, David Kaplan, for the College P&T Committee). It would

<sup>1</sup> See my memo to Dean Murray, April 13, 1990, Attachment 14.

<sup>2</sup> See my memo to Dean Murray, May 29, 1990, Attachment 19.



be hard to imagine a greater conflict of interest: a Department Chair who is a defendant in a grievance/complaint appoints another defendant in that case to chair the P&T Committee when a faculty member, the quality of whose research and whose integrity as a scholar are at issue in the case, is coming up for promotion.

Because we are co-authors of the two controversial articles in her case, my complaint largely overlaps Gottfredson's Sept 17, 1990 complaint. The joint issues discussed in Section I of my complaint are also documented in hers. However, Section I of my complaint contains important evidence to which Gottfredson was not privy. The evidence concerns the Committee's violations of the external review process in evaluating our two controversial articles, in particular, its misrepresentation of the evidence upon which it based its negative recommendations.

My complaint also contains matters not part of Gottfredson's. These concern the Chair's bias towards me in particular and are discussed in Section II. They pertain to Gottfredson's case only insofar as they evince the Chair's continued pattern of hostility against our joint work.

Your Committee may join the two complaints, as well as other related complaints now before the Committee, if it wishes.

#### **Section I: The Joint Issues**

In evaluating my joint work with Gottfredson (as well as the rest of her recent work) the Department Committee violated due process, canons of professionalism, and stated Department and University procedures. It also gave undue influence to a senior member of the Department known by members of the Committee to have been seeking to harm her career.

The Committee took the unprecedented and prohibited step of soliciting a deliberately opposing review, over Gottfredson's explicit objections and at the behest of someone whose motives were seriously open to question; it suppressed the fact that the preponderance of evidence was strongly in her favor; it gave full weight to a review which it knew to be politically biased, intellectually dishonest or grossly incompetent, and factually inaccurate; it disguised the extent of its virtually absolute reliance on the one negative review and even misquoted it; and it repeatedly refused to explain any of its actions or to defend its conclusions by offering even a single specific example of error or distortion to substantiate its most serious charge that our joint work "misrepresents" the positions it critiques.

In addition, contrary to his explicit responsibilities with respect to the Committee, the Department, and candidates, the Chair failed to properly supervise the promotion process in

general and the peer review process in particular,<sup>3</sup> making no effort to ensure that the Committee reached a fair and unbiased recommendation or that it obtained or relied upon "objective" reviews from "disinterested" reviewers, as required by the Chair's Supplement to the University Policy Manual.<sup>4</sup>

A. The Committee misled the Department and higher levels of review by disguising the fact that it relied almost entirely on one negative review.

The Committee's recommendation quotes from external peer reviews a total of six times. Four of the six quotes are in fact taken from just one review--the only negative review out of a total of nine. The Committee, however, disguised this fact, wording its recommendation so as to make it seem as if the criticisms came from a variety of reviewers--never the same one twice, let alone four times.<sup>5</sup>

In a similar deception, the Committee took the two other quotes out of context, making them appear negative when in fact they were not. One was merely a mild qualification to what was otherwise a positive review. The other was an purely innocuous statement amid very strong praise.<sup>6</sup>

In thus giving its negative recommendation spurious strength, the Committee misled the Department as well as higher levels of review in the promotion process. Not only did it suppress the fact that the preponderance of external reviews was extremely

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<sup>3</sup> "Chairpersons are responsible for the administration of the approved procedures of peer review in the department as well as the policies and procedures of promotion and tenure reviews" (Chairperson's Supplement to the University Policy Manual, No. 1-2, Sect. 3 ["Specific Duties of Chairpersons"] A.3. See Attachment 1.

<sup>4</sup> "It is also important that the evaluation be obtained from people who are disinterested. Peer evaluation and objectivity are essential, as part of critical and detailed analysis" (Chairperson's Supplement to the University Policy Manual, No. 2-4 ["Evidence of Teaching, Research, and Service"], B.1; emphasis original). See Attachment 2.

<sup>5</sup> See Department Recommendation, Nov. 6, 1990, pp.2-3, Attachment 6.

<sup>6</sup> See letter dated August 21, 1988, p. 2, and letter dated Sept. 23, 1989) pp.2-3.

favorable to Gottfredson's work;<sup>7</sup> it distorted the record to make it seem that the reverse was true--that a wide range of reviewers found fault with her work.<sup>8</sup>

B. The Committee misquoted the negative review, making a criticism seem worse than it really was, and quoting another out of context.

The Committee even misquoted the negative review. Whereas the review claimed that Gottfredson appears to be "more a consumer and synthesizer of other people's work than an original contributor to the field," the Committee exaggerated the criticism by omitting the qualification "more." "In the words of one outside reviewer," the Committee reported, "'She appears to be a consumer and synthesizer of other peoples [sic] work....'" What was a qualified statement in the review became an absolute statement in the recommendation.<sup>9</sup>

Here, too, the Committee's distortions misled those who relied upon its recommendation.

C. The Committee relied almost exclusively on the one negative review even though the reviewer explicitly acknowledged the political nature of his criticism.

The Chair's Handbook states that "[i]t is...important that [peer] evaluation be obtained from people who are disinterested." "[O]bjectivity" in the peer evaluation, it says, is "essential."<sup>10</sup> Despite this, however, the Committee obtained and relied almost exclusively upon a review which explicitly states that its criticism is fundamentally political. "[W]hat ultimately gives me pause about LG's work," the reviewer wrote, summing up his criticisms, "are my own social values and my views

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<sup>7</sup> See my November 17, 1989 minority report, p.1, Attachment 8.

<sup>8</sup> Similarly, although the Committee recommended against Gottfredson's promotion ostensibly because of its concern about her promise, it never asked the external reviewers to comment on her promise and it ignored the (positive) statements that some of them volunteered (e.g., "Dr. Gottfredson has already made valuable contributions to sociology, education, and psychology, and I see every indication that these contributions will continue." See letter dated October 2, 1989, p.2.

<sup>9</sup> Compare Department Recommendation, p.3, para. 1, Attachment 6, and letter dated October 16, 1989, p.7.

<sup>10</sup> See fn.4, above.

about the appropriate role of education in society."<sup>11</sup> Whereas the Committee should have ignored such a review, it ignored instead the requirement that reviewers be disinterested and reviews be objective. Resting its case almost entirely upon the one review, it never even hinted that there might be something problematic about it.

It should also be noted that even if politically opposing reviews were a legitimate concern of the Committee, there was no need to solicit this review, the last of nine that it sought. The Committee already had on hand two favorable reviews from eminent scholars who explicitly stated their policy disagreements with Gottfredson. One wrote:

Linda is highly respected nationally, with a well-deserved reputation for excellence in statistical analysis, and in addressing substantive issues in measurement and assessment. She tries to get at the heart of problems, and to discuss problems openly and fairly, with a minimum of animus. I have seen many problems more clearly after reading what Linda had to say....When issues turn on facts and data analysis, Linda can be depended upon to get things straight and to do things right. When issues come down to opinion, I do not always agree with her, but I always pay close attention to her. That is the essence of academic debate.<sup>12</sup>

The other wrote, "I must say that I disagree with [Gottfredson] quite vehemently [on social policy], and am in the process of writing an invited reply to her work [on the NAS reports]. Nonetheless, I respect her as an articulate spokesperson for a viewpoint different from mine" and "strongly support her candidacy for promotion."<sup>13</sup>

What the Committee lacked when it solicited its ninth review was not a politically opposing review, but a negative review. That is what it sought, and that is what it got.

D. The Committee knew that the one negative review upon which it based its recommendation was grossly incompetent or intellectually dishonest in accusing us of "misrepresentation."

There are at least two examples of this.

- 1) The reviewer had sharply criticized Gottfredson and me for

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<sup>11</sup> See letter dated October 16, 1989, p. 9.

<sup>12</sup> See letter dated September 27, 1989, p.2.

<sup>13</sup> See letter dated Sept. 14, 1989, pp.1,2.

characterizing the individual-merit model of fairness in testing, which the unadjusted GATB scores meet, as "the only widely accepted model of fairness in testing." Complaining that we overlook "the extensive literature on group-parity models of fairness in selection" (which he advocates), he says that we "misrepresent...the literature in testing," to which he concluded, "It is difficult to attribute B & LG's (or at least LG's) misrepresentation here simply to ignorance since...the group parity literature [has] been discussed in literature that LG has cited elsewhere." In other words, had Gottfredson not read the literature, she could be accused only of ignorance of the (putative) wide acceptance of the group-parity model in the literature; but since she had evidently read it, she was guilty of deliberate misrepresentation.

This is a very serious charge. It questions not only our competency but our integrity as scholars. It also becomes central to the Committee's negative recommendation. To document it, the reviewer cited a work of his own (as well as another). Yet in the article cited, the reviewer, far from providing any evidence that the group-parity model enjoys wide acceptance in the literature, actually denies it. Stating exactly what he calls us "unscholarly and misleading" for asserting, he reports that "group-parity models of fair selection...generally seem to have gained little credibility in the testing literature." (The other cited work also agrees with us.)

On November 1, I sent a memo to the Committee Chair, Ralph Ferretti, detailing numerous inaccuracies in the review, and two days later, on November 3, I sent him another memo specifically pointing out the reviewer's gross self-contradiction (with a photo copy of the conflicting passages from his article and review).<sup>14</sup> Despite this, however, the Committee, in dismissing our two joint articles as "too flawed to be considered original [scholarly] contributions," quoted the conclusion the negative reviewer drew from his self-contradictory accusation: "Another reviewer referred to these two papers as, among other things, 'unscholarly'" (p.3).<sup>15</sup>

2. The second example goes to the heart of the Committee's most serious charge against Gottfredson. In my November 1 memo

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<sup>14</sup> See memos from me to Ralph Ferretti, Nov. 1 & 3, 1989, Attachments 3 and 4.

<sup>15</sup> Of the reviewer's two other examples intended to show that the two articles are "unscholarly and misleading," one (the distinction between the NAS and NRC) is immaterial as well as petty, and the other (the "unanimous agreement" among liberal and conservative scholars alike that the burden of proof on employers had been eased between 1971 and 1989) is simply false.

to Ferretti, I pointed out that the negative reviewer's only evidence of our misrepresenting the "basic finding" of the NAS panel was false. In the original draft of its recommendation, however, the Committee presented that evidence as its own. Drawing directly upon the negative reviewer's claim that our articles "misrepresent the basic finding of the [NAS] panel" by suggesting that the panel recommended race-norming, the Committee wrote, "The misrepresentation had to do with the panel's recommendation regarding within-group norming, and the referral process of and score reporting for majority and minority job applicants" (p.3).

The Committee finally dropped this evidence after the Department meeting (where I showed that it was false). But even as it dropped the evidence, replacing it with the new and overly-sweeping claim that "The misrepresentation has to do with the panel's analysis of within-group scoring," it retained both the conclusions that rested upon it and the tacitly repudiated testimony of the negative reviewer, now quoted out of context: "We find this [tendency to misrepresent] in particular in her two most recent papers in the representation of the basis findings of the NRC panel report..." (p.3).<sup>16</sup> Despite knowing how discreditable his testimony was, the Committee in the end

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<sup>16</sup> The reviewer's discredited passage, which is central to the Committee's action, reads as follows:

1. Both articles misrepresent the basic finding of the [NAS] panel.

Reading these two articles the reader would be left with the impression that the [NAS] study committee gave some kind of blanket endorsement to 'race-norming.' In fact quite the opposite is true in that the [NAS] study committee recommended that USES not go ahead with its original plans for using separate race norms in making employment referrals based on GATB scores. The committee clearly recommended that total-group norms be used (to report expectancy scores) in addition to separate-group norms (See letter dated October 16, 1989, p. 5.)

The reviewer's mistake consists in his confusing referral and reporting scores (see my Nov. 1 memo to Ralph Ferretti). Just as his charge of our misrepresenting the literature in testing involves his confusing how widely a testing model has been accepted and how widely it has been discussed, so his charge of our misrepresenting the recommendation of the NAS panel confuses referral scores (for deciding whom to refer to employers) and reporting scores ("expectancy" scores for candidates already referred). We never claim that the panel recommends reporting only race-normed scores.

supported its most damning and general charge--that Gottfredson has a "recent tendency to misrepresent the positions of others whom she critiques"--simply and solely by stating that "These same tendencies were observed by an outside reviewer who wrote 'Both articles misrepresent the basic findings of the NRC panel.'"

#### E. Summary.

Ironies abound. My joint work with Gottfredson, which attempts to point up the recent politicization of science, has itself been a victim of that abuse even within our own Department. And while our critics charge us with misrepresentation, their own charges and criticisms are demonstrably based on their own misrepresentations. Seldom does an accusation recoil so thoroughly upon the accusers.

### Section II: Additional Separate Issues

The Department as a whole has been left with a biased and unfair opinion of at least some of my work and of my integrity as a scholar. That by itself would amount to an unfair and unreasonable burden. The Chair's more recent actions toward me, however, continue his pattern of prejudice and unfairness that he and the Committee practiced last year. His actions, demonstrating a clear bias towards me, include his refusing to find a reasonable solution to last year's problems or do anything to avoid their recurrence in my promotion process, appointing a defendant in the Gottfredson grievance/complaint to chair this year's P&T Committee, refusing to acknowledge the existence of evidence favorable to our joint work or of new evidence which might cause him to reconsider his negative evaluation of it, seizing upon inappropriate negative evidence to reconfirm last year's evaluation, threatening my promotion in matters unconnected to my research, as well as other things.

#### A. The Chair has refused to acknowledge even the appearance of improprieties last year or to do anything to avoid their recurrence in my bid for promotion.

Last spring I sought through my Chair and Dean to find ways of avoiding in my promotion process a repetition of last year's difficulties in the handling of Gottfredson's promotion.<sup>17</sup> The Chair, however, far from attempting to avoid problems, has consistently refused to acknowledge even the appearance of improprieties last year. Instead of speaking of his willingness

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<sup>17</sup> See my memo to Dean Murray, April 13, 1990, Attachment 14.



to resolve the conflicts contained in Gottfredson's grievance or produced by the actions she is grieving, he speaks, characteristically, of his willingness to resolve "the conflicts which have resulted from her grievance and the way in which she has conducted her affairs in regards to that grievance."<sup>18</sup> There was nothing amiss, in other words, until Gottfredson filed her grievance.

Just as the Chair blames last year's troubles on Gottfredson for defending herself, so (before I withdrew) he was already blaming me for this year's possible troubles. Rather than take any of my concerns seriously, he dismissed them out of hand as "paranoia." "After reflecting on my various conversations with Dr. Blits during the past year," he wrote to the Dean,

I have come to the conclusion that he interprets everything I say or do in a manner consistent with his conspiracy theory. His [April 27] memo to you is the most recent example of this. Not only is this type of behavior inappropriate, but it can result in creating the very conditions Dr. Blits claims he wants to avoid.<sup>19</sup>

Should I have encountered prejudice or unfairness this year in the promotion process, I would have had only myself to blame.

B. The Chair has appointed a co-defendant in the Gottfredson grievance/complaint to Chair this year's Department P&T Committee (and nominated another to serve on the College Committee).

Evidently oblivious to the appearance of impropriety, the Chair has appointed a member of last year's committee (and hence a defendant in Gottfredson's grievance-complaint), Bob Hampel, to chair next year's committee. This presents an egregious conflict of interest, to my disadvantage.

If I were to come up for promotion this year, as originally intended, I would face a Department Chair and a P&T Committee Chair not only biased against some of my work, but also, as a result of that bias, having a strong personal interest in reconfirming last year's negative evaluation of that work. Such an evaluation, by an ostensibly neutral committee, would seem to render moot the entire grievance/complaint against them. While the Committee and the Chair are unwilling or unable to justify their actions in an appropriate fashion, a negative verdict against the disputed work would spare them the need they

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<sup>18</sup> See Martuza's memo to Dean Murray, May 8, 1990, Item #4, p.2; Attachment 16.

<sup>19</sup> Martuza's memo to Dean Murray, May 8, 1990, last para., Attachment 16.

otherwise face of ever accounting for their actions last year. They could clear themselves of accountability simply by damning the work once again.

The conflict of interest is transparent: the Department Chair, a defendant in a grievance/complaint, appoints another defendant in that case to chair the P&T Committee when a faculty member, whose research is at issue in the case, is coming up for promotion.<sup>20</sup>

The Chair also nominated another member of last year's Committee, David Kaplan, for this year's College Committee. (The Dean declined to appoint him.)

C. The Chair has insisted, contrary to the facts, that promotion standards have been "rached up" in the Department in recent years.

As if to foreshadow what I might have expected had I not withdrawn my bid, the Chair has insisted that promotion standards have been "rached up" in the Department in recent years. While the ominous import of this claim is clear, the claim is entirely untrue. Standards have not been raised, as can easily be shown.<sup>21</sup>

D. The Chair continues to ignore and even to deny the existence of evidence favorable to my joint work.

In a memo to the Dean, the Chair has stated:

I have not seen any information since the writing of [my] recommendation [against Gottfredson's promotion] which has dispelled my concerns. To my knowledge, Dr. Blits has not done anything to change either the Departments [sic] view or mine on this matter. The only specific references to those co-authored works appearing in the various Promotion and Tenure recommendations and the reactions to the Society articles have been negative.<sup>22</sup>

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<sup>20</sup> On this conflict of interest, see, further, my memo to Dean Murray, May 29, 1990, Attachment 19, and my memo to Vic Martuza, May 22, 1990, Attachment 17.

<sup>21</sup> See Item #6, p.3, of Martuza's May 8 memo to Dean Murray, Attachment 16; and Item #6, p.3, of my May 24 memo to Martuza, Attachment 18.

<sup>22</sup> See Martuza's memo to Dean Murray, May 8, 1990, Item 7, p.3, Attachment 16.

While it is true that I have deliberately refrained from campaigning within the Department, I have in fact given the Chair material which might cause him to reconsider his evaluation of the co-authored works. I gave him, for example, a conference paper by Frank Schmidt, probably the most eminent scholar in the field, which strongly supports our argument. Schmidt, who explicitly states his policy differences with us, goes well beyond the language of our articles (which the Chair found so offensive), saying:

[Gottfredson's] analysis of the NAS panel's use of the discredited Cole-Darlington definition of test fairness to create a false "scientific" justification for test score adjustments is on target. What the [NAS] committee did...is a serious offense against a cherished scientific and scholarly value: intellectual honesty. A panel of experts, under aegis of the NAS, used their expertise and specialized training to deceive the general public about the nature of a serious social problem....What was intellectually dishonest was the [panel's] deceptive attempt to provide a bogus statistical, psychometric, and scientific justification for score adjustments.<sup>23</sup>

It is similarly untrue that "[t]he only specific references to [the] co-authored works appearing in the various Promotion and Tenure recommendations...have been negative." On the contrary, the College Committee's recommendation states:

A third reviewer, commenting on her most recent work, wrote, "[Dr. Gottfredson] is widely respected in the field of personnel measurement and evaluation, and more generally in educational measurement. Her work this year has focused on the recent publication of the National Research Council, **Fairness in Employment Testing**.... Her analysis [of the report] is cogent and perceptive as always. She has helped to clarify a number of issues left murky by the report, with her

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<sup>23</sup> Frank L. Schmidt, "SIOP Symposium: Affirmative Action in the 1990's," Attachment 25. By "[Gottfredson's] analysis," Schmidt here is referring to an April, 1990 paper, given by Gottfredson at the Society for Industrial and Organizational Psychology (SIOP) conference, which presented and expanded our analysis of the NAS panel's recommendations.

I have given the Chair additional corroborating evidence since his May 8th memo, to which he has not responded.

characteristically thorough analysis."<sup>24</sup>

It is hard to understand why the Chair would consider this a "negative" reference.

In addition to misrepresenting the positive evidence in the College Committee's recommendation, the Chair ignores a large amount of favorable evidence in the external reviews, much of it, like the passage just quoted, strong praise for the two articles. In fact, of the seven reviewers who read the articles, five praised them, one said nothing about them, and only the one negative reviewer criticized them.

For example, the reviewer just quoted, while expressing his sympathy with the NAS committee, stated (more fully):

Many critics of the [NAS] report have been more emotional than rational. Indeed, many of the critics did not even read the report. Linda not only read it, she understood it and in some respects saw through it. Linda is always rational. Her analysis is cogent and perceptive, as always. She has helped to clarify a number of issues left murky by the report, with her characteristically thorough analysis.

He then continued:

Linda has chosen social policy as a field of special interest. This is fortunate for the field....In this area, as in other areas in which she has worked, Linda has brought clarity and insight, and has insisted on facing some of the difficult issues that others prefer to avoid. In the case of the [NAS] report, the committee was noticeably silent on the long-term consequences of their recommendations.<sup>25</sup>

A second reviewer, referring to the two articles, wrote:

They are soundly based on research evidence and are well argued. Their relevance to important broad questions can be seen in several recent Supreme Court decisions, particularly the Wards Cove decision. Perhaps the Supreme Court Justices are reading her publications.<sup>26</sup>

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<sup>24</sup> See College of Education P&T Committee recommendation (Feb. 20, 1990) p. 3, Attachment 11.

<sup>25</sup> See letter dated Sept. 27, 1989, p.1, para.2.

<sup>26</sup> See letter dated September 13, 1989, para.3.

A third reviewer, while expressing his "vehement" disagreement with the articles, wrote, "Nonetheless, I respect [Gottfredson] as an articulate spokesperson for a viewpoint different from mine."<sup>27</sup>

A fourth reviewer (who was actually quoted by the Committee, out of context, against the articles) said:

These two clearly written articles...were intended for a non-specialist audience....The technical psychometric and statistical arguments involved in [the] issues are avoided in these articles, but the essential issues are made admirably clear to non-specialist readers....[N]o other articles, to my knowledge, have presented the individualist side of the issue so fully and cogently. These two articles are a much need [sic] critique of the National Research Council's recently publicized stance on race-norming of employment tests--a subject which will undoubtedly be debated in the technical literature but is not likely to become a subject of public discussion without such instigating articles as those by Gottfredson and Blitz [sic].<sup>28</sup>

And, finally, a fifth reviewer stated:

Another paper that made a strong impression on me was her paper ["Equality or Lasting Inequality?"]....Dr. Gottfredson writes so clearly and persuasively that she is bound to have an increasing influence on social policy in this country. The paper made me aware of new information and I am grateful for this opportunity to have read the paper.<sup>29</sup>

The Chair's silence as to all this evidence, particularly in the context of what appears to be a categorical denial of any positive evidence in the record, seriously misrepresents the truth.

Indeed, it is striking that while the Chair's negative recommendation on Gottfredson's promotion criticizes our joint papers for what he says is our quoting out of context, using inappropriate value-laden language, having preconceptions, and

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<sup>27</sup> See letter dated September 14, 1989, p.1, para.4.

<sup>28</sup> See letter dated September 23, 1989, pp.2-3.

<sup>29</sup> See letter dated October 4, 1989, pp.1-2.

drawing groundless implications,<sup>30</sup> the expert reviews which he ignores praise them precisely for being "soundly based on research evidence," for being "articulate" and "well argued," for having "understood...and in some respects [seen] through" the report, and for being a "much need[ed] critique" of the report, one that presents a particular side of the debate more "fully and cogently" than any other article.

It should also be noted that, contrary to what the Chair seems to suggest, when he wrote his recommendation he not only had seen these five favorable expert reviews of the papers, but had also seen at least three published works by other authors, one in Transaction/SOCIETY and two in Science, which unambiguously corroborate our analysis.<sup>31</sup> This, too, he fails to acknowledge.

In sum, it is simply untrue, contrary to the Chair's explicit and implicit claims, that I have not given him any new information which might cause him to change his mind, and that there were no specific positive references to the joint work in the promotion recommendations or in the external peer reviews. Just as he ignored the positive evidence when he wrote his recommendation, so now he flatly denies the existence of additional positive evidence that might cause him to have to reconsider his evaluation.

E. The Chair has also seized upon inappropriate negative evidence to reconfirm last year's evaluation.

While ignoring all the positive evidence, the Chair has also seized upon inappropriate negative evidence to reconfirm last year's evaluation, particularly the reaction (in Transaction/SOCIETY) of the editors of the reports we criticized.

In publishing a symposium on one of our two joint articles ("Equality, or Lasting Inequality?"), Transaction/SOCIETY editor Irving L. Horowitz sought controversy. He therefore solicited responses from the editors of the reports that we criticized, as well as others. Horowitz wanted, and got, controversy--"in the firm belief that the life of social science discourse in enhanced

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<sup>30</sup> See Chair's recommendation (January 24, 1990) pp.3-4, Attachment 9.

<sup>31</sup> Mary L. Tenopyr, "Fairness in Employment Testing," Transaction/SOCIETY Vol. 27, no. 3 (1989) 17-20; see Attachment 23; Constance Holden, "Academy Panel Joins the Fray over Job Testing," Science, June 2, 1989, 1036-37; and Lloyd Humphreys, Letter ("Fairness in Employment Testing," Science, July 7, 1989, 14; see Attachment 24.

by genuine difference of opinion." At the same time, when he heard of Gottfredson's troubles in the Department, Horowitz wrote to John Pikulski, Chair of the College P&T Committee, saying that he feared the responses might be used against her. "To be frank," he wrote, "if these...papers [attacking our article] are used as intellectual cannon fodder to deny Professor Gottfredson a promotion...I should be dismayed."<sup>32</sup>

While the negative papers appeared in print too late for the Department Committee to use them (the College Committee properly ignored them), the Chair, ignoring Horowitz's admonition, has seized upon them to support his negative evaluation ("The only specific references to [the] papers appearing...in the reactions to the Society article have been negative").<sup>33</sup> While he has ignored disinterested positive evidence, the Chair has grabbed at patently self-interested negative evidence, failing, more generally, to distinguish legitimate scholarly controversy from negative peer review.

F. The Chair's consistent animus toward me last year included threats against my promotion even in matters unconnected to my research.

Last winter, the Chair attempted to force me to change my normal teaching load by threatening my promotion. When I complained in writing, he threatened me again--this time with the threat of taking my response to his initial threat to the Dean and the P&T Committee unless I substantiated my claim in writing. When I did so, he responded with further abuse. (The particular matter was eventually ended with my agreeing to change my load for (only) the coming year, the Chair tacitly apologizing for the episode, and my accepting his explanation in the (unspecified) spirit in which it was offered.<sup>34</sup>)

G. Summary.

Oblivious even to the appearance of fairness, the Chair has appointed a co-defendant in the Gottfredson grievance/complaint as Chair of the P&T Committee (and nominated another for the College Committee). While refusing to acknowledge even the appearance of improprieties last year, he has resisted every

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<sup>32</sup> See Irving L. Horowitz's letter to John J. Pikulski, Feb. 1, 1990, Attachment 10.

<sup>33</sup> The Chair misleads here as well, for although Tenopyr's commentary makes no specific reference to our analysis, it clearly corroborates it. See fn. 29.

<sup>34</sup> See exchange of memos between Martuza and me, Attachment 12.

attempt to find a reasonable solution to the problems and has blamed me for whatever difficulties I might encounter in my bid for promotion. He has threatened my promotion in matters unrelated to my research and has erroneously (but ominously) insisted that promotion standards have been raised in the Department in recent years. He has also has refused to acknowledge the existence--to say nothing of the merits--of evidence in favor of my joint work or of new evidence that might cause him to reconsider his negative evaluation of the work, and has seized upon inappropriate evidence to reconfirm his original evaluation.

### **Section III: Relief Sought**

I seek the following relief.

1. Public censure of the P&T Committee and the Chair for their misconduct by the Faculty Welfare and Privileges Committee and the Provost. Copies of the censure should be placed in the personnel files of those in question and should be distributed to the Educational Studies faculty.
2. Restitution of my lost time and money. Since I have already lost at least a quarter of a year's time in defending my work against the Committee's and the Chair's unfair and biased charges, this restitution should include 1) a 25% reduction in my work load for one year, i.e., a 50% reduction in my teaching responsibilities for a year (with full pay, benefits, etc.). In addition, since I have been forced to delay my bid for promotion for at least a year, the restitution should also include 2) payment of my loss in salary during this period, including the salary increment I would have received (\$2750) for promotion to full professor.
3. The Chair should be warned by the Faculty Welfare and Privileges Committee and by the Provost not to continue his pattern of hostility toward me, and the warnings should be made public to the Department.

cc: Maxine Colm  
Frank Murray  
Vic Martuza  
George Cicala



## Attachments

1. Chairperson's Supplement to the University Policy Manual, No. 1-2, Sect. 3 ["Specific Duties of Chairpersons"] A.3.
2. Chairperson's Supplement to the University Policy Manual, No. 2-4, ["Evidence of Teaching, Research, and Service"] B.1 ["Peer Evaluation"].
3. Memo from me to Ralph Ferretti (November 1, 1989), detailing errors in negative reviewer's letter.
4. Memo from me to Ralph Ferretti (November 3, 1989), with accompanying xerox, showing gross misrepresentation in negative reviewer's letter.
5. Department P&T Committee's draft recommendation against Gottfredson's promotion as submitted to Department (November 6, 1989).
6. Department P&T Committee's recommendation against Gottfredson's promotion, revised (November 6, 1989).
7. Memo from me to Dean Frank Murray (November 8, 1989), expressing dismay with the way in which the Department P&T Committee arrived at its decision.
8. My Minority Report on Gottfredson promotion application (November 17, 1989).
9. Chair Vic Martuza's recommendation against Gottfredson's promotion (January 24, 1990).
10. Letter from Transaction/SOCIETY editor, Irving L. Horowitz, to John J. Pikulski, Chair of College P&T Committee, (February 1, 1990) concerning the possible misuse of academic controversy in peer review.
11. College P&T Committee's recommendation supporting Gottfredson's promotion (February 20, 1990), dismissing the one negative review as "unprofessional."
12. Five memos between Martuza and me (January 16, 18, 23, February 7, and 23, 1990) concerning his threatening my promotion.
13. Memo from me to Martuza (April 13, 1990) concerning his proposed 1990-91 P&T Committee assignments.

14. Memo from me to Murray (April 13, 1990) announcing my intention to come up for promotion this year and expressing my hope of finding ways to forestall problems of unfairness and bias in the promotion process.
15. Memo from me to Murray (April 27, 1990) expressing my concern with the Chair's actions including his appointment of a member of last year's P&T Committee to chair this year's.
16. Memo from Martuza to Murray (May 8, 1990) concerning the existence of evidence favorable to my joint work and accusing me of having a "conspiracy theory."
17. Memo from me to Martuza (May 22, 1990) replying to his suggestion that I take up my complaint concerning his P&T appointments at a Department meeting.
18. Memo from me to Martuza (May 24, 1990) replying to his May 8th memo to Dean Murray.
19. Memo from me to Murray (May 29, 1990) withdrawing by bid for promotion.
20. Memo from Murray to Educational Studies faculty (June 21, 1990), with attachments, concerning P&T Committee's use of the term "misrepresent."
21. Memo from Gottfredson to Murray (June 19, 1990) asking him not to circulate his June 21 memo.
22. Memo from Blits and Gottfredson to Murray (September 17, 1990) concerning the issue of the Committee's use of the term "misrepresent."
23. Joint Blits-Gottfredson articles in The Public Interest and Transaction/SOCIETY, and responses in Transaction/SOCIETY.
24. Constance Holden, "Academy Panel Joins the Fray over Job Testing," Science, June 2, 1989, 1036-37; and Lloyd Humphreys, Letter ("Fairness in Employment Testing, Science, July 7, 1989, 14.
25. SIOP Symposium paper by Frank Schmidt.